LEGISLATIVE COUNCIL

Thursday, 30 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 and question time, to be taken into consideration at 2.15pm.

Bills

FINES ENFORCEMENT AND DEBT RECOVERY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2017.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (11:04): I would like to thank honourable members who have contributed to the second reading of the bill. The purpose of the bill is to consolidate in one act the fines enforcement and recovery provisions currently located in the Criminal Law (Sentencing) Act 1988 (the sentencing act) and the Expiation of Offences Act 1996 (the expiation act), and also to confer new powers to enforce outstanding fines, expiation fees and civil debts owed to government. Civil debt enforcement powers are modelled on those in the Enforcement of Judgments Act 1991.

I wish to address a number of comments made by honourable members during the second reading of the bill. On 14 November 2017, the Hon. Mr Parnell discussed some of the issues raised by the Law Society about the bill. These are the same as the feedback that the Law Society gave the government during consultation on the bill. I can assure honourable members that those comments were given serious consideration by the government. The Law Society's feedback was forwarded to the fines enforcement and recovery officer who will take those comments on operational matters into account when implementing the reforms under the bill.

Also, I assure the house that in respect of the enforcement against a debtor who is a youth, the bill is no different from the current legislation. Clause 10 of the bill continues the current situation under section 62 of the Sentencing Act that allows a youth to apply to the Youth Court at any time for the making of a community service order in respect of the youth.

On 16 November 2017, the Hon. Mr McLachlan asked that the impact of the bill on certain Supreme Court proceedings currently awaiting judgement be addressed. I am advised that the potential consequences of that judgement are the subject of amendment No. 113 in the government's first set of filed amendments. Amendment No. 113, if passed, will come into operation on the day on which the act is assented to by His Excellency the Governor. Essentially, this provision seeks to validate the practices to date of issuing authorities under section 13 of the expiation act when they are seeking that the fines enforcement and recovery officer enforce expiation notices.

Amendment No. 113 will have the effect that any enforcement determination made by the fines enforcement and recovery officer between February 2014 and the day on which the provision comes into operation is valid, notwithstanding that there may have been noncompliance with the requirements of section 13(1) or section 13(2). I understand the honourable member's general interest in this matter; however, my advice is that it is premature at this time to indicate what the response may be should the applicant in the proceedings be successful.

The government will consider the court's reasons carefully and take advice on the appropriate approach. I thank the Hon. Mr McLachlan for indicating the opposition's support for the bill and the bulk of the government's amendments. I commend this bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: For the benefit of honourable members, I might just go through what I have a disagreement with so that we can go through the committee stage of this large bill expeditiously. The Liberal Party originally had difficulties with amendment No. 31, set 1 (and we still do, and I will speak to that in a minute), and then we had difficulties with amendment No. 72, set 1. But, in my discussions with the government I understand that they have nuanced set 3, which has satiated our concerns, so I would like that to be confirmed by the minister, which will confirm my discussions with staff of the Attorney-General, and then I will return back to the provision that we oppose.

The Hon. K.J. MAHER: Yes, I can confirm that for the honourable member.

The Hon. A.L. McLACHLAN: Before I get on to amendment No. 31, which I have a difficulty with (and I thought I would address it at clause 1 so we can get through the other provisions this morning; I appreciate there are some time constraints), I thank the minister for his response in relation to the litigation.

I am not asking a question—I think that that is probably as far as I can push it, but I just make the general comment that we find ourselves in a very unusual set of circumstances where we have an individual who has a judgement awaiting and we are actually legislating (new clause 113), which effectively affirms the debt collection that has occurred with the fines that have occurred. So, that individual will be held in abeyance, and I appreciate that we have an election, potentially, between when that judgement will come down and that is why the government cannot necessarily give a commitment. It needs to take advice, and that judgement might go either way.

It is pause for reflection for us as honourable members that, in a bill like this, an individual lives and seeks to comply with the law, has a right to challenge it, and they have been living in the expectation that the law will not change on them in the interim, but it will do so if this bill passes today. I do not intend to pursue that issue any further.

For the benefit of honourable members, the opposition has an objection to amendment No. 31, set 1, which provides explicitly that a public sector agency must, upon request, provide to the chief recovery officer a photograph of the alleged offender or debtor that is in possession of the agency. In our view this usurps the current prohibition in the Motor Vehicles Act, and I know there are other exemptions elsewhere. We do not feel it is appropriate in these circumstances, and we do not feel that it is available to any other party seeking to enforce debt. They are very simple reasons for opposing that.

As for the rest of the amendments, we have had ongoing discussions with the government. They have responded to our questions, and I do not have any specific questions on any other remaining clauses of the bill.

Clause passed.

Clause 2.

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

Amendment No 1 [Employment–1]—

Page 5, line 6—Delete 'This Act will come into operation on a day to be fixed by proclamation.' and substitute:

(1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.

(2) Sections 3 to 76 (inclusive) and Schedule 1 clauses 1 to 33 (inclusive) will come into operation on a day to be fixed by proclamation.

This amendment reflects that the change made by amendment No. 113, which introduces clause 34 in schedule 1, is to commence on assent and that the remainder of the bill is to commence on a date fixed by proclamation. Amendment No. 113 validates the practices surrounding the provision of information to the fines enforcement and recovery officer by issuing authorities currently seeking to enforce expiation notices under section 13 of the Expiation of Offences Act 1996 in the event that proceedings currently before the Supreme Court should find deficiencies in current practices. This proposed amendment will commence on His Excellency the Governor giving royal assent to the bill, and the commencement clause of the bill needs to be amended accordingly.

Amendment carried; clause as amended passed.

Clause 3.

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

Amendment No 2 [Employment–1]—

Page 5, after line 8 [clause 3(1)]—Before the definition of *authorised officer* insert:

approved treatment program means a treatment program of a prescribed kind that has been approved by the Minister for the purposes of this definition;

approved treatment program manager means a person who has general oversight of approved treatment programs and coordinates the implementation of relevant court orders and relevant determinations of the Chief Recovery Officer (and includes a delegate of such a person);

Amendment No 3 [Employment–1]—

Page 6, line 5 [clause 3(1), definition of *case manager*]—Delete 'intervention' and substitute 'approved treatment'

I propose to move these two amendments together and speak to them together as a set, with some 26 other amendments that are consequential on the passing of amendment No. 2 [Employment—1], which I am speaking to with amendment No. 3 [Employment—1].

The bill currently provides that the chief recovery officer can enter into arrangements with debtors and alleged offenders to attend intervention programs to offset the whole or part of their debts and also provides that the court can make orders for people to attend such programs as an enforcement measure on the application of the chief recovery officer (the CRO). Under the bill, a Courts Administration Authority employee would be the intervention program manager who would have general oversight of such programs. References to 'intervention program' in the bill are proposed to be amended to 'approved treatment program'.

The treatment program is proposed to be approved by the minister and prescribed in the regulations. There would be a benefit in changing the terminology to something generic such as 'approved treatment program' so that other public and private agencies could participate in offering programs to debtors and alleged offenders; however, as drafted in these approximately 28 amendments, it will remain open for the Courts Administration Authority to participate in offering approved treatment programs. Should the bill pass with these amendments, the government will develop regulations to prescribe treatment programs for the purpose of this legislation.

Amendments carried.

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

Amendment No 4 [Employment–1]—

Page 6, line 13 [clause 3(1), definition of *debtor*]—After 'means' insert '(other than in Part 8)'

This amendment is related to amendment No. 6 of the first set of government amendments and amendment No. 1 in the government's third set. As a point of clarification, amendment No. 1 in the third set will be moved in lieu of amendment No. 72 in the government's first set. I am glad I have made that abundantly clear.

The amendments are intended to draw a clear distinction between provisions that, when read together, could be confusing. I speak to these three amendments as a set. Amendment No. 4 is for the purpose of clarifying that the definition of debtor in all but the civil recovery positions in part 8 is intended to refer to a person by whom a pecuniary sum is payable. A pecuniary sum is intended to refer to an amount imposed by a court in proceedings for a criminal offence, and this is clarified in amendment No. 6. A different definition of debtor applies for the purposes of the civil debt recovery provision in part 8, and this is the subject of amendment No. 1 in the third set.

Amendment carried.

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

Amendment No 5 [Employment–1]—

Page 6, lines 18 to 29 [clause 3(1), definitions of *intervention program* and *intervention program manager*]—Delete the definitions

I inform that these changes are consequential on the changes in amendment No. 2 that introduce the approved treatment programs that we have just discussed.

Amendment carried.

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

Amendment No 6 [Employment–1]—

Page 7, lines 6 to 13 [clause 3(1), definition of *pecuniary sum*]—Delete the definition and substitute:

pecuniary sum means an amount payable pursuant to an order or direction of a court in proceedings relating to an offence, and includes—

(a) a fine; and

(b) compensation; and

(c) costs; and

(d) a sum payable pursuant to a bond or to a guarantee ancillary to a bond; and

(e) a VIC levy imposed on a person on conviction of an offence;

I addressed this amendment when speaking to amendment No. 4; it is in that group of amendments. The purpose of amendment No. 6 is to make it clear that a pecuniary sum only arises from proceedings relating to a criminal offence.

Amendment carried.

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

Amendment No 7 [Employment–1]—

Page 7, after line 15 [clause 3(1), definition of *personal details*]—After paragraph (a) insert:

(ab) any former name of the person (including, if relevant, the person's maiden name); and

(ac) any alias of the person; and

Amendment No 8 [Employment–1]—

Page 7, after line 18 [clause 3(1), definition of *personal details*]—After paragraph (d) insert:

(da) any former residential address of the person in the previous 5 years; and

I move these as a group of two amendments, and I will speak to them together as they are interrelated. Amendments Nos 7 and 8 are designed to assist the chief recovery officer (the CRO) to obtain additional identifying information about a debtor or alleged offender against whom the chief recovery officer proposes to take enforcement action.

Amendments carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6.

The Hon. M.C. PARNELL: I have not been weighing into the detailed debate until now, and I want to put on the record why that is the case and make some quick observations about clause 6. The reason that we have not been weighing in to each of the individual amendments is that the Greens are opposing the entire bill; I just want to put that on the record. In terms of clause 6, the heading for this clause is 'Certain determinations may be made by automated process'. The Law Society in its submission says the following:

> Clause 6 of the Bill provides that the CRO may determine that a class of determination required to be made by the chief recovery officer under this act is of such a nature that they could appropriately be made by means of an automated process. The Society is concerned that an automated process will remove any individual consideration of the debt and the enforcement process.
>
> In light of the federal robo debt debacle, which caused unnecessary distress and avoidable suffering amongst Centrelink recipients, the Society considers that there is a need for some level of analysis by a person with respect to considering the debt and enforcement payments of the debt.

I want to put that on the record because it is symptomatic of many of the problems with this bill. We saw the harm that was done by the robo debt debacle: people who were told they had debts when they did not have debts. For the state to go down that same path, where the response is 'computer says'—well, the computer sometimes says it wrong. I do not think a provision like this makes sense without a guaranteed level of human intervention. I want to put those remarks on the record in relation to clause 6.

Clause passed.

Clause 7 passed.

Clause 8.

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

Amendment No 9 [Employment–1]—

Page 9, line 33—After 'payable is' insert 'to be taken for the purposes of this Act to be'

Amendment No 10 [Employment–1]—

Page 9, after line 35—Insert:

(2) Subsection (1) does not limit the ability of a person to take action to recover a sum due and payable to the person.

Again, they are together as a package because they are related. Amendments Nos 9 and 10 are intended to ensure that a person to whom a sum is payable after a defendant is convicted of an offence—for example, a person awarded costs or compensation—is not excluded from being able to recover that sum.

Amendments carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11.

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

Amendment No 11 [Employment–1]—

Page 11, lines 29 to 31—Delete 'imposed by order of a court is payable within 28 days from (and including) the day on which the order was made.' and substitute 'is payable within 28 days from (and including)—'

(a) in the case of a pecuniary sum imposed by order of a court—the day on which the order was made; and

(b) in the case of a VIC levy imposed on a person on conviction of an offence—the day on which the person was sentenced for the offence.

Victims of crime levies that are imposed on a conviction are part of a pecuniary sum for the purposes of legislation. These levies are imposed automatically under section 32 of the Victims of Crime

Act 2001, not by an order of the relevant court. Accordingly, this amendment is for the purposes of clarifying that the victims of crime levy is payable within 28 days of a person being sentenced.

Amendment carried; clause as amended passed.

Clause 12.

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

Amendment No 12 [Employment–1]—

Page 12, after line 8—After subclause (2) insert:

(3) Unless the Chief Recovery Officer determines otherwise, if more than 1 pecuniary sum is payable by a debtor, an amount paid in accordance with subsection (2) is to be taken to have been deducted from the pecuniary sum that the debtor was first ordered to pay and then, if necessary, from the pecuniary sum that the debtor was next ordered to pay, and so on so that deductions are taken to be made from each successive pecuniary sum in chronological order.

This amendment will allow the chief recovery officer to reduce amounts due under pecuniary sums in the order that they were imposed on the debtor.

Amendment carried; clause as amended passed.

Clauses 13 and 14 passed.

Clause 15.

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

Amendment No 13 [Employment–1]—

Page 13, line 21 [clause 15(5)(g)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 14 [Employment–1]—

Page 13, line 30 [clause 15(7)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 15 [Employment–1]—

Page 14, line 30 [clause 15(13)]—Delete 'intervention' and substitute 'approved treatment'

Again, these are together because they are related. These changes are consequential to the changes in amendment No. 2 that introduced the approved treatment program.

Amendments carried; clause as amended passed.

Clause 16.

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

Amendment No 16 [Employment–1]—

Page 15, after line 13 [clause 16(1)]—After paragraph (b) insert:

(ba) the debtor has not, since the commission of the offence, been charged with, or been alleged to have committed, a further offence against that section; and

By way of explanation, clause 16 of the bill allows the chief recovery officer to enter into a payment arrangement with the debtor or waive the whole or part of the debt where the debtor has convictions for persistently driving unlicensed but has since obtained a driver's licence. It applies where the debt of outstanding fines owed by the debtor is at least in part attributable to the debtor having been found guilty of driving unlicensed. It is intended to provide an incentive to break the cycle of offending.

The bill is proposed to be amended so that those persons who persistently drive unlicensed must not have been charged with or alleged to have committed a further such offence in order to receive the proposed concessionary treatment by the chief recovery officer on obtaining a driver's licence. In other words, there must have been no more charges or expiation notices for driving unlicensed since the last conviction for such an offence. This amendment is mirrored in amendment No. 20 in respect of outstanding expiation fees.

The Hon. M.C. PARNELL: Just a question in relation to clause 16: is this clause aimed at any particular groups in society? I guess what I had in mind is that, whilst I am not thoroughly familiar with Aboriginal communities, my understanding is that there can be higher levels of driving unlicensed on those communities, partly driven by the fact that it is more difficult to get a licence out in remote areas. So was this clause aimed at any particular group? You can imagine that if someone has a large number of driving unlicensed fines, and they are not wealthy, and they are a welfare recipient perhaps, the prospect of them ever paying those fines is reduced. So that is the first part of the question.

The second part of the question is: is there any scope under this legislation for the authorities to assist a person in getting a licence, or is it just assumed that they will of their own volition seek out instruction and undertake the test?

The Hon. K.J. MAHER: My advice is that this is not, in and of itself, aimed at any particular group in society. I do know from my own experience, though, in remote Aboriginal communities, where it is difficult to obtain a licence and where for the basics of everyday life you need to travel, that it is one of the many disadvantages Aboriginal people living in remote communities face. This is in terms of, firstly, not having a licence and needing to travel and also in finding it difficult in some cases to obtain a licence.

I think it is the On the Right Track program, across the Anangu Pitjantjatjara Yankunytjatjara lands, that is helping to address some of that. I do not have the figures with me, but it has been quite successful in doing that. So, no, doing this is not aimed at a particular group or class of persons, but it will have some of those effects if it is more prevalent in some areas. The second question was: does this scheme envisage any—

The Hon. M.C. PARNELL: I think the minister has answered the second question. Apparently there is a scheme to assist people in getting their licence in remote communities.

The Hon. K.J. MAHER: This regime does not envisage such a scheme, but I am aware of schemes that are run throughout different parts of South Australia to help with this.

Amendment carried; clause as amended passed.

Clauses 17 to 19 passed.

Clause 20.

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

Amendment No 17 [Employment–1]—

Page 18, line 2 [clause 20(6)(g)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 18 [Employment–1]—

Page 18, line 14 [clause 20(8)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 19 [Employment–1]—

Page 19, line 20 [clause 20(14)]—Delete 'intervention' and substitute 'approved treatment'

I move them as a group, as they are related. These changes are consequential on the changes made in amendment No. 2 that introduced the approved treatment programs.

Amendments carried; clause as amended passed.

Clause 21.

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

Amendment No 20 [Employment–1]—

Page 20, after line 19 [clause 21(1)]—After paragraph (b) insert:

(ba) the alleged offender has not, since the commission of the alleged offence, been charged with, or been alleged to have committed, a further offence against that section; and

This amendment is identical to amendment No. 16 except that it relates to outstanding expiation fees rather than outstanding fines.

Amendment carried; clause as amended passed.

Clause 22.

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

Amendment No 21 [Employment–1]—

Page 22, line 3 [clause 22(10)(b)]—After 'relates' insert:

(other than because the alleged offender did not receive an expiation notice or an expiation reminder notice as required under that Act)

Amendment No 22 [Employment–1]—

Page 22, line 6 [clause 22(10)(c)]—After 'Expiation of Offences Act 1996' insert:

(other than because the alleged offender did not receive an expiation notice or an expiation reminder notice as required under that Act)

Amendment No 23 [Employment–1]—

Page 22, after line 17—After subclause (10) insert:

(10a) The Chief Recovery Officer may only revoke an enforcement determination on a ground referred to in subsection (10)(b) or (c) if satisfied that there are exceptional circumstances that justify the alleged offender's failure to make an election, or to apply for a review, under the *Expiation of Offences Act 1996*.

Amendment No 24 [Employment–1]—

Page 22, after line 24—After subclause (11) insert:

(11a) If the Chief Recovery Officer revokes an enforcement determination on the ground referred to in subsection (10)(b), a prosecution can be commenced for the alleged offence or offences within 6 months of the day on which the determination was revoked despite the fact that the time for the commencement of the prosecution may have already otherwise expired.

Amendment No 25 [Employment–1]—

Page 22, lines 25 to 36 [clause 22(12)]—Delete subclause (12) and substitute:

(12) If—

(a) the Chief Recovery Officer revokes an enforcement determination on a ground referred to in subsection (10)(b) or (c); and

(b) —

(i) the alleged offender does not, within 14 days of being informed of the revocation—

(A) elect under section 8 of the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

(B) apply under section 8A of the *Expiation of Offences Act 1996* for review of the expiation notice to which the determination relates on the ground that the offence is trifling; or

(ii) the alleged offender applies under section 8A of the *Expiation of Offences Act 1996* for review of the expiation notice to which the determination relates but the issuing authority determines not to withdraw the expiation notice,

the Chief Recovery Officer may make a further enforcement determination in relation to the expiation notice.

These amendments are a set of refinements to clause 22 of the bill, and I speak to them as a set. This set of amendments proposes to amend the grounds for applying to revoke an enforcement determination on the basis that there was no reasonable opportunity to elect to be prosecuted for the offence under section 8 of the Expiation Offences Act or to challenge its trifling nature under section 8A of that act to avoid an argument that a person did not receive an expiation notice or expiation reminder notice.

Failure to receive a notice as grounds for revocation is the purpose of clause 22(10)(e). Also, the amendments have the effect that the chief recovery officer can only revoke an enforcement determination pursuant to an application under these provisions if satisfied that there are exceptional circumstances that justify the alleged offender's failure to make an election under section 8 or apply for review under section 8A. The latter amendment is intended to avoid arguments that the statutory time frames under sections 8 and 8A are unreasonable.

Should the chief recovery officer revoke and enforce a determination to permit a person to elect to be prosecuted for the offence, the issuing authority will have six months to commence such a prosecution. Amendment No. 25 also makes it clear that the chief recovery officer can make another enforcement determination if the alleged offender does not take action under sections 8 or 8A, as the case may be, or is unsuccessful in an application under section 8A.

Amendments carried; clause as amended passed.

Clause 23 passed.

Clause 24.

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

Amendment No 26 [Employment–1]—

Page 25, line 6—After 'been revoked, ' insert 'to be taken for the purposes of this Act to be'

Amendment No 27 [Employment–1]—

Page 25, after line 8—Insert:

(2) Subsection (1) does not affect the operation of section 17(2) or (3) of the *Expiation of Offences Act 1996*.

As I have previously, I will speak to them together as a set. These amendments preserve the operation of section 17(2) and 17(3) of the Expiation of Offences Act, which entitles the issuing authority to the expiation fee recovered by the chief recovery officer, unless the expiation notice was issued after the reporting of the offence by the police or an officer of the Crown in which case half the fee is paid into the Consolidated Account.

The Hon. M.C. PARNELL: Just a question in relation to clause 24 which provides that an expiation is in fact a debt that can be recoverable by the chief recovery officer in a court of competent jurisdiction. My question relates to the attitude of the government generally in relation to expiations against people who subsequently die—in other words, deceased estates. If someone dies owing parking fines, speeding fines or whatever, what is the approach that the government takes? Is it an automatic waiver or, as I would understand it, the government could line up with other creditors and seek to obtain payment of these expiation fines against the estate of the deceased? Can the minister explain how the system would work?

The Hon. K.J. MAHER: I do not have an absolute answer to this. My advice is that there would be a procedure in place and I undertake to provide that to the honourable member. I will take it on notice and let him know what the procedure in place in such circumstances would be.

The Hon. M.C. PARNELL: I am happy for it to be taken on notice. What got me thinking about this is that there are situations, for example, in relation to debts owed to the commonwealth—the HECS debt is a good example—if people pass away before they have paid off their HECS debt, my understanding was that those debts would generally be waived, although I think there was a proposal at the commonwealth level some little while ago, which I do not think went anywhere, for the commonwealth to actually try to recover those debts against the estate. I am happy to wait for the minister's answer.

The Hon. K.J. MAHER: I might be able to add to that. The further advice is that we are not sure if it is the case that it is definitely recoverable, but if it is, we can find out where it lines up in order of precedence and also find out whether or not it is actually something that is, in the administration of it, recovered. As the honourable member mentions, there are schemes where maybe debts are not recovered, like the HECS debt.

Amendments carried; clause as amended passed.

Clause 25.

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

Amendment No 28 [Employment–1]—

Page 25, line 18 [clause 25(2)(b)]—After 'charge on' insert 'an interest in'

This is one of a set of roughly 28 proposed amendments to clauses 25, 33, 36, 63, 64 and 65 of the bill that arise from a recommendation of the Registrar-General that the bill should be more explicit that where property is owned by a debtor or alleged offender jointly with another person who does not owe the chief recovery officer any money, a charge is intended to be taken only over the relevant interest of the debtor or alleged offender in the property. The same principle applies to jointly owned property to be sold under clauses 36 and 63 of the bill where only one of the co-owners is a relevant debtor or alleged offender.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27.

The Hon. M.C. PARNELL: Clause 27 relates to the writing off of bad debts, and at first blush, it makes sense. It says that the chief recovery officer can write off an amount payable under an expiation notice if the officer has no reasonable prospect of recovering the amount or if the costs of recovery are likely to equal or exceed the amount to be recovered. I think that is normal commercial practice. You cannot get blood out of a stone. If you are either not going to get the money or it is going to cost you more to get the money than the money is worth, then you do not do it.

However, the clause then goes on to say that the writing off of an amount payable under an expiation notice does not affect the liability of the alleged offender to pay the amount or the power of the chief recovery officer to recover it. I tend to think of clauses like that as the TattsLotto clause: that the person has no means to pay their debts and the chief recovery officer writes it off and says, 'There's no point in chasing Fred; Fred has no money. We will never get our loot.' Then Fred wins TattsLotto and, all of a sudden, Fred does have the capacity to pay the debt.

I understand how that could work but it would strike me that once an agency has written off a debt then there is not going to be anyone who is actively pursuing it and there is not going to be anyone out there checking whether my mythical Fred has won TattsLotto or not so I am wondering how that clause might work. Within government would there be some sort of review mechanism where they go back and revisit all these old bad debts and check if the person has perhaps discovered their Bitcoin collection or they have won TattsLotto or they have found gainful employment and are now wealthy?

I am just wondering how in practice it would work. It would strike me that once you have written it off, you have written it off and you are not going to go chasing it, but I can understand why you would want to give yourself the right to chase it. I am just wondering what the mechanism might be for determining that someone who did not have the capacity to pay now does.

The Hon. K.J. MAHER: I am not sure what the correct terminology is for amassing Bitcoins, if it is a Bitcoin collection like normal coin collections or if it is a Bitcoin portfolio, but I am sure there is a way—

The Hon. M.C. Parnell: It is not like stamps.

The Hon. K.J. MAHER: —to correctly describe it. I thank the honourable member for the question. I will seek to get more information and this might be another one I take on notice. I undertake to—it will not be while parliament is sitting obviously— get back to the honourable member with information from the fines officer about exactly how that would work.

Clause passed.

Clause 28.

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

Amendment No 29 [Employment–1]—

Page 26, after line 34—After subsection (4) insert:

(4a) Any power that the Chief Recovery Officer may exercise under this Act in relation to an expiation notice of this jurisdiction may be exercised by the Chief Recovery Officer in relation to an expiation notice of another jurisdiction if the exercise of the power is authorised under a multi-jurisdictional agreement.

(4b) If an authority of a participating jurisdiction is authorised under a multi-jurisdictional agreement to exercise or perform functions or powers under this Act or the *Expiation of Offences Act 1996*, the authority will be taken to be the Chief Recovery Officer, and to have the functions and powers of the Chief Recovery Officer, when acting under the agreement.

This proposed amendment strengthens provisions for multijurisdictional agreements for enforcement of expiation fees.

The Hon. D.G.E. HOOD: My apologies to the minister, I was actually looking one amendment ahead. I will ask my question again: are any of these agreements in place and how would that work? What stage are we at with other jurisdictions in making them appropriately in play?

The Hon. K.J. MAHER: I am advised that there are none in place at the moment. In terms of the likelihood of some being in place, we are not aware that any are close to being in place but this allows for such a time and contemplates that there may be some in the future. So, there are none in place and we are not aware that any are close to being in place yet but it is one of those where you legislate for what may happen in the future for a time when there may be some of those in place.

The Hon. D.G.E. HOOD: I thank the minister for his answer but, just to clarify: is it fair to presume that we are talking about other states in Australia but could it be international, as well?

The Hon. K.J. MAHER: My advice is that what we are talking about is other states in Australia.

Amendment carried; clause as amended passed.

Clause 29.

The Hon. M.C. PARNELL: Clause 29 is the first clause in part 5 under the heading Investigation Powers and it has a curious provision in it in subclause (2). In fact, we will go to subclause (1) first, which basically requires a person to provide their personal details, and that is by written notice given to the debtor or an alleged offender, but subclause (2) actually goes a stage further and imposes an obligation on third parties, which I will invite the minister to explain. The subclause reads:

If the Chief Recovery Officer has reasonable cause to believe that a person—

so, not the debtor but a person—

has knowledge of personal details of a debtor or alleged offender, the Chief Recovery Officer may give written notice to the person requiring the person to provide the Chief Recovery Officer with such personal details of the debtor or alleged offender as are known to the person.

My understanding of that clause is that the chief recovery officer can go to any person whatsoever and say to them, 'We reckon you know about Fred. We reckon you know where Fred lives. We reckon you know how much money Fred has got. We reckon you know lots of personal details about Fred, and if you don't tell them to us you are facing a $10,000 fine.' Have I understood the effect of that clause, that it is aimed at third parties and it criminalises third parties for not providing personal information about somebody else, even though the person is not a suspect or a debtor of any kind? Have I understood how that provision works?

The Hon. K.J. MAHER: My advice is yes, but, typically, the third party would be a credit reporting agency, a bank, or your employer.

The Hon. M.C. PARNELL: I understand what the intention might be, but it is not what the provision says. It basically says that if the CRO:

> …has reasonable cause to believe a person has knowledge of the personal details [of the other]…

I will tease it out a little bit further because it strikes me that this is effectively about civil debts. If we look at the criminal law, if the police were to knock on the door and speak to, for example, the husband and say, 'We are interested in your wife. She is a person of interest to us. Tell us where she is and tell us all the information you know about her,' and if the husband was to say to the police officers, 'Get nicked,' then my understanding would be that that would be a fair cop, that they would not be legally obliged to identify the location of their wife or personal details about their wife—they would not have to do it.

That is in the criminal context—far more serious circumstances than simply in debt recovery. Yet, this provision, whilst I accept that the minister has in mind not husbands and wives or next-door neighbours, but has in mind employers and debt recovery agencies, it just strikes me that criminalising the failure of innocent third parties to provide details about another person at risk of a $10,000 fine is unique in South Australian law and it is far beyond the consequences that would flow from someone who is refusing to give information in a criminal case. Have I understood that correctly?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that the short answer is yes, but this is not about civil debt but about the recovery of fines and expiation notices. So, while the answer is yes, it is not broad-sweeping powers that can intrude into all aspects of life. It is not about civil debts; this is restricted to the purposes of the scheme, and that is fines and expiation fees.

The Hon. A.L. McLACHLAN: My reading of that, by way of clarity, is that you have to respond, but if you do not know you can respond to say that you do not know—is that correct?

The Hon. K.J. MAHER: My advice is that the honourable member is correct: the answer is yes.

The Hon. M.C. PARNELL: I thank the minister for correcting my language. Of course, fines only arise through the breach of law, so effectively it is more in the criminal realm than the civil realm, but it is debt recovery. The Hon. Andrew McLachlan's question that, if you say you do not know, which I think is a very common response from someone who is trying to protect someone who is dear to them, is just to say, 'Well, I don't know.' Subsection (4) says that:

> (4) A person who, without reasonable excuse (proof of which lies on the person), refuses or fails to comply with a requirement…is guilty of an offence.

I am not sure how that would work with the person who says, 'I don't know,' when clearly they do know. The $10,000 fine still applies.

If someone says, 'Where's Fred?', and you know where Fred is but you lie and say, 'I don't know,' I am not sure whether you would be protected by subclause (4). I am not sure whether you have a reasonable excuse. The excuse might be, 'I'm not going to tell you people where he is.' I do not know whether that would wash. The burden of proof is on the person to prove their excuse for answering incorrectly. A subsequent question that arises from that is: is a person who is lying by saying they do not know, when in fact they do know, also guilty of an offence?

The Hon. K.J. MAHER: My advice is that if a person is lying and they cannot persuade a court, should they be charged with an offence, that they have a reasonable excuse for doing so, then, yes, they could well be.

The Hon. M.C. PARNELL: That is probably right: the person says they do not know and they actually do not know, then, yes, that is probably a reasonable excuse. If they say they do not know and it turns out that the person is hiding under their bed and they did know—anyway, it just strikes me that part of the fundamental problem with this bill is that, in pursuit of a regime that makes it easier for the state to extract its pound of flesh, it is actually imposing serious criminal liability on a whole range of people far beyond that which would be required in the normal criminal law with the example I used of the police officer knocking on the door and requesting information. You are not obliged to provide it, and they could be investigating a murder or some really serious crime, yet if the person's crime is that they have not paid their fines—they have a couple of hundred bucks

outstanding—then for not providing information that you have you can be subject to a $10,000 fine yourself.

It just strikes me that this is overreach and goes far beyond the powers one would normally expect in provisions such as this. It is effectively requiring people to dob in their family members, their friends or whoever. I am not satisfied that the power would be limited to the people that the minister said it was aimed at, because the words clearly are 'a person', not 'an employer' or 'a credit agency'—it is any person. So, I think this is a reason for members to be very nervous about the entirety of this bill.

Clause passed.

Clause 30.

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

Amendment No 30 [Employment–1]—

Page 27, line 21 [clause 30(1)]—Delete 'contact' and substitute 'personal'

This amendment corrects an oversight by changing 'contact details' to 'personal details', which is extensively defined in clause 4.

Amendment carried.

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

Amendment No 31 [Employment–1]—

Page 27, line 30 [clause 30(2)(b)]—After 'offender' insert:

(including, despite any other Act or law, any photograph of the debtor or alleged offender in the possession of the agency)

This amendment provides explicitly that a public sector agency must provide the chief recovery officer, on request, a photograph of the alleged offender or debtor that is in the possession of the agency. This amendment avoids, amongst other things, the prohibition under the Motor Vehicles Act 1959 against provisions of driver's licence photographs. Photographs of debtors will be helpful to aid the chief recovery officer in attempting to identify in the field those persons with outstanding debts who will attempt to avoid being debtors by identifying their true identity.

The Hon. A.L. McLACHLAN: As indicated at clause 1, we will be opposing this amendment. Using a photograph for debt collection is not available to other debt recovery agencies. There is an argument to say that this is a different context. I also want to argue in relation to privacy. We have the road rules around the use of licences and licence photographs and they are contained in another act. The balance between privacy and the use of information across government services are in those other acts, not just the one that deals with driver's licences, but also we have one of information exchange across government.

We do not think this is an appropriate amendment for this bill. If the government wants to debate the balance between privacy and the use of an individual's information, they should do so in the context of the other acts. This is an all encompassing provision contained in this bill which we think is not an appropriate context and, as I indicated earlier, we feel this is a bit too much for this bill. Given there is a raft of amendments and we have gone through them and we have been very amenable with the government, this is one which we cannot look upon kindly so we will be opposing it.

The Hon. M.C. PARNELL: As I said, the Greens are fairly hostile to the whole bill but we are supportive of the Liberal Party position to oppose the amendment. My question of the minister is: we have another bill before us on our *Notice Paper* that we probably will not get to today. I am pretty sure it is the simplify No. 2 bill, which amends the motor registration laws to specifically provide how driver's licence photos can and cannot be used, because I think the provision in those laws leaves it to a regulation-making power. The government's argument was that they do want to use these driver's licence photos for more purposes but so far they have pretty much limited them to other relevant transport related things.

In other words, you could use your car driver's licence photo for a boat licence for example. The government has not gone so far as to say to a whole range of government agencies that the state's biggest database of its citizens, including their names, dates of birth, residential addresses and photographs, will be made available to any government agency for any purpose. I know this bill does not do that; it says it wants it made available for this purpose. My question is: has the government now abandoned the approach that it was taking in the simplify No. 2 bill; and, perhaps a more general question, which agencies currently have access to driver's licence photos for purposes unconnected with driving motor cars?

The Hon. K.J. MAHER: I thank the honourable member for his question. We do not have the detail of what other agencies may or may not have access to driver's licence photographs. I guess part of the answer, though, lies in part of the explanation that this amendment seeks to avoid, amongst other things, the prohibition under the Motor Vehicles Act 1959 against the provision of driver's licence photographs. I am taking it from the words I have read out that there is contained in the Motor Vehicles Act a prohibition against doing that.

The honourable member has an encyclopaedic knowledge of the bills and their provisions that are on the *Notice Paper*. If there is other legislation that has a general prohibition, it tends to be the case that a specific allowance would tend to override a general prohibition and that is what this seeks to do, to avoid the prohibition of the Motor Vehicles Act against providing driver's licences. In terms of whether there are other agencies for whatever purposes, we are not aware of that as it currently exists in that act.

The Hon. M.C. PARNELL: I might get the minister to take this one on notice as well. As I think I have said in this place before, last month—I think it was in October—the Premier signed with the Prime Minister of Australia an agreement to hand over the entire driver's licence photo database to the federal government. Can the minister can find out whether that has in fact taken place yet?

The Hon. K.J. MAHER: I am more than happy to take that on notice for the honourable member and bring back a reply about that particular matter.

The Hon. A.L. McLACHLAN: I would like to ask members if they can indicate whether they support the Liberal position so that I can alleviate the need to call a division.

The Hon. D.G.E. HOOD: I thank the Hon. Mr McLachlan; I was just about to do that. My understanding of this amendment is that it does not limit the sharing of photographs specifically for driver's licences. It could be any photograph that the government has, on my understanding. There seems to be agreement on that. I am thinking there may be identification badges or something of that nature if they work in the public sector or whatever. We have no problem with the sharing of that information. I can understand the arguments, but we do not accept them and for that reason we will be supporting the government amendment.

The Hon. J.A. DARLEY: I will be opposing this amendment.

The committee divided on the amendment:

Ayes 9
Noes..... 12
Majority..... 3

AYES

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

NOES

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

Amendment thus negatived; clause as amended passed.

Clauses 31 and 32 passed.

Clause 33.

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

Amendment No 32 [Employment–1]—

Page 28, line 7 [clause 33(1)]—After 'charge over' insert 'the interest of a debtor in'

Amendment No 33 [Employment–1]—

Page 28, line 8 [clause 33(1)]—Delete 'a debtor' and substitute 'the debtor'

Amendment No 34 [Employment–1]—

Page 28, line 13 [clause 33(2)]—After 'charge over' insert 'the interest of the alleged offender in'

Amendment No 35 [Employment–1]—

Page 28, after line 14—After subclause (2) insert:

(2a) Any number of pecuniary sums or amounts due under expiation notices may be aggregated for the purposes of exercising powers under this section.

Amendment No 36 [Employment–1]—

Page 28, line 16 [clause 33(3)]—After 'Register Book' insert 'or the Register of Crown Leases'

Amendment No 37 [Employment–1]—

Page 28, line 17 [clause 33(3)]—After 'created over' insert 'the interest of the debtor or alleged offender in'

Amendment No 38 [Employment–1]—

Page 28, line 20 [clause 33(4)(a)]—After 'affecting' insert 'the interest of the debtor or alleged offender in'

Amendment No 39 [Employment–1]—

Page 28, line 31 [clause 33(4)(a)(iv)]—After 'conveyance' insert 'or transfer'

Amendment No 40 [Employment–1]—

Page 28, line 35 [clause 33(4)(b)]—After 'respect of' insert 'the interest of the debtor or alleged offender in'

Amendment No 41 [Employment–1]—

Page 29, lines 3 to 6 [clause 33(6)]—Delete subclause (6) and substitute:

(6) If an instrument registered under subsection (4)(a) has the effect of conveying or transferring the interest of the debtor or alleged offender in the land to another person, the charge will be taken to be cancelled by the registration of the instrument and the Registrar-General must take whatever action the Registrar-General considers appropriate to give effect to the cancellation.

I will address the amendments as a set. They are all amendments to clause 33 of the bill and are related. I have already addressed the majority of these amendments in discussing amendment No. 28. These amendments also clarify that a charge is taken only over the property of the debtor in jointly owned property.

Amendment No. 35 includes a provision that will allow multiple pecuniary sums or outstanding expiation fees to be the subject of a charge. A further useful provision is in amendment No. 36, which was suggested by the Registrar-General, as some debtors may own property held under Crown lease, rather than fee simple land.

Amendment No. 39 reflects the fact that, strictly speaking, fee simple land is transferred, rather than conveyed. Amendment No. 41 provides a useful mechanism for redundant charges to be removed from instruments of title.

The Hon. M.C. PARNELL: I might just ask the minister to explain a little bit further. This provision, clause 33, provides for a charge on land. The amendments go to the question of multiple

different interests in land, and the minister used the example of a Crown lease. Could the minister explain how it would work in the more common situation? If you have a couple, for example, who own a property, usually—I am throwing my mind back to property law in 1979—it is either a tenancy in common or a joint—

The Hon. K.J. Maher: Tenancy. I did property law in 1993.

The Hon. M.C. PARNELL: —tenancy. The minister's knowledge is far more up to date. Do either of those different types of tenancy—tenancy in common or joint tenancy—affect the charge on the land? My recollection is that where you have, say, a husband and wife with 50 per cent each, so in other words there is no right of survivorship—they are tenants in common, 50 per cent each—the government or the chief recovery officer would effectively have a charge over the husband's 50 per cent interest in the land; is that how it would work? It would just be noted in relation to that rather than noted in relation to both parties' ownership of the land?

The Hon. K.J. MAHER: I thank the honourable member for his question and for some more law school quizzes as we had last night. We will see if we get up to a high distinction on this one. For tenants in common, where you own a certain percentage of each—a 70:30 or 50:50 split—the charge would be charged against that portion of the land held by that particular person. But the honourable member is right. In most holdings in real property, typically a husband and husband, husband and wife or wife and wife, the far more common way for holding real property is as joint tenants where you effectively both own the whole of the property jointly.

In that case, which is the more typical way to hold it, the charge would be registered against one of those joint tenants, but in terms of having the practical effect, if you wanted to deal with that title, you would have to extinguish that charge that is against one of those so that it could be dealt with.

The Hon. M.C. PARNELL: Just one other question on this issue. Again, casting my mind back to the various priority of interests, we were taught that, in the pecking order of who gets their money first, people with registered interests on land, whether under Torrens title or some other method, took priority over other debtors. There are also, I understood, other laws which say things like, 'The commonwealth tax office is right up the top and will get their money first, before anyone else.' In the event that there are multiple claims on an estate, and you have a registered charge on the land, does that prevail over, for example, unpaid commonwealth income taxes?

The Hon. K.J. MAHER: In relation to this particular charge, my advice is that this does not rank as a first charge over property. If there are other prior mortgages or charges on the property, this does not outrank those. In terms of a charge a commonwealth agency might put on, I do not have advice on that, but I can find advice to see if there is indeed any commonwealth instrument that allows that charge to take priority over other charges. But this framework does not allow that to happen for this charge in relation to other charges over a property.

The Hon. A.L. McLACHLAN: I am not challenging what you are saying. I would be interested to know where the legislative support is for the charge being of a lesser priority than, say, a first bank mortgage.

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that this is found in part 6 clause 33(4)(b), the effect of which is that any charge ranks as other charges under the Real Property Act, and in the case where there are mortgages, it would rank not above any of those. So the common procedure is that the first charges in time would be that the first one to be paid out would occur and these would rank equally, then with any other such charges where the first charge on in time gets paid out first, and this would sit above mortgages that were applied afterwards but below mortgages that were applied in chronological dates before this one.

Amendments carried; clause as amended passed.

Clauses 34 and 35 passed.

Clause 36.

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

Amendment No 42 [Employment–1]—

Page 30, line 26 [clause 36(2)(f)]—Delete 'real or'

Amendment No 43 [Employment–1]—

Page 30, after line 27 [clause 36(2)]—After paragraph (f) insert:

and

(g) sell the interest of the debtor or alleged offender in real property owned (whether solely or as co-owner) by the debtor or alleged offender.

Amendment No 44 [Employment–1]—

Page 31, line 2 [clause 36(3)(d)]—After 'respect of' insert 'an interest of a debtor or alleged offender in'

Amendment No 45 [Employment–1]—

Page 31, after line 7—After subclause (3) insert:

(3a) If the Chief Recovery Officer determines under this section to sell an interest in real property of the debtor or alleged offender—

(a) the Officer must provide the Registrar-General with written notification of the determination; and

(b) the Registrar-General must note the determination in the Register Book or the Register of Crown Leases; and

(c) the determination will be taken to be a mortgage registered under the *Real Property Act 1886* on the day that it is provided to the Registrar-General.

Amendment No 46 [Employment–1]—

Page 32, line 20 [clause 36(15)]—After 'sale of' insert 'an interest in'

Amendment No 47 [Employment–1]—

Page 32, lines 22 to 32 [clause 36(16) to (18)]—Delete subclauses (16) to (18) (inclusive)

These amendments are similar to amendment No. 28 except they apply where a debtor owns land that the chief recovery officer proposes to sell. These amendments clarify that such action is intended to be taken only over the interest of the debtor in jointly owned property—for the benefit of the Hon. Mark Parnell, only on jointly owned property.

Amendment No. 45 was inserted at the suggestion of the Registrar-General to support the provisions of clause 36(3)(d) which allows the chief recovery officer to exercise the powers of a mortgagee in respect of the debtor's interests in the land to be sold. Amendment No. 47 was also inserted at the suggestion of the Registrar-General who considers that clauses 36(16) to 36(18) are redundant and can be removed.

Amendments carried; clause as amended passed.

Clauses 37 and 38 passed.

Clause 39.

The Hon. M.C. PARNELL: Just a question in relation to this, I can understand in relation to clause 38, for example, that you have someone who has a lot of unpaid speeding fines and it seems to be a fair cop that you cannot get a licence until you pay your fines. I get that in a way. Clause 39 is a bit different. You could have speeding fines and be prohibited from registering a car. Some people register cars not necessarily for their own use but for others to use. I guess I am interested in the policy rationale for preventing a person who has debts from being able to put a car in their name purely for registration and perhaps insurance purposes.

Maybe it is a child, a 16 year old. You can get your driver's licence at 16, and maybe mum or dad wants to put the car in their name, but they are prohibited, as I read this, if the chief recovery officer thinks that they have too many fines and will not let them register a car. Have I understood that correctly, and what is the policy rationale for it?

The Hon. K.J. MAHER: My advice is that, while it can apply broadly, its main application is to apply to the debtor and to provide that incentive to pay the fine to register the car.

The Hon. M.C. PARNELL: Part of the reason for my asking is that there is a curious provision here. If there is someone who has bucketloads of traffic debts and they decide that they want to sell their car, it appears to me that clause 39(5) effectively prevents them from doing that. They might want to sell the car—the Lamborghini—to pay off all the speeding fines, and subclause (5) suggests that while the prohibition continues in operation, the Registrar of Motor Vehicles will not process any application made by or on behalf of the debtor.

Perhaps the answer is that you do not need the permission of the Registrar of Motor Vehicles to sell a car. Certainly, the person you sell it to needs approval to register the car in their name. Maybe I am answering my own question but perhaps the minister could clarify whether or not this provision might have an unintended consequence of interfering with someone who actually wants to dispose of a car, rather than register a new one in their own name.

The Hon. K.J. MAHER: I am advised that the person wanting to sell the car could always have a discussion and enter into negotiations with the fines officer to apply the proceeds to do that. It would be open to them to discuss that with the fines officer as a possibility, I am advised.

Clause passed.

Clause 40.

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

Amendment No 48 [Employment–1]—

Page 35, line 20 [clause 40(2)(b)]—After 'Motor Vehicles' insert 'and the Commissioner of Police'

Amendment No 49 [Employment–1]—

Page 35, line 31 [clause 40(4)(a)]—After 'Motor Vehicles' insert 'and the Commissioner of Police'

Amendment No 50 [Employment–1]—

Page 35, after line 37—After subclause (5) insert:

(6) The Chief Recovery Officer must notify prescribed officers of other States and Territories of determinations made under this section.

These amendments will have the effect that, on taking action to suspend the operation of section 97A of the Motor Vehicles Act 1959 or cancel such a suspension, the chief recovery officer must notify the Commissioner of Police and other state or territory officers as may be prescribed, as well as the Registrar of Motor Vehicles. Section 97A allows the interstate motorist to drive in this state for a limited period on their interstate driver's licence.

Amendments carried; clause as amended passed.

Clause 41.

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

Amendment No 51 [Employment–1]—

Page 36, lines 11 to 14 [clause 41(3)]—Delete subclause (3) and substitute:

(3) The Chief Recovery Officer may exercise powers under this section in relation to a vehicle without notice to the debtor or alleged offender if—

(a) the debtor or alleged offender is the only registered owner of the vehicle; or

(b) the Chief Recovery Officer has made reasonable attempts to notify each registered owner of the vehicle (other than the debtor or alleged offender) of the Officer's intention to exercise those powers.

This amendment clarifies the intent of clause 41(3), that if the registered owner of the vehicle is the debtor they need not be given prior notice of the chief recovery officer's intentions to clamp or impound the vehicle. This is in order to prevent debtors from hiding the vehicle from the chief recovery officer if they have prior notice of this action.

Amendment carried; clause as amended passed.

Clause 42 passed.

Clause 43.

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

Amendment No 52 [Employment–1]—

Page 40, after line 19—After subclause (10) insert:

(11) In this section—

public place includes a road and a road-related area (both within the meaning of the *Motor Vehicles Act 1959*).

This amendment was inserted at the suggestion of the Department of Planning, Transport and Infrastructure to link the reference to 'public place' in clause 43(4)(a) of the bill to the definition of 'public place' in the Motor Vehicles Act.

Amendment carried; clause as amended passed.

Clauses 44 and 45 passed.

Clause 46.

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

Amendment No 53 [Employment–1]—

Page 41, line 14 [clause 46(1)(b)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 54 [Employment–1]—

Page 42, line 2 [clause 46(6)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 55 [Employment–1]—

Page 42, line 38 [clause 46(12)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 56 [Employment–1]—

Page 42, line 40 [clause 46(13)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 57 [Employment–1]—

Page 43, line 3 [clause 46(14)(a)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 58 [Employment–1]—

Page 43, line 8 [clause 46(15)(a)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 59 [Employment–1]—

Page 43, line 9 [clause 46(15)(a)(i)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 60 [Employment–1]—

Page 43, line 15 [clause 46(15)(b)]—Delete 'intervention' and substitute 'approved treatment'

Amendments carried; clause as amended passed.

Clause 47.

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

Amendment No 61 [Employment–1]—

Page 43, line 20 [clause 47(1)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 62 [Employment–1]—

Page 43, line 29 [clause 47(3)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 63 [Employment–1]—

Page 43, line 33 [clause 47(4)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 64 [Employment–1]—

Page 44, line 2 [clause 47(6)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 65 [Employment–1]—

Page 44, line 14 [clause 47(8)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 66 [Employment–1]—

Page 44, line 21 [clause 47(8)(b)(i)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 67 [Employment–1]—

Page 44, line 25 [clause 47(8)(b)(ii)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 68 [Employment–1]—

Page 44, line 29 [clause 47(8)(b)(iv)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 69 [Employment–1]—

Page 44, line 31 [clause 47(8)(b)(iv)]—Delete 'completed' and substitute 'uncompleted'

Amendment No 70 [Employment–1]—

Page 44, line 33 [clause 47(9)]—Delete 'intervention' and substitute 'approved treatment'

Amendment No 71 [Employment–1]—

Page 45, line 1 [clause 47(10)(b)]—Delete 'intervention' and substitute 'approved treatment'

Like the other clauses that I decided to move just before, they are changes that are consequential to changes in amendment No. 2 to introduce the approved treatment programs.

Amendments carried; clause as amended passed.

Clause 48.

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

Amendment No 1 [Employment–3]—

Page 45, after line 8 [clause 48(1)]—After the definition of *Court* insert:

> *debt* means an amount of money owed to a public authority that is recoverable in a court of competent jurisdiction, but does not include a pecuniary sum or an amount payable under an expiation notice;

Amendment No. 1 in the government's third set of amendments is being moved in place of amendment No. 72 in the first set. I thank the opposition for their helpful assistance in this regard, I am informed. I discussed this amendment when speaking to amendments Nos 4 and 6 of the government's first set of amendments. The purpose of this amendment is to make it clear that a debt and hence a debtor for the purpose of the civil debt recovery provisions in part 8 have different meanings from the corresponding provisions in the fines recovery portion of the bill and do not include pecuniary sums or expiation fees.

Amendment carried; clause as amended passed.

Clause 49.

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

Amendment No 73 [Employment–1]—

Page 45, after line 33—After subclause (1) insert:

(1a) A notification under subsection (1)—

(a) must not be given unless the public authority has provided the debtor with an invoice for, and given the debtor a reasonable opportunity to pay, the alleged debt; and

(b) must include advice to the Chief Recovery Officer as to whether the debtor is under a legal disability and, if so, the name of a person representing, or acting on behalf of, the debtor.

Amendment No 74 [Employment–1]—

Page 46, line 1 [clause 49(2)]—After 'subsection (1)' insert 'and is satisfied that the requirements of subsection (1a)(a) have been met'

These amendments were suggested by feedback on the bill and are reasonable inclusions.

Amendments carried; clause as amended passed.

Clause 50.

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

Amendment No 75 [Employment–1]—

Page 46, line 20 [clause 50(2)]—After 'this section' insert 'and bears the onus of proving, on the balance of probabilities, that the debt is owed by the debtor'

Amendment No 76 [Employment–1]—

Page 46, after line 22—After subclause (3) insert:

(3a) The Court may, in the Court's discretion, extend the time for making an application under this section even if the time for making the application has ended.

Amendment No 77 [Employment–1]—

Page 46, after line 25—After subclause (4) insert:

(5) No fee is payable on an application under this section.

These amendments are intended to ensure that applications to challenge the chief recovery officer's determination in a civil debt recovery will be fee free.

Amendments carried; clause as amended passed.

Clause 51.

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

Amendment No 78 [Employment–1]—

Page 46, lines 30 to 34 [clause 51(1)(a) and (b)]—Delete paragraphs (a) and (b) and substitute:

(a) the debtor is taken under subsection (1a) to have admitted liability for the debt; or

Amendment No 79 [Employment–1]—

Page 46, after line 36—After subclause (1) insert:

(1a) A debtor will be taken to have admitted liability for a debt to which a civil debt determination relates if—

(a) the debtor has not—

(i) within 1 month of receiving the determination—entered into an arrangement under section 57; or

(ii) within the time allowed under section 50—made application to the Court for the determination to be varied or revoked; or

(b) an arrangement entered into with the Chief Recovery Officer under section 57 has terminated.

Amendments carried; clause as amended passed.

Clause 52 passed.

Clause 53.

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

Amendment No 80 [Employment–1]—

Page 47, after line 20—After subclause (1) insert:

(1a) In proceedings under this section, the Chief Recovery Officer bears the onus of proving the correctness of the decision.

Amendment No 81 [Employment–1]—

Page 47, after line 33—After subclause (5) insert:

(6) No fee is payable on an application under this section.

I move these amendments, for the same reasons given in relation to amendments Nos 75 to 77.

Amendments carried; clause as amended passed.

Clauses 54 to 60 passed.

Clause 61.

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

Amendment No 82 [Employment–1]—

Page 51, line 17 [clause 61(9)]—After 'debtor' insert 'conducted in accordance with procedures prescribed by rules of the Court'

Amendment No 83 [Employment–1]—

Page 51, lines 22 to 24 [clause 61(10)]—Delete subclause (10) and substitute:

(10) If payment of the debt or all arrears of instalments (as the case requires) is made—

(a) the Chief Recovery Officer must issue a certificate certifying that the payment has been made; and

(b) the debtor must be discharged from custody even though the period of imprisonment has not expired.

Clause 61(9) currently permits a court after examination of a debtor to imprison the debtor as an enforcement measure in cases default where a civil debt is owed. This is modelled on section 5(7) in the Enforcement of Judgments Act 1991. This amendment is proposed following feedback from the Courts Administration Authority that they would prefer to have the powers of the Enforcement of Judgments Act to investigate and examine such a person before exercising the power to commit them to prison. The proposed amendments facilitate this.

Amendments carried; clause as amended passed.

Clause 62.

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

Amendment No 84 [Employment–1]—

Page 52, line 4 [clause 62(4)]—Delete 'order' and substitute 'determination'

Amendment No 85 [Employment–1]—

Page 52, after line 37—After subclause (13) insert:

(13a) Subsections (12) and (13) do not apply to a garnishee if the garnishee has not been notified of the determination.

These amendments merely correct an oversight to ensure that the garnishee is not subject to criminal proceedings and personally liable for a debt where they have not been notified of the making of the determination by the chief recovery officer to garnish the debtor's money.

Amendments carried; clause as amended passed.

Clause 63.

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

Amendment No 1 [Employment–2]—

Page 53, line 17 [clause 63(3)(d)]—After 'sell any' insert 'personal'

Amendment No 2 [Employment–2]—

Page 53, after line 18 [clause 63(3)]—After paragraph (d) insert 'and'

(e) sell an interest of the debtor in land to which the determination relates.

Amendment No 3 [Employment–2]—

Page 53, line 19 [clause 63(4)]—After 'sale of' insert 'an interest in'

Amendment No 4 [Employment–2]—

Page 53, after line 22—After subclause (5) insert:

(5a) The Chief Recovery Officer (on behalf of the Crown) has the same powers in respect of an interest of a debtor in land the Officer determines to sell under this section as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in payment of money secured by the mortgage (and sections 132 to 135 (inclusive) and 136 of that Act apply accordingly as if the Officer were the mortgagee and the debtor were the mortgagor).

(5b) If the Chief Recovery Officer determines under this section to sell an interest in real property of a debtor—

(a) the Officer must provide the Registrar-General with written notification of the determination; and

(b) the Registrar-General must note the determination in the Register Book or the Register of Crown Leases; and

(c) the determination will be taken to be a mortgage registered under the *Real Property Act 1886*.

Amendment No 5 [Employment–2]—

Page 53, line 23 [clause 63(6)]—Delete 'real property or'

Amendment No 6 [Employment–2]—

Page 53, line 28 [clause 63(7)]—After 'to sell' insert 'an interest in'

Amendment No 7 [Employment–2]—

Page 53, line 36 [clause 63(10)]—After 'purchaser of' insert 'personal'

Clause 63 applies in respect of a seizure of sale of land or personal property and civil debt recovery, and is similar to clause 36, which applies to seizure and sale of land and personal property in the enforcement of outstanding fines and expiation fees.

Amendments carried; clause as amended passed.

Clause 64.

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

Amendment No 86 [Employment–1]—

Page 54, line 9 [clause 64(1)]—Delete 'real property of a debtor' and substitute 'a debtor's interest in real property'

Amendment No 87 [Employment–1]—

Page 54, line 13 [clause 64(2)]—After 'charge over' insert 'the interest of a debtor in'

Amendment No 88 [Employment–1]—

Page 54, line 16 [clause 64(3)]—After 'Register Book' insert 'or the Register of Crown Leases'

Amendment No 89 [Employment–1]—

Page 54, line 17 [clause 64(3)]—After 'over' insert 'the interest of the debtor in'

Amendment No 90 [Employment–1]—

Page 54, line 21 [clause 64(4)(a)]—After 'affecting' insert 'the interest of the debtor in'

Amendment No 91 [Employment–1]—

Page 54, line 32 [clause 64(4)(a)(iv)]—After 'conveyance' insert 'or transfer'

Amendment No 92 [Employment–1]—

Page 54, line 36 [clause 64(4)(b)]—After 'respect of' insert 'the interest of the debtor in'

Amendment No 93 [Employment–1]—

Page 55, lines 1 to 4 [clause 64(6)]—Delete subclause (6) and substitute:

(6) If an instrument registered under subsection (4)(a) has the effect of conveying or transferring the interest of the debtor in the land to another person, the charge will be taken to be cancelled by the registration of the instrument and the Registrar-General must

take whatever action the Registrar-General considers appropriate to give effect to the cancellation.

These amendments are similar to amendments Nos 32 to 41, except that they apply in respect to taking a charge over land in civil debt recovery.

Amendments carried; clause as amended passed.

Clause 65.

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

Amendment No 94 [Employment–1]—

Page 55, line 19 [clause 65(1)]—Delete 'property of a debtor' and substitute 'a debtor's interest in property'

Amendment No 95 [Employment–1]—

Page 55, lines 21 and 22 [clause 65(2)]—Delete 'property of a debtor' and substitute 'a debtor's interest in property'

Amendment No 96 [Employment–1]—

Page 55, line 25 [clause 65(2)(b)]—After 'with the' insert 'interest in the'

These amendments confirm that the chief recovery officer may, where feasible, take charge over personal property jointly owned by a debtor with another person, for example, a motor vehicle.

Amendments carried; clause as amended passed.

Clauses 66 to 69 passed.

Clause 70.

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

Amendment No 97 [Employment–1]—

Page 57, line 17 [clause 70(2)(b)(i)]—Delete subparagraph (i) and substitute:

(i) in relation to a debtor or alleged offender, or a class of debtors or class of alleged offenders; and

This amendment will permit the minister to also declare an amnesty in relation to the costs, fees and other charges imposed on alleged offenders.

Amendment carried; clause as amended passed.

Clause 71.

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

Amendment No 98 [Employment–1]—

Page 57, line 24 [clause 71(1)]—Delete 'intervention' and substitute 'approved treatment'

These changes are consequential on amendment No. 2, which introduced approved treatment programs.

Amendment carried; clause as amended passed.

Clause 72.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Amendment No. 99 [Employment—1] as the minister approaches his century.

The Hon. K.J. MAHER:

Amendment No 99 [Employment–1]—

Page 58, line 6 [clause 72(2)]—After 'liability' insert '(other than a liability owed to the Crown)'

With some nervousness standing at the crease, I move this amendment which will have the effect that the immunity from civil liability available to a delegate of the chief recovery officer who is not a public sector employee will not extend to the civil liability owed to the Crown.

Amendment carried; clause as amended passed.

Clause 73 passed.

Clause 74.

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

Amendment No 100 [Employment–1]—

Page 58, line 17 [clause 74(b)]—Delete 'reasons' and substitute 'the basis'

With a brazen cover drive, bringing up the ton, I move amendment No. 100 [Employment—1]. This is a minor amendment that better expresses this provision.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I put the question that the century be completed.

Amendment carried; clause as amended passed.

Clauses 75 to 76 passed.

Schedule 1.

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

Amendment No 101 [Employment–1]—

Page 61, lines 15 and 16 [Schedule 1, clause 11(5)]—Delete subclause (5) and substitute:

(5) Section 4(3)—after 'this Act' first occurring insert:

and the Fines Enforcement and Debt Recovery Act 2017

(6) Section 4(3)—after 'this Act' second occurring insert:

or the Fines Enforcement and Debt Recovery Act 2017

(7) Section 4—after subsection (3) insert:

(4) For the purposes of this and any other Act—

(a) an offence expiated, or taken to have been expiated, under the *Fines Enforcement and Debt Recovery Act 2017* will be taken to have been expiated in accordance with this Act; and

(b) an expiation fee paid under the *Fines Enforcement and Debt Recovery Act 2017* will be taken to have been paid under this Act.

Amendment No 102 [Employment–1]—

Page 61, after line 31 [Schedule 1, clause 13]—Before subclause (1) insert:

(a1) Section 8A(4)—delete 'issue a certificate for an enforcement determination under section 13' and substitute:

provide the Chief Recovery Officer with relevant particulars under section 22 of the *Fines Enforcement and Debt Recovery Act 2017*

Amendment No 103 [Employment–1]—

Page 62, after line 13 [Schedule 1, clause 15]—After subclause (1) insert:

(1a) Section 11(1)—after 'this Act' insert:

or the *Fines Enforcement and Debt Recovery Act 2017*

Amendment No 104 [Employment–1]—

Page 62, after line 16 [Schedule 1, clause 15]—After subclause (3) insert:

(4) Section 11(3)—after 'this Act' insert:

and the Fines Enforcement and Debt Recovery Act 2017

Amendment No 105 [Employment–1]—

Page 62, after line 17 [Schedule 1, clause 16]—Before subclause (1) insert:

(a1) Section 11A(1)—after 'this Act' insert:

or the Fines Enforcement and Debt Recovery Act 2017

Amendment No 106 [Employment–1]—

Page 62, after line 20 [Schedule 1, clause 16]—After subclause (2) insert:

(3) Section 11A(4)—after 'this Act' insert:

and the Fines Enforcement and Debt Recovery Act 2017

Amendment No 107 [Employment–1]—

Page 62, after line 25—After clause 18 insert:

18A—Amendment of section 15—Effect of expiation

Section 15(4)—after 'this Act' second occurring insert:

or the Fines Enforcement and Debt Recovery Act 2017

Amendment No 108 [Employment–1]—

Page 62, line 29 [Schedule 1, clause 19(1), inserted paragraph (ad)]—After 'impairment' insert 'that excuses the alleged offending'

Amendment No 109 [Employment–1]—

Page 63, after line 27 [Schedule 1, clause 20]—Insert:

(2) Section 18(1)(a)—delete 'under this Act'

Amendment No 110 [Employment–1]—

Page 64, line 28 [Schedule 1, clause 26, inserted section 61A]—After 'from a' insert 'motor'

Amendment No 111 [Employment–1]—

Page 64, lines 31 to 33 [Schedule 1, clause 26, inserted section 61A(b)]—Delete paragraph (b) and substitute:

(b) must, if the registration of the vehicle is cancelled under paragraph (a), pay to the Chief Recovery Officer the refund (if any) to which the registered owner or registered operator would have been entitled under section 54(2) if the registration of the vehicle had been cancelled under section 54(1).

Amendment No 112 [Employment–1]—

Page 64, after line 33—After clause 26 insert:

26A—Amendment of section 71B—Replacement of plates, documents and labels

Section 71B—after subsection (1) insert:

(1a) However, if a number plate has been seized by the Chief Recovery Officer under the *Fines Enforcement and Debt Recovery Act 2017*, a person may not make application for a replacement number plate unless the application is authorised in writing by the Chief Recovery Officer.

Amendment No 113 [Employment–1]—

Page 68, after line 25—After clause 33 insert:

34—Validation provision

Any enforcement determination purportedly made by the Fines Enforcement and Recovery Officer under section 13 of the *Expiation of Offences Act 1996* before the day on which this clause comes into operation is declared to have been validly made notwithstanding that there was not compliance with the requirements of subsection (1) or (2) of that section.

These changes make amendments to the schedule.

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

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) (12:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RESEARCH, DEVELOPMENT AND INNOVATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 November 2017.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (12:51): By way of explanation, the government will not be putting this bill to a second reading vote or pursuing it to the committee stage, but I understand there is an honourable member who would like to make a second reading speech on the bill.

The Hon. T.A. FRANKS (12:51): I rise on behalf of the Greens to speak to the Research, Development and Innovation Bill 2017. A quick summary of this bill: it was introduced into the other place by minister John Rau on 29 September this year and debated on 31 October in that place within the space of less than an hour, and then introduced into this place on 1 November. The Greens now rise to speak to it for the first time of any non-government member in this place.

This bill, the Research, Development and Innovation Bill 2017, seeks to overcome what are perceived to be legislative or regulatory barriers to research and development by providing for a 'research and development declaration' to be made by the Governor on the recommendation of a minister. This declaration can temporarily suspend, modify or disapply laws that would otherwise prohibit the pursuit of an innovative research and development proposal.

The bill, therefore, confers unfettered powers to government to override any existing laws by way of this declaration. The Greens believe that this is without appropriate safeguards. We note that one law is exempt, that is, the Aboriginal Heritage Act. For some reason, the government has seen fit to exempt that law from this bill that allows a minister, at the stroke of a pen, with the permission of the Governor—which we know is not something that the Governor would ever refuse a minister—to wipe out any one of our 500-plus laws, with the exception of the Aboriginal Heritage Act.

I assume that perhaps the minister just got to A in the list of those 500 acts that we have, because the Aboriginal Heritage Act is, of course, the first on the list. We wonder why the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act is not subject to also being removed from the wide scope of this bill. I ask why the Animal Welfare Act is able to be suspended by this bill, why the Controlled Substances Act is able to be suspended by this bill, why the Criminal Law Consolidation Act with all of its many provisions is able to be suspended by this bill and why the Daylight Savings Act would need to be suspended by this bill.

We have concerns about the Environment Protection Act, the Environment Protection (Sea Dumping) Act, the Equal Opportunity Act, the Family and Community Services Act, the Family Relationships Act, the Explosives Act, the Firearms Act and the Gaming Machines Act—that one I do raise some alarm bells about. Why would we not have protections against the gaming industry and some of the things that they undertake?

We also have concerns about the Health Practitioner Regulation National Law (South Australia) Act, the Heritage Places Act, the Independent Commissioner Against Corruption Act, the Liquor Licensing Act, the Lottery and Gaming Act, the Maralinga Tjarutja Land Rights Act, the Motor Vehicles Act, the Murray-Darling Basin Act, the Proof of Sunrise and Sunset Act, the Public Assemblies Act, the Public Sector (Data Sharing) Act, the Racial Vilification Act, the Research Involving Human Embryos Act, the TAFE SA Act, the Terrorism (Commonwealth) Powers Act, the

Terrorism (Police Powers) Act, the Terrorism (Surface Transport Security) Act, the Tobacco Products Regulation Act, the Transplantation and Anatomy Act and the Water (Commonwealth Powers) Act.

The Greens ask: why on earth do these acts need to be part of the broad scope of this bill? The government has asked for a blank cheque here. Minister John Rau in the other place, in that very short debate on Tuesday 31 October, gave the game away: he was asked who he had consulted about this. We were told that under Premier Weatherill the days of declare and defend of Mike Rann's leadership were gone, but this is definitely a declare and defend bill. John Rau did not declare this bill and did not consult on this bill with anyone in the community.

He notes in passing, in the other place, that he may have mentioned it to the LGA, but he was not terribly sure. However, he then gives the game away because he reveals that he has, in fact, written and sent a copy of this bill to the managing director of Google in Australia; the country manager of Amazon in Australia; the managing director, Australia and New Zealand, of Apple; Tesla Australia and New Zealand; the managing director of Microsoft Australia; Samsung Electronics Southeast Asia and Oceania; and the managing director of Facebook for Australia and New Zealand.

He has written to these big tech giants, telling them that he has a bill that has the ability to suspend or disapply for 18 months—under declaration of the minister; at the stroke of a pen from the Governor—any of our state's laws, with the exception of the Aboriginal Heritage Act. He is too lazy to outline what laws might be suspended or disapplied under this bill. The minister has dubbed this a 'no-regrets move' in his speech to the other place. I say to this council that this is a high-regrets move if we do not take adequate safeguards. The Greens support research development and innovation. The Greens also support the 500-plus laws of this state, and we do not agree with giving a blank cheque to sign away our laws, sight unseen, to this government to put South Australians up as lab rats for big tech. We stand opposed to that provision.

I have an amendment to this bill that would demand at clause 2 that this government comes clean and tells us which laws they plan to suspend. This is not like the laws that we pass through this parliament with debate about driverless cars, and the laws that we had to suspend for that. South Australians were told that was happening, and this parliament was told what laws applied. We had a debate, and that is the way it should operate. We have a democracy, and this government, in this case, has sought to circumvent it. The Law Society has raised quite significant concerns and talked about the purported safeguards being inadequate and unsatisfactory.

We know that while there is some parliamentary recourse, they are all after the fact, in this bill. This parliament, probably as of tomorrow, will not sit again until at least April next year. So, for parliament to have that safeguard after the fact means that for some five or six months South Australians may have no say in our rights being signed away under this particular research and development bill. The Greens support research and development and we support innovation, but we also support civil liberties and the rule of law. We also support the grave concerns raised here by the Law Society.

I also note, having put this out to the 'interweb' just a day ago, that 10,000 Australians have also expressed their concerns. I note that I have received a petition that has already gained over 10,000 signatures in less than 24 hours. It is titled 'Corporations are about to become above the law in South Australia'. At the time that I printed this out, it had 10,299 signatures. That was about an hour ago, and it only started yesterday morning. The petition states:

> This is urgent: we've just heard that the South Australian Government is trying to rush through a Bill which would give tech companies like Uber and Amazon the ability to bypass any state law they choose.
>
> This unprecedented Bill would give powerful tech companies the ability to override anti-discrimination laws, worker's compensation, environmental protections and occupational health and safety standards, all with just a penstroke from the Minister.

I seek leave to table these 10,000 signatures so that John Rau might see that this is indeed not a no-regrets move.

Leave granted.

The Hon. T.A. FRANKS: It will be no surprise that the Greens welcome the government's concession this morning that we will not be proceeding into committee stage with this bill. The Greens

say that if you want a bill like this that suspends our laws, you need to put on the table for all South Australians to know what laws you plan to suspend. We want innovation in this state, but we do not want sneaky laws like this passing through our parliaments in the dying days before a state election. With those few words, I look forward to a much improved bill in the future.

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

Sitting suspended from 13:01 to 14:17.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2016-17—
- Berri Barmera Council
- Campbelltown City Council
- District Council of Ceduna
- District Council of Elliston
- District Council of Grant
- District Council of Lower Eyre Peninsula
- Mid Murray Council
- Rural City of Murray Bridge
- Tatiara District Council
- District Council of Tumby Bay
- City of West Torrens
- Wudinna District Council

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

Work Health and Safety Act 2012 Report dated November 2017
Regulations under the following Acts—
- Legal Practitioners Act 1981—Notaries Public
- Local Government Act 1999—Financial Management
- Notaries Public Act 2016—General
- Public Sector (Data Sharing) Act 2016—Relevant Entities

Rules of Court—
- District Court—District Court Act 1991—
  - Civil—
    - Amendment No. 35
    - Supplementary—Amendment No. 7
  - Criminal—
    - Amendment No. 5
    - Supplementary—Amendment No. 4
  - Special Applications—
    - Amendment No. 1
    - Supplementary—Amendment No. 2
- Supreme Court—Supreme Court Act 1935—
  - Civil—
    - Amendment No. 34
    - Special Applications—Amendment No. 2
    - Supplementary—Amendment No. 8
  - Criminal—
    - Amendment No. 5
    - Supplementary—Amendment No. 4

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

Reports, 2016-17—
Anzac Day Commemoration Council
Construction Industry Training Board
Defence SA
Office of the Small Business Commissioner
StudyAdelaide
TAFE SA
Regulations under the following Acts—
SACE Board of South Australia Act 1983—Fees No 2
South Australian Commercial Blue Crab Fishery Management Plan dated 29 November 2017

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

Reports, 2016-17—
Central Adelaide Local Health Network
Central Adelaide Local Health Network Health Advisory Committee
Country Health SA Local Health Network Health Advisory Council Inc
Country Health SA Local Health Network Inc
Northern Adelaide Local Health Network
Northern Adelaide Local Health Network Health Advisory Council Inc
SA Ambulance Service Inc
SA Ambulance Service Volunteer Health Advisory Council
Southern Adelaide Local Health Network
Southern Adelaide Local Health Network Health Advisory Council
South Australian Mental Health Commission
Women's and Children's Health Network
Women's and Children's Health Network Health Advisory Council Inc

Parliamentary Committees

PRINTING COMMITTEE

The Hon. J.M. GAZZOLA (14:21): I demand to be heard in silence for I bring up the 2nd report of the committee—

Members interjecting:

The Hon. J.M. GAZZOLA: Silence—which is my last.

Report received.

Ministerial Statement

DATACOM

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:21): I table a copy of a ministerial statement relating to Datacom made earlier today in another place by my colleague the Minister for Investment and Trade.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (14:22): As Chair of the Budget and Finance Committee, by leave, I move:

That standing orders be so far suspended to enable me to move forthwith a motion without notice.

Motion carried.

The Hon. R.I. LUCAS: I move:

That on prorogation of the parliament leave be given to the committee to sit during the recess to report on the first day of the next session.

Motion carried.

Question Time

MENTAL HEALTH PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Health a question about the mental health plan. I would like to ask it in silence, just for once, please.

Leave granted.

The PRESIDENT: I want to hear this question in silence.

The Hon. D.W. RIDGWAY: Earlier this week, the minister acknowledged the important work undertaken by South Australia's Mental Health Commissioner, Mr Chris Burns, in developing a new mental health plan for South Australia. My question is: can the minister assure the council that the mental health plan, as prepared by Commissioner Burns, will be released in full, along with the government's response, and that neither he or his office, or SA Health, has or will doctor the document ahead of its public release?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:23): Thank you to the honourable member for his important question. The mental health plan that the Hon. Mr Ridgway has asked about is an important strategic exercise for the state and is an important piece of work that has been undertaken over a substantial period of time. I think, either yesterday or certainly Tuesday, in a response to a similar question, I outlined the very substantial consultative piece that has been undertaken by Commissioner Burns in talking to people throughout the community, both in regional South Australia and metropolitan South Australia, with young people and older people. This is a significant exercise for a very important and worthwhile cause. It is important that we get that right. We hope to be able to release the mental health plan shortly so that we can get on with the job of starting to implement it.

MENTAL HEALTH PLAN

The Hon. S.G. WADE (14:24): Supplementary question: do I take it from the minister's answer that he, his office or SA Health has doctored the plan?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:25): I am not too sure what the honourable member is referring to when he starts using the word 'doctored'. What we are doing is developing the plan. Commissioner Burns has authored that plan and we look forward to implementing it as quickly as we can.

MENTAL HEALTH PLAN

The Hon. S.G. WADE (14:25): Supplementary question: when the mental health plan is released, will it be the mental health plan of Commissioner Burns or will it be the mental health plan of the Labor government?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:25): It will be the plan that Commissioner Burns has authored, commissioned by the state Labor government, which takes mental health policy very seriously.

MENTAL HEALTH PLAN

The Hon. S.G. WADE (14:25): Supplementary question: will the minister give an undertaking that, at the time of the mental health plan being released, he will release a copy of the original mental health plan as prepared by the Mental Health Commissioner, so that the community can see where the government's priorities differ from those of the Mental Health Commissioner?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:26): I think people throughout the community, particularly those people working within the mental health sector—

The Hon. D.W. Ridgway: They don't trust you: that's what it is.

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —want to see the plan that is going to be implemented, and that is what we will be releasing.

MENTAL HEALTH AUDIT

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before directing a question—

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

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —to the Minister for Mental Health and Substance Abuse regarding an audit of SA Health facilities.

Leave granted.

The Hon. J.M.A. LENSINK: On 9 May 2017, the then minister for mental health and substance abuse informed the parliament that, as part of the government's response to the Oakden crisis, 'an external clinical audit of other mental health and ageing facilities…would be conducted across SA Health', the purpose of the audit being to identify potential risks to vulnerable residents in state-run aged-care and mental health facilities.

The same day the minister announced the audit, the CEO of SA Health, Ms Vickie Kaminski, indicated that SA Health would investigate 46 aged-care sites and 19 mental health inpatient services and that once the audit had been completed, its findings would be released. My questions for the minister are:

1. Has the external audit of all 46 aged-care sites and 19 mental health inpatient services been completed?

2. Did the audit identify any potential risks to vulnerable residents in any state-run aged-care facilities and, if so, what actions have been taken in response to those potential risks?

3. Did the audit produce one report for all 68 facilities and services or two separate reports—one for aged care and another for mental health services?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:27): Again, I thank the honourable member for her important question. Earlier this year, the Chief Executive of SA Health did commission an independent audit of South Australian inpatient mental health services, as alluded to by the Hon. Ms Lensink. The review was held by Mr Kevin Fjeldsoe, a consultant to the Queensland Centre for Mental Health Research at the University of Queensland, with three other interstate experts.

This is part of the substantial process to ensure that the recommendations from external reviews are on track to be implemented. Senior mental health clinicians in South Australia are working together to ensure that these service improvements do take place, and the aim of the audit, of course, was to consider the actions taken in response to three external reviews of mental health services and recommendations from accreditation surveys conducted since January 2013.

The audit team consisted of interstate experts, including senior psychiatrists and mental health nurses, and a commitment to the House of Assembly was given by the former minister for mental health and substance abuse for the findings of the audit to be released publicly. The audit team noted that there was clear evidence that services within SA Health adhered to the standard accreditation processes and that a considerable amount of work has been undertaken and is being undertaken in response to the recommendations of the reviews. The audit team has made recommendations on planning, governance, mainstreaming and patient flow, and community and consumer care and input into governance.

SA Health intends to establish a statewide clinical leadership group called the Mental Health Leadership Group (funny about that) to take responsibility for the development and delivery of mental

health service indicators and strategy across South Australia. The leadership group will be responsible for the development of new models of care that reflect the best practice and seek to engage clinical staff, clients and carers across the services to ensure the delivery of services in South Australia.

MENTAL HEALTH AUDIT

The Hon. S.G. WADE (14:30): Supplementary question: given that the minister's answers only related to mental health inpatient facilities, should the council assume that the audit did not cover the 46 aged-care facilities that Ms Kaminski referred to in her public statement?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:30): For the sake of accuracy, rather than answering that to the best of my recollection, I would rather double-check it and take that question on notice. I am also happy to ask that question offline this afternoon and try to get that information to the Hon. Mr Wade because that is a legitimate question that I will try to provide an answer to as quickly as possible.

MENTAL HEALTH AUDIT

The Hon. S.G. WADE (14:31): Supplementary question: I thank the minister for that undertaking. Could he take, as a supplementary to the supplementary: is that report to be published and will there be a government response to it? It is probably out of order but I indicate that I would welcome answers to questions on notice even after the house rises.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:31): Yes, I am happy to ask those questions in conjunction with the ones that I have already taken on notice.

CHIEF PSYCHIATRIST

The Hon. S.G. WADE (14:31): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about special reports to parliament by statutory officers.

Leave granted.

The Hon. S.G. WADE: Yesterday, the minister tabled the Chief Psychiatrist's Annual Report for 2016-17. Unlike previous annual reports from the Chief Psychiatrist, this year's report is short, bland and one might describe it as lifeless. It is less than a third of the length of last year's annual report and makes no mention of the Older Persons Mental Health Service at Oakden or the fact that the Chief Psychiatrist, in the financial year that is relevant to the report, undertook a review into the services at the Oakden facility.

What this year's annual report does mention—and this is in the Chief Psychiatrist's brief covering letter—is that it meets the requirements of Premier and Cabinet Circular PC 103 on annual reporting. Circular 103 is the same circular that the Principal Community Visitor referred to in his annual report to parliament when he said that he felt compelled to produce a vastly different report and reduced his capacity to discuss or raise issues of concern. When the question of whether circular 103 gagged the Principal Community Visitor was raised with the government earlier this month, it advised the ABC that:

> If necessary, special reports can be provided to the Minister for the purposes of tabling to Parliament.

The special reports referred to in that statement are special reports that are specifically mentioned in the legislation supporting the role of the Principal Community Visitor. My questions to the minister are:

1. Did the minister read the Chief Psychiatrist's report before he tabled it in parliament yesterday and, if so, was he surprised to find no mention of Oakden in that report?

2. Given that, unlike the Principal Community Visitor, there is no capacity for the Chief Psychiatrist to make special reports to parliament, how will the parliament be made aware of the Chief Psychiatrist's concerns?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:33): I thank the honourable member for his question. There are a few different components so I will try to deal with each of them. The Chief Psychiatrist's report in this state is a very important one. The importance of that role is likely to continue to increase as we develop more community awareness around the importance of mental health services and the extraordinary demands placed upon them.

The Chief Psychiatrist's role, I think, has also been particularly highlighted by the exercise that he has undertaken in respect to Oakden, and how important that is to the government in terms of informing its response to Oakden going forward. We are, of course, currently in the process of implementing the Chief Psychiatrist's recommendations in that respect.

In that context I was not entirely surprised around the lack of references to Oakden to which the Hon. Mr Wade refers, because the question and the issues there have been dealt with more substantially in the body of the Chief Psychiatrist's report on Oakden itself. Notwithstanding the fact, it is an incredibly important issue, and I can understand the context of the Hon. Mr Wade's question.

The Hon. Mr Wade is right to refer to the changes that were required of annual reports in the context of the Premier's circular, and I have been advised of that. It is important to remind ourselves that the object of that exercise is to make sure that annual reports are easily digestible and presentable to the South Australian community at large. Trying to balance the appetite for infinite detail versus trying to make something easily consumed by the general public is always going to be a difficult balancing act for governments in providing reports, and of course we want to make sure that institutionally, particularly statutory officers like the Community Visitor or the Chief Psychiatrist, have the capacity to be able to provide substantial reports, to which the public should be entitled in important matters such as these, and it needs to be maintained.

The Hon. Mr Wade is right to refer to the fact that the Principal Community Visitor has the capacity (and this is specifically prescribed in the legislation that relates to them) to be able to provide special reports to the parliament. I have met with Mr Corcoran and conveyed to him my desire that he utilise that in any way that he sees fit, and I anticipate that he may or may not take that up in due course.

Similarly, the same principles apply to the Chief Psychiatrist. Without quoting the act specifically, I will take it on Mr Wade's word that there is not specific reference to the capacity for the Chief Psychiatrist to be able to do that in his report, but that does not prevent him from doing it, and I welcome any information or reports the Chief Psychiatrist wants to provide to me as the minister at any point in time.

CHIEF PSYCHIATRIST

The Hon. S.G. WADE (14:37): Supplementary question: I appreciate that I may have misread the act, so I welcome the minister double-checking but, whether or not the requirement is there, will the minister give an undertaking that, if the Chief Psychiatrist does give him or his successors a special report other than an annual report, he will follow the statutory tabling requirements that relate to the annual report?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:37): That is something I will have to take on notice. The reason I say that—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —and I understand the context of the Hon. Mr Wade's question—

Members interjecting:

The PRESIDENT: Order! Minister, please sit down for one minute. Not only is that annoying, honourable Leader of the Government, but it is also rude. I prefer you to allow the minister to finish his answer without any interjection.

The Hon. P. MALINAUSKAS: The issue being that the Chief Psychiatrist may be commissioned by the government to undertake a report on a matter relating to an individual patient or an individual circumstance that necessarily requires confidentiality. I can think of one instance where that has taken place at the request of a patient or their family.

So, we have to balance those competing interests. I am happy to take advice on a situation where the Chief Psychiatrist provides a special report that is general in nature, in the same way that any report is, and our ability to table that. If there is no impediment to do so, that would be a decision that I would have thought would be taken up.

CHIEF PSYCHIATRIST

The Hon. S.G. WADE (14:38): By way of supplementary: if I could clarify, minister, I ask you to take on notice that, if the Chief Psychiatrist presents to the minister a special report to parliament, expressed in their terms—after all, nobody forces the Principal Community Visitor to write a special report labelling it such, unless they so choose—that it would be provided to parliament, as is the spirit of the legislation.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:39): I am happy to take that on notice.

CHIEF PSYCHIATRIST

The Hon. J.S.L. DAWKINS (14:39): Supplementary question: given that Dr Brian McKenny has been acting in the role of chief psychiatrist since the departure of Dr Aaron Groves, a fine chief psychiatrist, to Tasmania, when is it envisaged that a new permanent chief psychiatrist will be appointed?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:39): Let me thank the honourable member for his supplementary question. The process of recruiting our new chief psychiatrist is underway and we would hope that that appointment is completed sooner rather than later.

The PRESIDENT: The Hon. Ms Gago, this is your last question of your parliamentary career so good luck.

The Hon. G.E. GAGO: Thank you, sir.

An honourable member: She might have a supplementary.

The Hon. G.E. GAGO: Well I may, too. I might have several.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. G.E. GAGO (14:40): My question is to the Minister for Automotive Transformation. Can the minister advise the chamber how an automotive supply chain company has diversified and is now supplying new products to the market?

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) (14:40): I want to thank the honourable member for her excellent question, and there are probably the some hundreds of questions she has probed ministers with in this chamber in her time, and answered orders of magnitude more than that in the 15 or so years—

The Hon. G.E. Gago: Sixteen years.

The Hon. K.J. MAHER: —16 years she has been in this chamber. It is one of the aims of this government over the last few years to help companies and their workers diversify their businesses as we have seen the slowdown in automotive manufacturing. One such company is Rope and Plastic Sales Pty Ltd, a privately owned South Australian company located in Regency Park with a core capability of manufacturing plastic car battery components for the auto industry. Rope and Plastic received a $200,000 Automotive Supplier Diversification Program grant in 2015 to start a project to develop and manufacture a portable, fully adjustable clothesline system which is targeted at both small and large scale aged care, health and urban living environments.

The product meets the needs of a diverse range of groups including aged care, disability and people living in small spaces such as apartment blocks or townhouses. The company is now preparing to take their locally made EcoDry Clothesline to market. The EcoDry Clothesline has a number of unique features which will benefit their target market: things like casters for easy moving, unique line tension adjusting dials, a lever for adjusting height with ease with four height settings, UV and rust resistance. It is lightweight at just four kilograms and it has the benefit of some 16 metres of hanging space, to name just a few of the great features of this clothesline.

I understand the company is working with a number of South Australian manufacturing companies in this project including automotive supplier Axiom Precision Manufacturing for plastic components, and product designer John Packer, and a number of other local toolmakers, who have developed the specialised tools required to manufacture the product. The clotheslines are in part being assembled at Mobilong Prison and will be distributed through their local company, Hegs Pegs, which is run by local South Australia innovator, Scott Boocock.

This is a great example of a company whose core business was automotive battery handles for the Australian and United States markets. Having made the transition to a new product line that is about to hit the market and I am sure will be a global success. I was very fortunate to see some of their very first products at their display at the Royal Adelaide Show a few months ago, and I have every confidence that this will be yet another world-beating South Australian product and company.

MARINE PARK SANCTUARY ZONES

The Hon. M.C. PARNELL (14:43): I seek leave to make a brief explanation before asking a question of the Minister for Environment, Conservation and Sustainability about marine parks.

Leave granted.

The Hon. M.C. PARNELL: I received some correspondence from a constituent who is possibly a frequent flyer in terms of correspondence with government, a person who has been most helpful in pointing out some illegal activities that have occurred in marine parks such as illegal fishing, yet he has written to me with some degree of frustration in relation to the Encounter Marine Park and in particular the northern area of the Encounter Marine Park around the former Port Noarlunga Aquatic Reserve.

My constituent's issue is quite a simple one and he has a suggestion for the minister. His suggestion is that it would be a nice Christmas present to the reef system at Christies and Port Noarlunga if the government could install some signage and some information to assist people on the land to know exactly where the boundaries of the marine park are and the types of activities that are allowed or not allowed in that park. That is my question to the minister: is he up for a Christmas present for the park, to include some new signage to help people understand their obligations and responsibilities in interacting with marine parks?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:45): I thank the honourable member for his most important question. It is important, I think, to go back a step and talk about marine parks, why they are so important and why constituents of the honourable member's that he raised—and others of course—view marine parks as being so very important to our state. It was this state government that created a marine park network that is one of the most significant conservation programs ever undertaken in this state, and indeed one of the most significant marine conservation programs ever undertaken in this country.

I have contrasted our approach in this state to the commonwealth's, of course. Very significant marine parks were established by the former Labor government, but on change of government to the federal Liberal government, they just refused to enact all the regulations and instruments that would bring the marine parks into effect, effectively white-anting the commonwealth marine parks. All the benefits that would have flown from those over the years have failed to materialise because, of course, the commonwealth government, as we know, under the Liberal National Party has absolutely no commitment to the environment, particularly the marine environment and conservation principles.

Our marine parks were developed using, as always, the best local, national and international scientific advice we have available to us. Each marine park is zoned to provide for conservation and ongoing community and, of course, industry use. I am advised that a public perception survey that was carried out in early 2017 indicates that around 90 per cent of South Australians support marine parks.

Scientists, local businesses, tourists and the South Australian community are, of course, right behind our marine park network. They understand that it is not only important for preserving biodiversity, but also it is very important to our state's economy. That's why it's incredibly surprising that Steven Marshall, the Leader of the Opposition and the member for Dunstan, was out in the media earlier this year—about June, I think—having, as is the usual practice for him, an amazing whinge about marine parks. It joins the long queue of negativity, whingeing and moaning that the Leader of the Opposition in the other place has become known for.

I would encourage the member for Dunstan to consider the booming industries that have built up and will be building up around our marine parks. We have talked about some of them previously. Our shark viewing industry out of Port Lincoln generates about $13 million annually and currently employs around 80 people, I am advised, and is ready to build bigger boats and create more jobs, all underpinned by our marine park network and based on good CSIRO science and PIRSA and DEWNR monitoring.

It would astound me, but unfortunately it is the case. The member for Dunstan, Steven Marshall (the Leader of the Opposition), would proudly declare on 16 June on FIVEaa that his party worked very, very hard to scale back the marine park legislation, but we know that for a fact. We were here watching it. We were participating as the Liberal Party in this place desperately tried to destroy one of the state government's great achievements: the marine parks in South Australia. He was on radio showing off about his party's position, that they are not only anti-jobs, anti-tourism and anti the regions but they are also anti-science.

It runs counter to the opinion of the vast majority of South Australians who recognise the value of our marine park network to our economy, our environment and, of course, the important job that we embark on, which is to create employment, particularly in regional South Australia. That's our commitment. As I said, the federal government is rolling back plans for marine protections and marine parks, 'the largest undoing of conservation ever'. That's not my quote; it is what others are saying about it.

We know that the Liberal Party has the ideological mindset to oppose conservation. They don't get it, they don't understand it, they have no empathy for it. The anti-science agenda we have seen on evidence all this week. They don't ask experts for advice. They just make up policy as if it was a thought bubble, an afterthought, and then respond when the experts say, 'Why didn't you ask us? Have you considered these implications and the negative impacts of what you have proposed?'

Only around 6 per cent of state waters—about 3,700 kilometres—have been assigned the highest level of protection as a sanctuary or restricted access zones, and yet this is what seems to get the Liberal Party in this state more agitated than anything else. This leaves, of course, the vast majority of our state waters available for fishing. Other resource use is about 94 per cent. What's often overlooked in the approach the Liberals have to marine parks is that there is a greater variety—in our state waters, at least—of marine life than you would find in the Great Barrier Reef. Our government recognises this.

We take the advice of our scientists about what zones are the most important in order to protect this incredible biodiversity and preserve those elements of the underwater environment, as we would on land and terrestrial parks. Of course, part of the problem has always been that underwater marine parks are difficult to see—unless you are a diver, they are difficult to participate in—and somewhat less valued, unless people actually understand what's at risk here. It's important that we get this right and it's important that we have the marine parks in place, protected for the long-term, so that we can preserve this important marine habitat for future generations.

To ensure appropriate management, including monitoring and compliance, the government is investing an additional $4 million over four years. This started in 2014 or 2015, or thereabouts, bringing our total marine parks budget to around $12 million over this time. A further $3.25 million

has been provided over three years to encourage community use of marine parks and to support recreational fishing in and around our marine parks. I have to say, I am again a little bit puzzled by a Liberal Party policy release this week, where they are attacking recreational fishers. They are attacking recreational fishers and they are trying to cram them into a policy environment where they sit down to talk about their fishing issues with commercial fishers. I can't believe it. Do they not understand the different issues—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —that industry have compared to recreational fishers, who like to drop a line in on the weekend and spend some time in our unique environment? They have completely different issues, but, of course, the Liberal Party in this state don't understand. They think they can stick recreational fishers in with commercial fishers and don't understand that there is some disproportionate power structure involved in that, not least being the amount of money behind the commercial sector, who can just shout down the recreational fisher. Clearly, that is what they want to do.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: That's clearly what the Liberal Party in this state want to do. They want to ignore recreational fishers. They don't have any concern about the issues that they think are important, and they come up with this wacky policy. Guess what? They didn't even ask recreational fishers what they thought before they announced the policy. They didn't even ask them. Out of the blue, RecFish SA said, 'No, we weren't consulted about this. My goodness gracious, how could they bring out a policy without checking with us first?' I have to say that the Liberal Party are just sticking to form, ignoring advice from the experts and ignoring advice from stakeholders who will be most impacted by the policy decisions they are making.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: I have to say, this just shows the incredible disrespect they have for the population of South Australia. They don't believe they need to consult with anybody. I don't actually believe that they think they can win the next election, and so they are not actually going through what a proper process would be for a party in opposition who think they are going to transition into government. I don't think they actually think they are going to win, and that's why they are not bothering to get expert advice on these issues or other policy issues, or why they are not even bothering to consult with stakeholders who are crucially impacted by these policy decisions. You can list them all. The NRM approached the policy and it has outraged people in the NRM community.

The Hon. D.W. Ridgway: We did a survey. Even some people employed by DEWNR answered the survey.

The Hon. I.K. HUNTER: Yes, you did a survey. The Hon. Mr Ridgway said he did a survey, and a few hundred people, who are all probably signed-up Liberal Party branch members and their office staff—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —repeatedly pushed the button that they were told to push. That's the sort of survey they do.

Members interjecting:

The PRESIDENT: Just take a seat for a minute, please. This is the last question time for this parliamentary term. There are a number of crossbenchers and the Hon. Mr Dawkins who are very keen to get a question. As long as you keep on interrupting the minister, the longer it is going to

take for the answer, so I ask you to desist right now and allow the minister to finish his answer without interjection. Minister.

The Hon. I.K. HUNTER: Enough about the Liberal Party's lack of policy. When they do have one, of course, they don't consult anyone who is impacted—crucially impacted—by these policy decisions. As I say, I think that just shows that they have actually, in their heart of hearts, no real belief in themselves—

The Hon. G.E. Gago: They've given up.

The Hon. I.K. HUNTER: —no real belief that they can actually win the next election and, as the Hon. Gail Gago says in her wise way, they have given up. They have just given up. That is not surprising, given their history in this place, and it's little wonder that the people of South Australia have absolutely no respect for the Liberal Party, either as an opposition or as a potential government.

The PRESIDENT: Let's get on with finishing the answer.

The Hon. I.K. HUNTER: In response to the Hon. Mark Parnell's—

The Hon. D.W. Ridgway: Oh, so now we are ten minutes later and we get to the question.

The Hon. I.K. HUNTER: This is the key thing, Mr President. The Hon. David Ridgway, on behalf of the Liberal Party, don't give a damn about marine parks. They are trying to hurry me up because they don't want to hear the great work we have done on marine parks. They don't want to hear about the investment we have made as a state in marine parks because, really, they hate marine parks. As we've seen recently, too, they are not too fond of recreational fishers in this state. But that will come back and bite them. In terms of signage—

An honourable member: The fish are biting, are they?

The Hon. I.K. HUNTER: Well, someone's biting. In terms of information, it is very important of course. The honourable member may recall there was a lift-out in the *Sunday Mail* some time ago now—I can't remember exactly when it was, last year sometime—detailing the changes coming into place; the maps that are appropriate around our marine parks; there is an incredible amount of digital information—

The Hon. M.C. Parnell: But it's the sign on a beach. The sign on the beach.

The Hon. I.K. HUNTER: Yes well, a sign of the times, but we are going digital now, Mr Parnell, as you are. Most of that information is available. You can print it for yourself on the internet. You can probably get it on an app, for all I know. You might want to do your app research whilst I am speaking, Mr Parnell.

The Hon. J.S.L. Dawkins: What is an app? Do you know what an app is? Can you tell us what an app is?

The Hon. I.K. HUNTER: I think it's short for application, the Hon. Mr Dawkins, but I stand to be corrected on that one because I don't think I have actually used one, and if I have I didn't know about it. Of course, there is signage around our marine parks in certain places. I'm not quite sure where they might be in terms of Port Noarlunga. I was down at Aldinga recently with the member for Mawson—the next member for Mawson—and I did see some signs there about the marine park. I am sure they are dotted around the place. It may be not enough for your constituent, the Hon. Mr Parnell, but we need to balance in all these things the physical signs—

The Hon. G.E. Gago: Aesthetics.

The Hon. I.K. HUNTER: —with the local aesthetics, of course, but also with the greater availability to more people by putting it up in the digital interweb thing. Apparently, a lot of people actually use it. We do have copies available for people who seek it and who don't want to do their own downloading. I'm sure they can ring us up and we will provide them with that physical information they seek.

I understand the honourable member's constituent's concerns. I understand his obvious love for marine parks and his commitment towards them and if I had my way I would probably dot signs right up and down the coast every hundred metres, but I think I might get a few complaints about that

as well. So, the compromise is we put in some signs at key places: at car parks and where there are public restroom facilities. We have also funded a lot of those bins for fishers to put their used fishing line in rather than throwing them away into the environment. We have put signs in those crucial places of key access and we are relying on the internet to provide the other information for people on the go or who want broader information.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (14:58): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about suicide prevention training.

Leave granted.

The Hon. J.S.L. DAWKINS: Connecting with People (CWP) is a suicide mitigation training program suitable for a wide range of situations and audiences. The CWP program includes modules on suicide awareness, self-harm awareness, self-harm response, compassion at work, emotional resilience and emotional resourcefulness for all people from all walks of life and also suicide response one and two for health and social care professionals. Earlier this year, many representatives of suicide prevention networks around SA were trained in the self-harm modules from the CWP program at the statewide Network of Networks event. My questions to the minister are:

1. Will the minister indicate whether further elements of the CWP program will be made available to participants in the next statewide Network of Networks event, scheduled for 1 March 2018?

2. In addition, will the minister indicate if the CWP program will be made available to participants in the regional Network of Networks events planned for the first half of 2018?

3. Where will the regional events be conducted?

4. Is an additional Network of Networks event, incorporating training, planned to incorporate the growing number of metropolitan networks?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:00): I thank the Hon. Mr Dawkins for his question. I acknowledge again his passion for the area. It is an important cause. Suicide prevention is something we need to do more of. We have reflected previously in this chamber upon the fact that more people die of suicide each year in Australia and South Australia than people die in the road toll.

The Hon. J.S.L. Dawkins: One and a half times.

The Hon. P. MALINAUSKAS: One and a half times, as the Hon. Mr Dawkins refers to. Yet, we see on television every single day ads about the road toll, Motor Accident Commission ads, trying to get people to drive safely. We put an enormous amount of resources into road safety, as is appropriate, but it seems that suicide doesn't get the same level of attention, which I think is a concern. So, we have to start acknowledging that just like road safety being everybody's responsibility so is suicide everybody's responsibility. The Connecting with People program, the CWP program that the Hon. Mr Dawkins refers to, is part of that.

The Suicide Prevention Plan was put in place by this state government. The Suicide Prevention Plan goes from 2017 to 2021 and it was officially launched in September. It is supported with a substantial investment on behalf of the state government; $600,000 was contributed in the state budget for 2017-18. Through that exercise, there are currently 27 suicide prevention networks established across the state. These networks start lifesaving conversations and break down the stigma surrounding suicide.

The stigma is a contributing factor in people not disclosing how they are feeling or seeking help. If people are feeling suicidal, they should call Lifeline on 13 11 14. People concerned about immediate risk for themselves or others can call the SA Health Mental Health Triage on 13 14 65, which is a 24/7 service. In the 2014 election, the state government committed $903,000 per annum to the implementation of the South Australian Suicide Prevention Strategy that took us up to 2016.

This commitment includes $150,000 annually to support the development of suicide prevention networks, to which the Hon. Mr Dawkins referred, and a further $100,000 for project

officers to establish SPNs. Then, in the 2017 state budget, we announced a further $600,000 for 2017-18, which included $130,000 for grants to existing SPNs at the time of the announcement to increase their ability to take action in communities in 2017-18. An additional $100,000 has been provided for one FTE suicide prevention officer to continue the expansion of SPNs, specifically targeting the South-East region of South Australia.

SA Health provides facilitation for network development, working with each community to develop a suicide prevention action plan for the region. SPNs are established in local government regions, with many of the local governments providing invaluable encouragement and support. The SPNs are encouraged to work together on larger projects, and two examples of this have been Ride Against Suicide at the Royal Adelaide Show and the SOS Yorkes and SOS Copper Coast SPNs joining forces to participate in the Yorke Peninsula Field Day to raise awareness and break down stigma. It is a tragedy that suicide doesn't just outrank road deaths in terms of numbers but shows a disproportionate representation of people living in regional communities when it comes to suicide as well.

This is worthy of more attention, worthy of more effort and I think collectively, in a bipartisan way, I hope that future parliaments can continue to attack this tragedy of suicide.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:04): I would appreciate if the minister could bring, by way of correspondence, the specific answers to the questions I raised, but by supplementary question: the annual National Suicide Prevention Conference conducted by Suicide Prevention Australia will be held in Adelaide in July next year; will the minister provide the information as to what assistance, if any, the government is providing to the organisers of the conference?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:05): I am more than happy to take that on notice from the Hon. Mr Dawkins.

RENEWABLE ENERGY

The Hon. J.M. GAZZOLA (15:05): My question is to the Minister for Climate Change. Will the minister update the chamber on how South Australia is leading the nation on renewable energy and why this is important to tackle climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I thank the honourable member for his important question. All honourable members might recall that I have spoken previously in this place about the important role the electricity sector has in helping to meet the Australian government's Paris climate change commitments; in fact, it was just this week, so I hope they do. Here in South Australia, we know that climate change is real and, of course, this government is taking it very seriously indeed.

When it comes to transitioning to a low-carbon economy, South Australia is leading the way. We have more renewable energy than any other mainland state, currently sitting around just under the 50 per cent target. You will remember, of course, that we have set ourselves the 50 per cent renewable target to come through by 2025 and we are just sitting under it at the moment. We are building Australia's first solar thermal power plant and helping to repower Port Augusta's economy along the way.

The Hon. D.W. Ridgway: You're building it? I didn't think you were building it.

The Hon. I.K. HUNTER: Well, we are underpinning it with our state government's electricity purchase, the Hon. Mr Ridgway—something that has probably never occurred to you because all you do with power plants is sell them off. That's all you do—

The Hon. D.W. Ridgway: You blow them up.

The Hon. I.K. HUNTER: —you sell them off. What we do, of course, is we use our SMART policy as a government to underpin new infrastructure in this state and we are using the government's electricity purchase to make this project become a reality.

We are also building the world's biggest battery. Last week, I understand the Tesla battery began testing ahead of its 1 December operational deadline, an achievement that made headlines around the world. What we are doing here in South Australia is in fact world-leading and the world is taking notice. Around the world, governments are recognising the importance of transitioning to a low-carbon economy and they are watching what we are doing here in South Australia very closely.

Late last month, the Italian government began consultations on a new energy policy, as I understand it. At the heart of this policy was a commitment to phase out coal-fired power stations. We also had reports last week of two British energy companies asking the UK conservative government to increase the carbon tax to help increase cleaner forms of energy and phase out coal-fired power stations. That is a conservative government in the United Kingdom.

Then, of course, there is the Dutch government that have committed to shutting down all coal-fired power stations by 2030, and the newly elected New Zealand Labor government has started. It will strengthen their existing emissions trading scheme and adopt a zero-emissions target by 2050, Mr President. That might sound very familiar to you. It is a target that matches our state's target and a target that matches the states of New South Wales and Tasmania as well, as you undoubtedly know, led by Liberal governments.

Clearly, there is a trend emerging around the world: coal is out and renewable energy is in. It is not an ideologically-driven process around the world or, indeed, in most states of Australia, but it is for the state Liberal Party here in South Australia and it is for the commonwealth government, the federal Liberal National Party. Germany has a stated ambition for 50 per cent renewable energy by 2030, Denmark is aiming for this by 2020, and Swedes think they can get to 63 per cent by the end of this decade. So, they all think we can do it. The only people who disagree are the Liberal Party in South Australia.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! Will the Leader of the Opposition please desist and allow the minister to finish his answer.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: They squeal as loud as they can, but the facts tell the story. People around the world are transitioning their electricity sectors to renewables, and the only people we know of who oppose it are the Liberal Party in South Australia and the Liberal Party at a national level. We remember from earlier this week that I said that the electricity sector accounts for almost one-third of the nation's greenhouse gas emissions. We know that, by forging ahead and developing our own low-carbon economy, South Australia will create jobs, grow that economy and help kickstart new industries.

Last week, the Climate Council of Australia released a report called 'Renewable energy jobs: future growth in Australia' that demonstrated exactly this. The report showed that over 2,000 jobs in South Australia's renewable energy industry could be in jeopardy because of the Turnbull government's NEG thought bubble and they will be in jeopardy because of this state Liberal opposition's slavish connection to the federal government. It is like they have an umbilical cord and they can't even come up with their own energy policy. This state Liberal opposition's energy policy is simply to hand over all responsibility to the federal government. That is their only energy policy. That's all they have.

We should not forget that the Hon. Steven Marshall, the member for Dunstan, signed up to the NEG before he even saw any of the details. It was a thought bubble that the federal Liberals led. Josh Frydenberg was out there thinking about this off the top of his head, and Steven Marshall ran outside and said, 'Yep, we'll sign up to that. We're in for it.' He didn't even have any of the modelling. Why didn't he have any of the modelling? Because there was none presented to anybody. The modelling wasn't even presented when this was thought of and Frydenberg was out there in the media extolling the virtues of NEG. Steven Marshall, the member for Dunstan—

The Hon. J.S.L. DAWKINS: Point of order.

The PRESIDENT: The minister will take a seat. Point of order.

The Hon. J.S.L. DAWKINS: The minister should refer to a minister of the federal government by his proper title and he knows that.

The PRESIDENT: Yes, you should refer to people by their proper title but also the Leader of the Opposition should show respect in his own position by desisting in interjecting while the minister—

The Hon. D.W. Ridgway: I was just trying to inform the minister about the app.

The PRESIDENT: That is of no interest to me at all. My interest is in making sure that as many questions are asked in this session—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: He would have been finished 10 minutes ago if you weren't interjecting. Minister, will you please hurry up and finish your answer.

The Hon. I.K. HUNTER: Thank you, Mr President. Those opposite are saying no to jobs in South Australia and yes to big power companies having a higher concentration of the power market in this state, which is all they care about, of course, because we all know that they only represent big business. That is all they know how to do—slavishly signing up to big business and big banks. That is the Liberal Party scheme for South Australia. What we look at is the expert advice. The expert advice from climate change scientists, energy policy experts and leading economists from around the world is that renewable energy is integral to fighting climate change, growing our economy at the same time and preparing for a carbon-constrained future.

Last week, right here in Adelaide, the South Australian government brought together climate change and energy leaders from around the country, including economist Professor Ross Garnaut AC, Climate Council CEO, Amanda McKenzie, Smart Energy Council CEO, John Grimes, and Patrick Matweew of Redback Technologies, to push for our national energy policy, which rejects coal and delivers clean, affordable, reliable energy and creates jobs.

Once again, South Australia is leading the way in this energy policy debate by bringing together these leaders to discuss the importance of a national energy policy which recognises that renewable energy is our future. Around the room, there were many who were concerned about any proposed national energy policy that prioritises coal and punishes renewable energy, creating a duopoly in the energy sector. The Turnbull government's proposed NEG policy will reduce competition in the energy market, favouring big energy companies and pushing smaller renewable energy companies out.

The federal government continues to ignore expert advice and pursue a policy that will lose jobs—our jobs that are coming along with all the projects in the pipeline now—put upward pressure on power prices, of course, and increase carbon emissions compared with an increased renewable energy mix. Meanwhile, here in South Australia, we are standing up for our state. We are standing up for South Australians and we know that they agree with us that we must transition to a low-carbon economy.

In March this year, the state government released its energy plan, South Australian Power for South Australians, which supports renewable energy technologies and South Australian gas. Since then, South Australia's wholesale prices have fallen, with prices projected to continue to fall. Mr Elon Musk said on Sunday 29 October that:

> People in Australia should be proud of the fact that Australia has the world's biggest battery.
>
> This is pretty great. It is an inspiration and it will serve to say to the whole world that it is possible.

He is right, Mr President. Instead of being proud of it, of course, all we hear from the Liberals is criticism. That is all they have: negativity and criticism. But then what do we expect from a party that has opposed almost everything that we have tried to do in this state? They opposed the tramlines going in. They opposed the oval being redeveloped. There is not one positive thing that has happened in this state that the Liberals have not gone out with pleasure and glee to oppose, to criticise and to run down.

You can't have a serious energy policy until you turn your back on coal, until you embrace what Malcolm Turnbull, the Prime Minister, signed up to in Paris at COP 21, which is the emissions reduction schedule that we have to deliver if we are to keep global warming to below 2º. You can't do it by opening new coalmines. You can't do it by embracing coal as a future for our energy sector and not having a solution for all of the work that you push to the other sectors of the economy, as I discussed earlier this week.

That means that you are going to make agriculture pick up the slack and cost farmers. That means that you are going to make manufacturing pick up the slack, and you are going to put that cost on to workers. That means that you are going to make transport industries around the country pick up that slack, and that means jobs and higher costs.

I have to say that the Liberals are out there with a very brave plan, not one that they worked out themselves, just one they signed up to when Josh Frydenberg—I don't know how you say Minister for the Environment in Hungarian—comes out with a thought bubble without releasing the modelling behind it, and the member for Dunstan runs out to the media quickly and says, 'Yes, we're signing up for it.' Having not seen the modelling, having not done his due diligence about what the impact will be on our state—and it is pretty dire—he said, 'Yes, I'm up for it and, by the way, we are still handing over our RETs to the commonwealth. We are getting rid of our renewable energy targets that the South Australian Labor government has put in place, and we are giving all of that control to the federal government,' who don't even believe in one.

Don't take my word for it, let me read briefly onto the record a few pertinent comments about why South Australia must and will lead the world on renewables. This article states:

> When Tesla founder and CEO Elon Musk held a party in late September to celebrate a connection agreement for the already half complete Tesla big battery in South Australia, and declared the installation to be 'not just talk but reality', the timing would not have been lost on premier Jay Weatherill.
>
> It was a year and a day after the state-wide blackout that put the whole idea of turning the state into a renewable energy laboratory into question. It was painted as a black day for wind and solar, but it turned out to be a reality check about Australia's ageing and dysfunctional [energy] grid.
>
> On Friday, at the start of what could be a long, hot summer, Weatherill and energy minister Tom Koutsantonis will preside over the official opening of the world's biggest lithium-ion battery, and they are not backing off or slowing down.

Indeed, we are not, Mr President. The quote continues:

> When they say they intend to make the state 'self sufficient' in energy, and even promise to 'go it alone', they are not kidding.
>
> While the long-term renewable energy transformation is stalled at federal level by ideology, ignorance and plain bloody-mindedness, Weatherill and Koutsantonis are going hard into the future that may not have seemed so easy to grasp when the lights went out last year.

I don't use their titles, Mr President, because I am directly quoting from this article. It goes on:

> What is clear now is that, having got to 50 per cent wind and solar, nearly a decade before they intended, it would be too late to turn back now. It would leave a project half baked, and allow the major generators to continue to extract their oligopoly rents, and consumers to suffer.

That is what the Liberals want to sign up to—huge concentrated power of the very few generators and retailers we have in this state—and South Australian consumers will suffer under the Liberal Party in this state. The article continues:

> The Weatherill and Koutsantonis strategy is to embrace new technologies, cheap wind and solar and storage, smart software and smarter management, and put into practice the sort of scenarios envisaged by the CSIRO, Energy Networks Australia and more recently by the storage review commissioned by chief scientist Alan Finkel.
>
> And the formal opening of the world's biggest lithium ion battery into the world's most elongated grid, in the state with the highest penetration of wind and solar, is the start of a whole series of ground-breaking and world-leading projects coming in the next few years.
>
> The Tesla battery will be quickly followed by two more—at the Wattle Point wind farm…and Lincoln Gap wind farm…

And on Wednesday, as we report here, South Australia announced funding for four 'next wave' storage projects including lithium-ion and flow batteries, hydrogen fuel cells, thermal storage and a range of concepts and applications.

Then there is Australia's first large-scale solar tower and molten salt facility to be built near Port Augusta, the site of the last coal-fired power station, accompanied by what could be the country's biggest wind-solar hybrid project with battery storage added.

Even more dramatic is the decision by the new owners of the Whyalla steelworks to build up to 1GW of solar, battery storage, pumped hydro and demand management to slash their costs and turn the argument that you can't power heavy industry with renewables on its head.

Elsewhere, there are another two pumped hydro storage proposals, any number of new solar projects—both big and small—and other ambitious but less certain projects such as Lyon Group's solar and storage facilities.

ElectraNet, the state's major transmission line, estimates there are already 650MW of what they consider 'committed' wind and solar projects to add to the 1800MW of large-scale solar, and the rapidly growing rooftop solar PV capacity (already at 730MW and growing at 100MW a year).

It seems hardly fazed by the inferred jump in renewable share towards 70 per cent of local demand within the next five years. In fact, if you add in Whyalla, Aurora and DP Energy, then the amount of wind and solar is likely to be at least doubled in the next five years.

And nor is the Australian Energy Market Operator overly fazed. Cautious yes, and since the blackout it has had reason for a wholesale rethink about its own practices and the way it manages the grid. What was ignored in the blackouts (preventative action like dialling down the interconnector, putting plants on standby, reading weather reports) is now standard practice when a potential threat emerges.

And for all the hand wringing about the impact of wind and solar—

The Hon. J.S.L. DAWKINS: A point of order.

The PRESIDENT: Minister, a point of order.

The Hon. J.S.L. DAWKINS: The minister's current answer has been going for more than a quarter of a hour, and I ask you to instruct him to cease.

The PRESIDENT: It is getting a bit longwinded, this answer, minister. Can you please get to the end of it, so we can get one more question in.

The Hon. I.K. HUNTER: Thank you, Mr President. The bottom line is, and there is more that I need to say about South Australia's record in this space, it is something to be proud of.

The Hon. J.S.L. Dawkins: It's just terrible.

The Hon. I.K. HUNTER: Something to be proud of. The Hon. John Dawkins thinks it's terrible, because the Liberals have absolutely no commitment to renewables in this place, no commitment to an energy plan of any sort.

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

The PRESIDENT: Order!

The Hon. I.K. HUNTER: What remains to be seen is this: we, the Labor government in South Australia, have a plan to own our own energy generator. We have a plan to become self-sufficient in South Australia in energy, which we have not been since the Hon. Mr Lucas sold our electricity assets. We have been out of the market with no control whatsoever, and now we are back in the game. We have a state-owned energy plant. We will become self sufficient, and not have to rely on anybody else, and we are doing that because: (a) it is great for the environment; (b) it helps us get to our Paris goals; and, (c) it is cheaper—it will be cheaper for South Australians.

The Hon. J.M.A. Lensink interjecting:

The Hon. I.K. HUNTER: The Hon. Michelle Lensink pretends she doesn't know—and of course she does—that these modern generators actually have a lower emissions profile than the ones we have out at Torrens Island. She pretends she doesn't know it. When they are hooked up to the gas system, they will have an even lower emissions profile. She is pretending again that she doesn't know it, but that is the truth.

The people on the opposite side have no energy plan, no plan other than privatisation. That's all they've got—one trick ponies. We on this side don't agree. We believe South Australians need South Australian energy, so we are self-sufficient, not relying on the Eastern States. In fact, our plan is to become energy exporters, and as we get further involved in the hydrogen fuel cycle, as we produce hydrogen, when energy is cheap and we can store it, it will become a major export market for us, and certainly it will give us back some solid power backup, should we ever need it.

I have to say that, on this side, energy sufficiency, cheaper prices for South Australians is what we are delivering, and a state public power generator. Once again, a state public power generator, which we hope the Liberals never, ever get a chance to privatise, because we know what their record is on this: flog off an electricity system to their mates at a price that will end up hurting all of us. I have to say that the record is long and we are very proud of it.

The PRESIDENT: I want the Hon. Mr John Darley to have a question. There's one minute to go. You've given a good explanation and a good answer to the question. I would like you to sit down so I can get one more question in.

The Hon. I.K. HUNTER: All I've got to say to the Liberals is: welcome to the 21st century. We'll be running it for the state's benefit with our own state-owned electricity system, where we have self-sufficiency.

FESTIVAL PLAZA REDEVELOPMENT

The Hon. J.A. DARLEY (15:24): My question is to the Minister for Employment representing the Minister for Industrial Relations. With regard to the Adelaide Festival Centre demolition site, can the minister advise whether there was or is asbestos at the site and, if so, what is being done to ensure the public safety of exposure?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:25): I thank the honourable member for his question and, as it was a question for the Minister for Industrial Relations, I will pass those questions on, but rather than undertaking to bring back a reply for the honourable member, what I will do is undertake to ask the Minister for Industrial Relations to contact the member directly with correspondence in relation to the answer to that question as we are rapidly running out of runway for replies to be brought back.

Adjournment Debate

VALEDICTORIES

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:25): In order to allow the Hon. Gail Gago to say a few words, particularly as she has family and friends in the chamber, and particularly her husband, Peter, who I think has not seen her in this chamber in the 16 years she has been there, such busy lives that they lead, I seek leave to move a motion without notice to allow members to acknowledge the contribution of retiring members.

Leave granted.

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

That the contribution made by retiring members be acknowledged.

The Hon. G.E. GAGO (15:26): I cannot begin to express what a great honour it has been to represent the people of South Australia in this place for the past 16 years and, like other honourable members, I take this responsibility very seriously and have carried out all duties to the very best of my ability. I am very proud to have served in both the Rann and Weatherill Labor governments, governments that have had the courage to stand up and unrelentingly fight for the best interests of South Australians.

They have led dynamic reforms across the state and have improved both our economic and social wellbeing. It has been a very exciting time of great change and development and I feel

incredibly fortunate indeed to have had the opportunity to play a small part in this. The confidence and support of my caucus colleagues have provided me with the great privilege of serving as a minister of the Crown for 10 years across 16 different portfolios and as leader of the Legislative Council for three years, and, Kyam, mate, let me tell you, it is a job I do not miss! I just want to take this opportunity to commend you for the fabulous work you do as leader in this house.

In fact, I had to suffer the indignity of sitting on the opposition benches for only one sitting day and that was the historic day that Peter Lewis, after negotiating with both Labor and the Liberals, stood up in the other house in 2002 and indicated that he would support a Rann Labor minority government. The rest, as they say, is history. Unfortunately, that colourful era came to a final close earlier this year with the sad passing of Peter Lewis and my condolences go to his family and friends.

I can share with you now how completely overwhelming it is when you first become a minister—well, it certainly was for me at least. There is no beginner's guide, there is no user manual and I remember surviving my first week as minister. I had a wonderful PA at the time. Her name was Louisa, she was a small feisty woman with a wealth of experience and wisdom and tough as. I had made it to Friday, it was late, I was about to head home and I was feeling very pleased that I had made it intact through the first week.

I went to my PA's office to say goodnight and saw a number of cabin-sized pieces of wheelie luggage, so I said to her, 'Oh Louisa, you're going away for the weekend,' and she replied sternly, 'No, minister, and neither are you.' I was very dismayed to learn that they were all my bags of work for the weekend. Louisa gave me some very good advice over the years but probably that which stood me in greatest stead was when she handed me my ministerial credit card during my first week and stated firmly, 'and don't even think about using it.'

Values such as equity, fairness and inclusion have been pivotal to me throughout my working life as a clinical nurse, as a unionist and as a member of parliament. These values are the centrepiece of the Australian Labor Party, which in particular aims to improve the lives and protect the rights and conditions of working people. I am still to this day proud to call myself union and to have followed in the footsteps of my grandfather, Aldo Coppede, who was a boilermaker and a local shop steward in Mooroopna and who helped lead the first strike action ever in the Goulburn Valley.

Those years, almost a decade, working with the ANF (SA Branch), now known as the ANMF, were a wonderful experience which offered me a tremendous opportunity for personal development and which also prepared me and served me extremely well as a member of parliament. It is an amazing organisation, which does fabulous work looking after nurses professionally and industrially.

I read recently that the ANMF is now Australia's largest union and most rapidly growing. The ANMF is to be congratulated for its outstanding work and invaluable contribution to the health system. I am delighted to see Rob Bonner, a very longstanding friend of mine from the ANMF days, in the gallery today (not that I am permitted to mention who is in the gallery, and of course I would not).

I am very pleased to have been part of a government that has sought to create a democracy that is open, inclusive and encourages all South Australians to participate. A fundamental principle underpinning all my work has been to help those facing disadvantage by identifying the barriers that operate to exclude people from participation and access to opportunity. I have been a longstanding advocate and activist for gender equity. Work that I have been involved in has included improving women's economic status, increasing women's leadership and participation in decision-making and improving women's safety and wellbeing.

This has involved work on a number of initiatives to help reduce the gender pay gap, such as improving workplace flexible arrangements for public sector workers, increasing the number of women on government boards and committees, significant legislative input into the Rape and Sexual Offenders Bill, amendments to the EO bill and assisting with the drafting of the Interventions Order Bill.

As minister for the status of women, I had lead responsibility for ensuring that more women are able to make a contribution as leaders and key decision-makers in the South Australian community. One policy area from which I derived enormous satisfaction was working with the sector to help eliminate violence against women and children, recognising that violence against women

occurs at the end of the spectrum that starts with gender inequality at the other end. We were able to introduce legislation and a raft of initiatives to assist women at all stages of this, including initiatives to address violence against women that have seen South Australia's efforts heralded by advocates such as Rosie Batty as 'determined and progressive'.

These initiatives included establishing a senior domestic violence research officer position in partnership with the Coroner's office to research and investigate open and closed deaths related to domestic violence, implementing the domestic violence serial offender database, assisting with the establishment of MAPS, establishing the Women's Domestic Violence Court Assistance Service, introducing White Ribbon accreditation across all government departments, completing the rollout of the Family Safety Framework to operate in all regions throughout South Australia, implementing a body image campaign targeting girls and young women, introducing 15 days' additional leave available to public servants who are experiencing domestic violence and being part of a group of ministers who initially developed the national plan to reduce violence against women and their children. I think that was initiated by the Hon. Tanya Plibersek, who is a fabulous woman and contributor.

As minister for mental health and substance abuse, I was pleased to have the opportunity to assist in the major reform of mental health policy to provide greater access to support services for those in need. We built new facilities and introduced new services in a complete overhaul of mental health services. Among the many outcomes that I am proud to have been part of was the successful community consultation process undertaken before building three new community-based mental health rehabilitation service centres.

Local residents initially petitioned against the building of one of these facilities, but through a process of doorknocking, day after day—I went out and hit the streets, holding public forums and engaging residents in conversations about their concerns—we successfully negotiated a plan that saw the implementation of three service centres with the general acceptance of the community.

I have to confess that I have also suffered failures. One, in particular, involved a Wollemi pine tree. Wollemi pines were only known through fossil records, until an Australian species was found in 1994. Its fossils have been dated to 200 million years ago. The pine is critically endangered and is legally protected. I was minister for environment at the time when, as part of a recovery plan, a tenderly nurtured small Wollemi pine was painstakingly cultivated in the botanic gardens.

I was asked to launch the opening of the tree to public access. After I had finished my official speech and duties, I could see one of the staff from the botanic gardens coming towards me with a small Wollemi pine in a pot. I muttered to myself, 'Please God, don't give that to me.' I have killed every plant that I have ever had responsibility for, and even my plastic cacti perished. But yes, they officially presented me with this precious plant and, yes, within a few weeks it was dead. I felt like I had murdered 200 million years of DNA.

Economic prosperity, which includes growing businesses and jobs, has been a priority of this Labor government to create a place where business and people thrive. I have been very fortunate to have had the opportunity to contribute to this agenda. Through the Riverland Sustainable Futures Fund, established to assist the region to cope with the aftermath of the worst drought in our recorded history, we were able to help create new jobs and investment in the region. I was minister responsible for the establishment of Sino SA, which is the internationalisation strategy of Bio Innovation SA, established to assist South Australian businesses to export to China.

I very much enjoyed the opportunity to develop and implement an action plan to expand Adelaide's premium food and wine industry locally, interstate and overseas. This also included instigating the 'buy local' initiative, which supported our local food and beverage industries and local jobs. As minister for employment and higher education and skills, I implemented numerous initiatives that engaged vulnerable community members in meaningful training and employment. I was responsible for the introduction of major reforms to our training and employment policy, which included the development and implementation of WorkReady.

WorkReady was designed to ensure that public investment in training and employment was directed to strategic industry sectors that support economic transformation and produce jobs at the end—and, of course, pave the way for South Australia's economic future. I was responsible for

metropolitan and regional employment projects that delivered many employment opportunities and services across this state, particularly targeting the disadvantaged. These projects helped people to get jobs or better prepare for work or further study.

I found the work that we did in consumer affairs to be extremely satisfying. I believe we were able to introduce a number of reforms and initiatives that protected the interests of everyday mum-and-dad consumers, often against unscrupulous people and often against the big end of town, who had what always seemed like unlimited resources for expert advice and endless legal litigation.

In relation to the environment, some of the programs that I remember well include increasing the container deposit legislation to 10 cents—the sky was going to fall down, but it did not; it just cleaned up our litter streams—being the first state to ban free single-use plastic bags and drafting and introducing marine parks framework legislation following extensive industry consultation. I remember that process well. We were on the road for months.

I remember also a significant increase in wilderness protection areas, managing our underground water supply through the severest drought our state ever experienced, planning and successfully receiving funding for the development of a sterile fruit-fly breeding facility and strengthening penalties, in relation to the prevention of cruelty to animals, for animal ill-treatment and organised animal fights.

Although my philosophy has always been that government should not unnecessarily infringe on people's rights or seek to take responsibility for those matters best left in the hands of the individual, nevertheless, looking back in preparation for this valedictory address, I did seem to impose a lot of bans over that 10 years. Some of these included that I banned smoking in cars with children; banned indoor smoking in clubs, pubs and the Casino; banned liquor products that appeal to minors, like alcoholic ice blocks and ice creams; implemented new hotel barring laws; banned plastic bags; banned easy to hide, short cattle prods—

Members interjecting:

The Hon. G.E. GAGO: They were doing very cruel things with those, sir, very cruel things. I will not go into details; it is just too nasty! I also banned calf roping, I banned fruit-flavoured cigarettes, and that is only just to mention a few; that is really just the tip of the iceberg. I will leave it at that.

You will be relieved to know that I do not intend to address all 16 of my former portfolios but have briefly highlighted just a few areas that particularly stand out in my memory. However, none of these things could have been achieved without the support and assistance of many others, some of whom I wish to take an opportunity to acknowledge and thank today.

First, my family: to my mother Patricia and my late father Mijo, whose support, wisdom and encouragement have been fundamental to me. They instilled in me a set of values that have been my compass throughout my life's journey. That might seem very strange to many of you here who know me, given that my political activism began when I was about 10 years old, helping dad give out how-to-vote cards for the National Party in country Victoria. But that is a story for another day.

To my husband of 35 years Peter, the love of my life, for your unfailing support and belief in me. The cut and thrust of politics can be very tough at times, and whilst we as members of parliament tend to develop pretty thick hides, I think it is much harder on our partners and our family members, and it does take a toll.

To my sister Kaye and her husband Rob, I cannot tell you how much I value your love, friendship and your very wise counsel over the years—and no doubt that will continue.

To my friends, particularly Nick Bolkus and Mary Patetos, Jay Weatherill and Melissa Bailey, Patrick Conlon and Tania Drewer, Lois Boswell and Don Frater, Ann Barclay, Helen Shepherd, and Rhiannon Burner, we shared many good times, some bad; we had many laughs, some tears, and of course the occasional bottle—or two or three—of wine, often very good wine, too, I have to say, supplied by my very dear, devoted husband. Thank you for your trust, wisdom and support.

To my ministerial staff—and there are just too many over the 10 years to mention individually, and they all deserve to be mentioned individually—you were and continue to be extremely clever

and capable people who always gave 110 per cent. You were a great team and achieved amazing things. You really did make a difference.

I would like to give special mention to two very special men, Steve Rollinson and Chris Dowling, who saw me at my very best and my very worst, who always got me to where I had to go exactly on time: thank you both for your sharp wit, good humour and unfailing loyalty. It is lovely to see them in the chamber today, too, though of course I would not refer to anyone in the chamber, because it would be most improper!

To the many public servants, for whom I have enormous respect, the amazing work that you do affects the quality of the lives of all South Australians in one form or another. You are the quiet achievers who publicly rarely receive the acknowledgement and thanks that you deserve. To my caucus colleagues—and a special mention must go to my factional caucus comrades. We never had the numbers but we punched well above our weight. Thank you all for your support.

An honourable member interjecting:

The Hon. G.E. GAGO: We continue the struggle. To the ALP head office officials and staff, who are always ready, willing and able, thank you. To parliamentary staff, you serve this place and its members with unfailing dedication, diligence and professionalism. Unfortunately, time does not permit me to give thanks and recognition to all of those I would like to. I have made many friends and met many wonderful people throughout my political career. You know who you are. Thank you to all of you. I also wish all members of parliament and future members of parliament all the very best in your pursuits.

At times, 16 years as a member of parliament seems like a very long time, but in fact it is only a small moment in the history of this place and the future of South Australia. Many challenges and opportunities lie ahead, and if I were to impart any advice, it would be to share with you the daily motto which helped motivate me to do and be my very best, and that is: Don't waste one minute of one day. There is a great deal to do to move our state forward and serve the people of South Australia. You do not have a moment to lose. Good luck.

Debate adjourned on motion of Hon. K.J. Maher.

Bills

CONSTITUTION (ONE VOTE ONE VALUE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 November 2017.)

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:47): I thank all members for their contributions to this important legislation. I look forward to further discussing the bill in depth during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I want to speak at clause 1 of this because we are in an extraordinary set of circumstances and I think we need to understand firstly what is being proposed or what is possibly about to occur and where we are actually up to, and what the legal position is, so that we actually understand where we are up to. There is an amendment that has just been tabled by the Minister for Employment, which I have never seen before, so the Liberal Party have had no discussion or debate about this particular amendment. It has been dropped on the table and it has clearly been discussed with some other members of the chamber and our party has not seen it. We are not aware of what the amendment does or how it fits with the existing bill and the amendments of the Hon. Mr Parnell, for example.

I think it is going to be important to establish firstly what the legal position is in relation to these particular provisions and firstly what the government's intentions are. There are two bills, clearly: there is this one and then there is the attached referendum bill. In this particular one, we have had the discussion and the debate. Members are aware of the Liberal Party's position, which is strong opposition to the intentions of the government to, in essence, remove the fairness provisions of the constitution. My understanding from public statements that have been made by other members was that they, too, objected to that and were not supporting this particular bill and the attached bill, and that it would not be proceeding.

My question is: what is the government's position in relation to this new amendment, which is section 83A? Is it proposing that the Constitution (One Vote One Value) Amendment Bill as it stands, together with the proposed addition, is what they are seeking to have passed by the Legislative Council?

The Hon. P. MALINAUSKAS: I will attempt to answer the Hon. Mr Lucas's question concisely. The amendment that the government has filed in respect to 83A principally does what it says and I think it is rather self-explanatory. It requires the government of the next parliament to conduct a review into section 83 of the act in whatever form the parliament passes, if indeed it does pass an alternative form of it. That is a new amendment. In the event that the council and then, of course, subsequently the House of Assembly passes an amended form of section 83, then this would require a review of that clause post the next election, and I believe in the first 12 months after that election.

The Hon. R.I. LUCAS: Yes, but my question is: is it the government's intention, should it get the numbers in the Legislative Council and in the parliament, that the whole of the current one vote one value bill, with the addition of 83A, pass?

The Hon. P. MALINAUSKAS: I think the council is yet to determine the format in which the respective bill will pass, and that will be determined as we go through the committee stage.

The Hon. R.I. Lucas: But I am asking what your position is.

The Hon. P. MALINAUSKAS: The government's position will become clear as we work through the respective clauses. We are going to work through the clauses methodically and the government will annunciate its position on each clause.

The Hon. R.I. LUCAS: I do not wish to be unreasonable in relation to this, but this amendment has only just been dropped on the table. We have had no discussion in the Liberal Party at all and we are trying to understand what the government is actually proposing, and I think we need to know what the legal position is.

The Hon. P. Malinauskas interjecting:

The Hon. R.I. LUCAS: Sure; that is why I asked the question and so far I have not had the answer. My quick legal advice that I have in terms of quick discussion with parliamentary counsel is that if the Legislative Council was to remove section 77, which is the thing that we have been saying we are opposed to, and just leaves in there the review, then, in essence, what the parliament would be saying is, 'We are not going to change anything in relation to the constitution or go to a referendum at this stage. All we're requiring is that, after the next election, there should be a review of section 83.'

But for that to occur, if that was the set of circumstances that the government and members wanted—that is, nothing happens now and there is no referendum at the next election and no decision taken to get rid of the fairness clause or whatever it might happen to be—all we are saying is that there should be a review of section 83 after the next election by whoever is in government and the argument could be had then. For that to occur, if that is the set of circumstances, then my quick understanding is that clause 4, which makes the changes to section 77, would need to be deleted from this bill to leave existing 77 there.

You would also have to change or delete clause 2 which essentially says that this section does not commence until the Referendum (One Vote One Value) Bill goes through. If that is deleted, it would just be like a normal bill: it would be saying that there shall be a review after the next election as per new section 83A and it would come into operation on assent. Unless you delete clause 2, it

would never come into operation unless you actually had a referendum. That is the quick legal advice I have in relation to the situation.

If we leave in section 77 and pass a referendum bill, then we have to have a referendum, which is what I oppose and which, I understand, a number of the minor parties have opposed. They have said, 'We're not supporting a referendum at this election.' What I gather might be being discussed is that we will not have a referendum at this election but we do want to have a review of section 83 after the next election, but for that to occur, a number of other things have to be changed in this bill. Otherwise, under the guise of having a review, the government might be trying to sneak through a referendum as well as having a review. They would attempt to change the law now by having a referendum at the next election and also have a review after the election.

The Hon. P. Malinauskas interjecting:

The Hon. R.I. LUCAS: Well, that was the question I was asking.

The Hon. P. MALINAUSKAS: I have greater clarity about the context of the Hon. Mr Lucas's question. Maybe if I enunciate the government's position on a range of things, it will give the answer to the Hon. Mr Lucas's question. The government's intention is to support the Hon. Mr Parnell's amendments to the bill and then remove the government's proposition. I will go through it clause by clause; we will naturally be dealing with these clauses in any event.

The government will be supporting clause 1. The government will oppose the existing clause 2, support clause 3 and oppose clause 4. The government will support the Hon. Mr Parnell in his amendments. Then the review of what will remain of the bill and the shape the bill would take in its amended form—assuming the Hon. Mr Parnell's version of the bill receives support in the House of Assembly—will take place post the election, but within 12 months of it.

Let me distil that down more concisely. The government is supporting the Hon. Mr Parnell's amendments and withdrawing its position on the bill, which will then necessarily mean that there is no referendum at all and then we will have a review of that provision post the election. In opposing clause 2 of the bill, that will in turn render the referendum bill redundant, and as a result, the government will not be proceeding with the referendum bill.

The Hon. R.I. LUCAS: My question to the minister is that if, under the proposed amendment—there has obviously been some discussion—that is, we have a review of section 83, does not the Hon. Mr Parnell's amendment actually delete the provisions of section 83? So, on the one hand we are saying, 'Let's review section 83,' but we are saying, 'Let's get rid of the fairness clause and let's get rid of 83,' before we actually review it.

Section 83 of the Constitution Act: the Hon. Mr Parnell's amendments, which the minister is indicating that he is going to support, are that section 83(1) and 83(3) of the constitution be deleted. Section 83(1) states:

> In making an electoral redistribution the Commission must ensure, as far as practicable, that the electoral redistribution is fair to prospective candidates and groups of candidates so that, if candidates of a particular group attract more than 50 per cent of the popular vote…they will be elected…

That is the fairness provision that has been inserted.

The Hon. M.C. Parnell: It's not fair.

The Hon. R.I. LUCAS: That is the Hon. Mr Parnell's argument: that is not fair. What I am saying is that the parliament determined that it was the fairness provision; the Hon. Mr Parnell disagrees with it, but if we are going to have a review of section 83, how do you have a review of that section when, at the same time, you have already deleted the key provisions?

The Hon. M.C. Parnell: You review what is left.

The Hon. R.I. LUCAS: That is right, you review what is left. So, you get rid of the bits that the Hon. Mr Parnell and the Labor Party do not like, which is the fairness provision—

The Hon. M.C. Parnell: So-called.

The Hon. R.I. LUCAS: Yes, the Hon. Mr Parnell says the 'so-called' fairness provision, but they were inserted by the Labor Party. A Labor Party inserted those fairness provisions, supported by Independents and the Liberal Party at the time, in the constitution. They were supported by a referendum. My question (that is going to come back to the minister in a tick) is: if something has to be inserted by a referendum, how do you, without a referendum, actually remove them?

The minister is saying that he is not going to have a referendum. All the legal advice was that to put these fairness provisions in we had to take them to a referendum. An overwhelming majority of South Australians supported a change to the constitution and, by way of referendum, they voted for these particular provisions and put them in there. Now what is being proposed is a dirty deal done between the Labor Party and the Greens, who do not like the fairness provision. They are purporting to say that what they are going to do is remove the fairness provision without going to a vote of the people and without going to a referendum in relation to this.

If you are going to review section 83, which is the new amendment that is being canvassed—83A, which says that after the election, after 12 months or whatever it is, there shall be a review of section 83—then you should be reviewing all of the existing section 83. That would seem to be what some people might be attracted to; that is, let's review the whole of 83. But what is being proposed here is: we will review 83, but what is left of 83. We will gut 83 by taking out the fairness provision, which was put in there, and we will also take out subclause (3), which is a related provision. All that is left of 83 is the original provisions which used to be there, which is community of interest and topography and population—

The Hon. P. Malinauskas: All the usual things that determine where boundaries go.

The Hon. R.I. LUCAS: Yes; well, part of it and part that the Labor Party supported and added to it, the fairness provision. This was your doing. It was your party that put the fairness provision into the constitution. We supported it, the parliament supported it and, ultimately, the people supported those particular provisions.

What I am saying here is that if what is attracting some people—and I am specifically speaking to crossbenchers here—is to have a review of section 83, then have a review of section 83, not gut section 83, whether that is legal or not, given that what has been proposed is that we do not go to a referendum, and the minister is going to respond to that in a moment. What is being proposed as a package here is: we will take out the fairness provision, we will take out the related provision of 83(3) and then all that is going to be reviewed will be what is left, which has nothing to do with fairness. So, I think some people are being sold a pup here, and what is happening here is that right at the death knell—

The PRESIDENT: The Hon. Mr Lucas should speak through the chair, please.

The Hon. R.I. LUCAS: Right at the death knell an amendment is dropped on the table. We have been given assurances in relation to the attitude of various people to this particular bill in relation to where it was going. Right at the death knell an amendment is dropped on the table, which we have not had a chance to discuss, and I don't think people understand what this actually means. We will be left in a position, if not of a legal quandary, in terms of whether or not what we are being asked to do right at the very end is actually constitutionally valid.

If we are wanting to have this particular debate, then adjourn the house and come back next week in the optional week and have the debate, so that we can take legal advice.

The Hon. P. Malinauskas: This has been on the table—

The Hon. R.I. LUCAS: Not this amendment; this amendment has not been on the table.

The Hon. P. Malinauskas: It's a vote against the review.

The Hon. R.I. LUCAS: Yes, but what is also going to happen is that you are also going to be agreeing to taking out the fairness provisions, and whether or not there will be a referendum.

The Hon. P. Malinauskas interjecting:

The PRESIDENT: Order! Let the Hon. Mr Lucas finish.

The Hon. R.I. LUCAS: This amendment was not on the table—

The Hon. P. Malinauskas: It's been on the table for two weeks.

The Hon. R.I. LUCAS: Until—in the last hour.

The Hon. P. Malinauskas: No, that's not right.

The Hon. R.I. LUCAS: This amendment about the review—

The Hon. P. Malinauskas: Well, vote against the review.

The PRESIDENT: Will the minister please desist.

The Hon. R.I. LUCAS: This amendment about the review was not on the table until the last hour. Through public statements that members had made—the crossbenches and the Liberal Party—the position of a majority of members publicly had been that these bills were not going to be supported, and that was the public position, and that was the understanding I had from assurances I had been given from a number of members in relation to this particular issue.

We have not discussed this review provision in the party room. We have not had a chance to discuss whether or not it actually fits with the other provisions, what the legal position is in relation to the rest of the bill, whether or not you can actually take two provisions out of section 83 of the constitution without going to a referendum, when the only way they were put in was the legal advice that was provided to the Labor government at the time, and supported by the parliament at the time, that the only way you could put these provisions into the constitution was by way of a referendum.

The Hon. P. Malinauskas: Well, let's respond to them.

The Hon. R.I. LUCAS: Well, I would be interested to hear the legal advice.

The Hon. M.C. PARNELL: Just for the record, the Greens' position in relation to the so-called fairness clause in section 83(1) and 83(3) has been that we have never supported them, ever. These provisions ignore the crossbench. When I say 'crossbench', the growing crossbench. These provisions completely ignore the 30 or more per cent of South Australians who do not support either of the major parties. The Hon. Rob Lucas might say, 'Well, that's not true, because subsection (3) gives the Electoral Boundaries Commission the ability to try to guess who might be on the crossbench, to guess the proportion of the vote they might get and then to guess which side they might lean to to form a government.

It is an absurd provision, it is universally regarded as absurd. The Electoral Boundaries Commission has never, to my knowledge, actually applied it, because they can't, because it's impossible, so it actually makes sense to get rid of it. There has been a bit of commentary in the media just in recent days, and one that I thought was particularly important was the contribution of the architect of these clauses, Malcolm Mackerras. I will just read a couple of sentences from an InDaily article from a few days ago:

> The fairness clause, a uniquely South Australian oddity, has been contentious for many years, with expert witnesses to successive boundaries commissions insisting it was unworkable in practice. The psephologist who initially proposed the clause, University of Sydney political scientist, Malcolm Mackerras, told InDaily last year it had been an 'abject failure' and had proved to be a 'silly clause of which I am not proud'.

Mr Mackerras went on:

> I must confess I hesitate to claim it among my achievements because one doesn't like to claim such an achievement that has been such a failure.

That was first reported last year in the media. Like I say, it has been the Greens' position forever and so I think we have been as transparent as one can be in saying we do not like these provisions. I will keep on calling it the so-called fairness clause because it is not fair to those South Australians who do not support the main parties. It should be no surprise to members that I have been on a crusade for 12 years to try to end two-party thinking in relation to politics. I cannot think of how many amendments I have moved to the Parliamentary Committees Act and other bits of legislation that are designed to take out references to 'the group supported by the Leader of the Opposition' or 'the group supported by the government'. Those provisions are insulting to those of us who are on the crossbench.

The Hon. Rob Lucas in seeking to work out where this bill might go has—and the minister as well has correctly intimated that the government has agreed with the Greens and I think that is the right call. I mean, I would say that, wouldn't I? It is my amendment but they have agreed with me. The consequential changes that are required relate to existing clause 2 and clause 4. I had thought clause 4 could sit in parallel but it is neither here nor there. The main insult to the people of South Australia is section 83(1) and (3) of the constitution so we are getting rid of those. The kicker, I guess, is this idea of the referendum and what provisions require a referendum and what provisions do not require a referendum.

When the member asked me before, I said that my view had always been—and I will confess here to not having done primary legal research—that if you messed with section 83, it had to go to a constitution.

An honourable member interjecting:

The Hon. M.C. PARNELL: A referendum, sorry. I have now been told that that might not be the case.

The Hon. R.I. Lucas: Who has told you that?

The Hon. M.C. PARNELL: In my discussions with the minister.

The Hon. R.I. Lucas: With the minister?

The Hon. M.C. PARNELL: You can ask the minister directly whether that it is the case.

The CHAIR: Order! The Hon. Mr Parnell, you have the call.

The Hon. M.C. PARNELL: My position was that I assumed, without checking, that it needed to be. I think the risk we run here is not terribly high from the Liberal Party's point of view. If it turns out that that is the wrong way to approach it, and if we do change section 83 and it turns out that it did require a referendum, then section 83 has not been changed, and you have lost nothing and the referendum clause has already gone, status quo, you should be happy.

If this legal thinking that maybe a referendum is not required turns out to be wrong you have nothing to lose. If it turns out to be correct then the parliament can do what the parliament has been elected to do and we can change the law to make it more democratic and to make it fairer for all South Australians and the Greens' position is that that means taking subsection (1) and (3) out of section 83. Like the honourable member, I have only seen the review clause today, but I reckon if I had a dollar for every review clause that was presented on the last day of debate of a particular bill, it is the most common of all the late amendments, of all the things that get dumped on the table later.

I remember a very famous debate, it may have been WorkCover, no amendments passed at all, but I think the Hon. John Darley managed to get a review clause through in the end and it was the only amendment that was passed out of all of the hundreds that were moved. Other members including the Hon. Dennis Hood have moved for a review clause. It is the most common late minute amendment that I have seen in this place. If people are thinking, 'I reckon we have got this right but to be on the safe side, let's put in a review clause,' I do not find anything offensive about it.

If it looked like it was sneaky or tricky or it meant anything other than the plain language written in it, then, yes, the member might have a point, and you might need to legally analyse it. It is pretty damn straightforward as far as I am concerned: the Premier will review it, says when he has to review it, and then he has to table the review before parliament. It is pretty straightforward. I accept that the honourable member has this legitimate question of all of a sudden apparently a referendum is not required. We can explore that. You can ask the minister the basis of that advice.

Like I say, my assumption, without having done any independent legal research myself, was that you did need to, but if that turns out not to be the case, so be it. I am maintaining the position that our party has always held, that is, that we need to delete these obsolete clauses which hark back to a time when there where only two parties. Back when this referendum and the debate was had in parliament, there was not an extensive crossbench.

In the last parliament, the numbers on the floor were exactly a third, a third, a third. In the upper house, they were seven, seven, seven. That has not translated to the lower house yet, but it

may. The Hon. Dennis Hood's party may have remarkable success in the next election. They may get several members elected to the House of Assembly. The Dignity Party, I know, is pushing hard. They are going to have candidates in the upper and lower houses. The Greens, of course, aspire to form government one day. It might not be this election, but it is certainly our aspiration eventually.

The idea that we are held back by a constitutional provision which basically says, 'No, it is a two-party world and you cross-party and Independent members are irrelevant to it,' I think is an antiquated provision that we need to delete. It is not my call, but the honourable member can pursue whether or not a referendum is required, and I will be interested to hear the answer as well.

The Hon. P. MALINAUSKAS: The government agrees largely with the Hon. Mr Parnell's position, notwithstanding the fact that the Greens aim to be a party of government. That might not be something that we have a unanimity of opinion on. I think some legitimate questions have been raised by the Hon. Mr Lucas, questions that I myself have tested in the exercise of developing the government's position, because I largely understood the position to be consistent with what I understand might be the Hon. Mr Lucas's understanding. Maybe I can provide some clarity.

There is the question: why was it the case that a referendum was required when the fairness clause was initially introduced? It is correct to say that a referendum did occur when the fairness clause was introduced, but that is because, I am advised, that particular bill also amended section 82 around the regularity of electoral redistributions. It changed the regularity of electoral redistributions from every eight years to every four years, and section 88(2)(a)(iii) clearly provides that a referendum was required in relation to that part of the change. A referendum was not, however, required in relation to the fairness clause.

In terms of the way that bill developed, the form in which it was introduced into the House of Assembly only provided for changes to the frequency of elections. At that time, the bill, the Constitution (Electoral Redistribution) (Appeals) Amendment Bill, was already accompanied by the Referendum (Electoral Redistribution) Bill. The changes to insert the fairness clause came in after the bill was considered by a select committee of the parliament. It was not the case that those changes also required a referendum. Rather, I am advised, they were inserted into a bill that was already going to a referendum.

The Hon. R.I. LUCAS: My question to the minister is: who has provided that legal advice to the minister?

The Hon. P. MALINAUSKAS: I just wanted to check that I can say this. The government, I am advised, received advice from the Solicitor-General.

The Hon. R.I. LUCAS: Obviously, at short notice I am not in a position to argue the constitutional niceties of whether or not a referendum was required, other than to say my understanding was the same as the Hon. Mr Parnell's and it remains unless, I guess, we have had the opportunity to take alternative legal advice in relation to whether or not a referendum is required.

Given we are where we are, the point that I want to make now is directed directly at my friends and colleagues, the Hon. Mr Darley, the Hon. Mr Hood and the Hon. Mr Brokenshire. I will be quite pointed about this. I have worked closely with each of you. I have accepted that by and large there are swings and roundabouts. There are occasions when members, for justifiable reasons, change their position, but generally in the discussions I have had with each of you, when you have given a clear and explicit commitment to me as an individual representing my party, you have honoured that.

There have been one or two areas where I know there have been late changes of heart, but, in something as significant as this, I place on the public record that I will be appalled if we get to a position of what is now being outlined by the government and the Greens, which, in essence, is a dirty deal designed at the last moment to get rid of the fairness provision and to do over the Liberal Party. It is a fairness provision which has been in the constitution for more than two decades and was introduced by the Labor Party and supported by the parliament.

This is a situation where, on the basis of an hour's notice of whatever it is, the whole world is in these terms. This is not a particular act that relates to shop trading hours or work health and

safety—important acts as they are—this is something that will impinge and impact on the electability, or not, of governments forever hence.

Members interjecting:

The Hon. R.I. LUCAS: It will. We had a situation and the Hon. Mr Parnell—

Members interjecting:

The CHAIR: Order!

The Hon. R.I. LUCAS: —refers to quotes that Mr Mackerras and others have made in relation to the redistribution. We agree with some of those aspects in relation to the unfairness of past redistributions, but that, in my view, is not a criticism of the act: it is a criticism of the Electoral Commission who did not interpret the legislation as they were required to do. What occurred on this occasion is that the Electoral Commission was required to follow the Constitution Act and the fairness provisions and was required by the force of legal argument to adhere to the law of the land.

When the Labor Party challenged that and took it to the Supreme Court, they got wiped five-zip because the Supreme Court said, 'That's what the law says, that's the constitution, that's what the fairness provision says.' The Supreme Court, by a majority of five-zip, said, 'That's the law, that's what should be followed and that's what should be done.' That was the legal position. The Labor Party did not like it because they thought they had been in the position for 16 years.

There is no argument at all—without me wishing to impinge on the impartiality of judges—that Liberal governments had appointed people to these positions. There is no argument in relation to that. What we had was that the Electoral Commission for the first time was required by the force of legal argument to follow the fairness provision and to actually follow the constitution. Then, as I said, when the Labor Party took it to the Supreme Court, they got wiped five-zip because the Supreme Court justices—all of them—lined up behind the Chief Justice and said, 'This is what the law requires.' This is a law that was introduced by a Labor government. It was not something imposed on this parliament by a Liberal government.

We fought for it and we supported it, and so did the Independents at the time in both the House of Assembly and in the upper house. It was a united view. It then went to a referendum, and an overwhelming majority of South Australians—I do not remember the numbers—supported it. So, what I am saying directly to the Hon. Mr Darley and the Hon. Mr Hood and others is: I know there have been discussions that have gone on, but the Liberal Party has been dudded at this late stage. The discussions we have had have been dudded by a dirty deal that has been done between the Greens and the Labor Party to disadvantage the Liberal Party. We have been disadvantaged over the last 12 years—three out of the last four elections. Under these particular provisions we got more than 50 per cent.

Members interjecting:

The CHAIR: Order! The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: We got more than 50 per cent of the vote: 53 per cent at the last election, 52 per cent on occasions and 51 per cent on occasions. So, what the commission has done is it has said, 'This is what the Constitution Act requires; it's a fairness provision.' What I am saying to the Hon. Mr Darley, the Hon. Mr Hood and the Hon. Mr Brokenshire is: if there is this inclination to have a review, then let us have a review but of all of section 83.

The Hon. P. Malinauskas: That's what we'll do.

The Hon. R.I. LUCAS: No, it is not. What you are proposing to do is to take out 83(1) and 83(3), the fairness provisions, the bit that the Greens and the Labor Party hate and are trying to get rid of. If the Hon. Mr Darley wants to have a review—and I accept the fact that it might be his inclination to have a review—then so be it, have a review, but review the whole of section 83; do not at this stage gut the provisions by taking out 83(1) and 83(3), which is the Hon. Mr Parnell's amendments. Have a genuine review of the whole of section 83—

The Hon. P. Malinauskas: That's what we're doing.

The Hon. R.I. LUCAS: No, it is not, because you are seeking at this stage to gut it and then just to review the skeletal remains of what is left of section 83. The body, the flesh of section 83 would have been gutted, would have been deboned, and what is left will just be the 83(2) provisions. If there is an inclination for a review—and in the discussions I have had with the Hon. Mr Darley on occasions he has said, 'Yes, I'm not going to vote for these two bills; I'll vote against them at the second reading and we'll defeat them at that stage, but let's see how it works at this election, and then we'll have another look at it in the next parliament.' That has been, I think, a fair assessment of the point of view he has put to me. He was quoted publicly in InDaily and other places, indicating that was his position. He was going to vote against these bills; let us have a look at how they operate at this election and then we will assess them.

The Hon. P. Malinauskas: And that's not changing.

The Hon. R.I. LUCAS: Well, it is, because what you are doing is you are gutting it. If there is to be a review it should be a review of the whole of section 83, which would be to support the new 83A but not to support the Hon. Mr Parnell's amendments. The Hon. Mr Darley could be true to the position he has put to me privately in a series of discussions and to what he said publicly to InDaily and others; that is, let us see how they operate for this election and then we will reassess them in the new parliament.

If you take them out now, what prospect is there going to be under a Labor government after the next election, if they were re-elected, of a review of what is left of section 83? There would be no review of the fairness provision because it would not exist anymore. All we would be reviewing would be the population provisions, the topography provisions, the feasibility of communication provisions and the nature of substantial demographic changes. What is the point of reviewing—

Members interjecting:

The Hon. R.I. LUCAS: These ministers are squealing like stuck pigs because they know they have been caught out. I am putting on the record the nature of the dirty deal that they are attempting to impose in the discussions they have had with the Greens. And fair enough in relation to the Greens, I accept the Hon. Mr Parnell's position; he has argued this position. The dirty deal that is being done is by those opposite in the Labor Party. They are seeking to portray it to other members, like the Hon. Mr Darley and others, as being inoffensive and consistent with the Hon. Mr Darley's public and private positions previously.

I am saying clearly: it is not consistent with the discussions I have had with the Hon. Mr Darley in particular. It is not consistent with the statements the Hon. Mr Darley has made publicly in relation to this; that is, let this stand for this election, let us see how it goes and then have a review and reconsider it after the next election. If that was his position—and it was in the discussions with me—then that would be entirely consistent now with the Hon. Mr Darley supporting the new 83A; removing, as the honourable minister says he is going to do, clauses 2 and 4 of the bill and not supporting the amendments to be moved by the Hon. Mr Parnell, which is what the government wants you to do, the Hon. Mr Darley.

So my personal, political and public entreaty to the Hon. Mr Darley is: stay true to what you have said to me in the many discussions we have had, stay true to what you have said publicly and have a review, if you wish, of the whole of section 83, but do not at this stage gut section 83 by agreeing to the Hon. Mr Parnell's amendments because in the end that would be a superfluous review. There would be no review of a fairness provision because it would not exist anymore. It would have been wiped out by your vote and the Greens and the Labor Party, if you were to vote that way in the committee stage.

The Hon. P. MALINAUSKAS: We have just heard a lot of hyperbole from the Hon. Mr Lucas. It does not accurately reflect exactly what is going on here, and I think it is incredibly important when contemplating the bill that is before us that we be transparent about respective people's different positions because the Hon. Mr Lucas has tried to call into question the consistency of people's various positions within the chamber. So let's be clear about who is being inconsistent here.

The Liberal Party, represented by the Hon. Mr Lucas's remarks, has been consistent. The Liberal Party is opposed to any change in this particular area. The Greens, led by the Hon. Mark

Parnell, have been utterly consistent in their opposition to an entrenched system that fundamentally has a construct which is predicated upon a two-party system operating in the Westminster system in perpetuity. The Greens have been consistent with their position on that.

As far as I know, I have not been privy to the discussions between the Hon. Mr Darley and the Hon. Mr Lucas, which the Hon. Mr Lucas has now revealed publicly, but everything the Hon. Mr Lucas has remarked on I understand to be utterly consistent with the Hon. Mr Darley's position and also the position of the Australian Conservatives. The only group represented in this chamber today that has changed their position is the government. It is the government that has changed its position on this bill.

We have heard the arguments put to us by both the Australian Conservatives, we have heard the arguments put to us by the Hon. Kelly Vincent, who I should have mentioned earlier, and we have heard the arguments put to us by the Hon. Mr Darley. The government has responded to the position of the Hon. Mr Darley and the Hon. Kelly Vincent. It is the government that has changed its position. The government has conceded that the support is not there for the bill in the form that we originally proposed. The government concedes that support is not there for the referendum bill that is also contingent upon this bill.

We have acquiesced our position and heard the arguments provided principally by the Hon. Mr Parnell and agree with them. We do not think it is a decent, fair or responsible position in this day and age for the government to support a provision that was developed at a time that was fundamentally different to the one that we are in now. To maintain the rage over a provision that was developed when the two-party construct was believed to exist in perpetuity is a flawed position.

The government is transparent in the fact that it has changed its position in respect of the Hon. Mr Parnell's amendments. It is the government changing its position, no-one else in this room, and the inference from the Hon. Mr Lucas is simply not accurate. The Hon. Mr Lucas in his enraged state, in his desperate attempt to cling on to the existing flawed system, is referring to the review somehow being problematic.

Understand this, Mr President: as far as reviews go in their simplicity, there could be none simpler than the one that is before this parliament. The proposition is that the government, in light of changing its position in support of the Greens amendments to the bill, review that post the election. That is the proposition. It is as plain as they come. The Hon. Mr Parnell referred to this earlier. We are supporting the concept of a review to take place after the Hon. Mr Parnell's version of the bill has had its opportunity to operate. We think that is an eminently reasonable proposition and one that we support. We think it has been put on the table in good faith.

But the Hon. Mr Lucas's contention that anyone in this chamber has changed their position apart from the government is wrong. The government concedes that we have had a change of position and now acknowledge the Hon. Mr Parnell's version of the bill is superior—well, not necessarily superior. We hold true to wanting to see our version of the bill succeed. That clearly does not have the support to succeed. The government accepts that, but in that context we are willing to support the Hon. Mr Parnell's version of the bill, which is consistent with the public interest.

That is what has to be at the forefront of everyone's mind here. Everybody knows that the peculiarity of the fairness clause that exists in South Australia is an absurdity. It cannot be applied in practice by the Independent Electoral and Boundaries Commission in the event that we have an election with a rising component of the vote that is not held by the two major parties. It makes it almost impossible for the Independent Electoral and Boundaries Commission to undertake that work. The government acknowledges the Hon. Mr Parnell's arguments in that respect.

So, it is incumbent upon all of us that when we have an opportunity to change a bill that otherwise provides for a construct where the two major parties have typically in the past argued a case in their own self-interest, that where a major party is willing to concede a point in the interest of the genuine pursuit of democracy in this state, that that opportunity is seized upon.

The Hon. Mr Lucas has made it clear that the Liberal Party is going to baulk at that opportunity—the government will not. The government will work hand in hand with the crossbench, with the Hon. Mr Parnell, to ensure that we have an amended act in a form that best represents the

democracy that currently exists here today, as distinct from what was the case when this fairness clause was initially introduced.

The Hon. D.W. Ridgway: What about two years ago? Why at one minute to midnight? What are you trying to hide?

The Hon. P. MALINAUSKAS: There is no change here at one minute to midnight. The amendments that are on the table were tabled by the Hon. Mr Parnell some time ago—

The Hon. M.C. Parnell: Last month.

The Hon. P. MALINAUSKAS: Last month—so it is the government that is willing to acquiesce its position consistent with the Hon. Mr Parnell. No other jurisdiction in the country, and I am advised no other jurisdiction the world, has a clause consistent with the fairness clause. We have an opportunity to right that wrong. We have an opportunity to fix up this mistake and we have a party of government, a major party, willing to support the crossbenchers in the endeavour to fix this up. It is a worthy clause, it is a worthy pursuit and we call on crossbenchers to do the same thing that the Hon. Mr Lucas has asked people to do and that is remain consistent in their positions. Everyone can remain consistent in their position. It is the government that is changing its position to drop the bills as they are originally proposed because the support is not there and rather support the Hon. Mr Parnell's amendments.

The Hon. K.J. MAHER: I will not speak for very long. I will might reflect on a few things people said and draw together some of what has been mentioned in this debate. The Hon. Mark Parnell talked about the creator of the scheme as it currently stands and his view on it. It was then, I think, deliberately and wrongfully characterised by the Hon. Rob Lucas as being that it is the application that is at fault. That is not what the person who came up with this scheme says. Malcolm Mackerras said it is the scheme itself that is at fault. It is the fairness clause itself that is at fault—not the application of it, and not what a boundary description does. The person who created this scheme says the scheme itself is at fault.

I think it needs to be taken into account that nothing changes for this coming election. The boundaries the Liberal Party are so fond of remain. They are the boundaries for this election. This is what the election is going to be fought on. These are the boundaries that this election is going to be fought on. Then, if the amendment from the Hon. Mark Parnell succeeds, the future redistributions, pending a review—so that is not necessarily what will happen—will occur in a way that is consistent with every other state and the commonwealth. It will take into account things like the number of electors in each seat and communities of interest.

The next election occurs on the boundaries that the Liberals are so fond of and then, going forward, the redistribution occurs from those boundaries consistent with how it happens in the rest of Australia and, quite frankly, throughout much of the rest of the world. I am sure we will have the Hon. Rob Lucas again get up and yell and bully, and that is his general modus operandi. What he does, he gets up and we saw him yell at crossbenchers. We saw him yell and try to bully crossbenchers. That is how he operates. We see him come in here time and time again. He names public servants who cannot defend themselves. He comes in and puts words in people's mouths, cajoles and bullies. Quite frankly, I think when people behave like that, it says that they are not strong in their own thoughts on their position and they need to resort to that. Quite frankly, you lose people when you behave like that.

The Hon. M.C. PARNELL: I do not believe I need to make a personal explanation, but I will make a clarification. I did say that I had filed these amendments two weeks ago. They were in fact filed on 31 October, which is four weeks ago.

The Hon. D.G.E. HOOD: I rise briefly to make a few points on this issue. The first thing is that I must say, quite legitimately, that the Australian Conservatives are attracted to the Hon. Mr Parnell's amendments. We can see the logic in them. It is not for me to defend the Greens, but we can see that he has been a consistent advocate for that position. One has to respect that those are the facts. He has advocated that position for a long time now and I think these amendments he has put forward are a reflection of that position, so none of us are surprised, I think, by the Greens' amendments.

The one thing I am determined to achieve when I leave this place—and who knows when that will be; it will be at least four years from now, and I certainly hope it is longer but that remains to be seen—is that nobody in this place will ever come to me and say, 'You made me a promise and you didn't keep it,' or 'You gave me your word and you broke it,' or something to that effect. I will not do it. We have made many commitments over the 12 years I have been in this place and I have yet to break one of them, to the best of my knowledge, and if any member has a different view of that, I would certainly like to talk to them about it. I do not intend to start now.

I have had very fruitful discussions with both the government and the opposition and indeed the Greens on this issue, and some very detailed discussions particularly with the government. But we gave a commitment some time ago now to the opposition on this issue and, as I said, we do not break our commitments. That said, I can see the merit of the government's argument and the Greens' position in this particular case, but when it all comes down to it, if you cannot rely on what people say in this place, then it is very difficult to rely on much at all, so our position remains unchanged. I think our position is well established and I do not need to go through it again. Our position remains unchanged and we believe that we have had sufficient debate on this and we should bring it to a vote in the near future.

The Hon. K.L. VINCENT: Let me start by saying that I hope the eardrums of poor Hansard are alright. May I also say that, quite frankly, it would be nice to see the Hon. Mr Lucas speak so passionately about issues that were not only about his perceived election chances, but I will leave that there for the time being. The Hon. Mr Lucas does raise a valid point, though, about the need for consistency in this and indeed all the debates where possible.

I am not going to go into any great detail, given the time and given that this is an issue that has been before us for four weeks, as we have now been reminded in regard to this amendment. The Dignity Party's basic position is that we support the one vote one value amendment bill but we are not attracted to the idea of a referendum. My understanding, through recent discussions with the government, is that the position the government has now reached after consulting with crossbenchers and other parties, will result in exactly that outcome—this bill passing but without the need for a referendum. That is why I am attracted to it on behalf of the Dignity Party.

I can also very much see the merit in the Parnell amendments in their own right. As other members have already said, Mr DeGaris—the architect and designer of what is known as the fairness clause—has admitted that it does not work in practice and we can ascertain from that, I think, that that is because it was designed at a time at which the rise of minor parties and independent voices in parliament could not be foreseen, so I think we do need to move forward with amending that.

It was put to me that the clause had not been previously taken out in previous parliaments because a referendum was required and the complexities that come with that. If a referendum was not required to remove that clause after all, it would have looked better if the government had sought legal advice from the Solicitor-General and not at the end of this parliamentary sitting.

Notwithstanding that, I am told that the advice is sound and, indeed, when I met with minister Malinauskas last night about this bill, I asked him to assist me with securing my position knowing that I was doing it based on evidence, if I could see that advice and, if that was not possible, if someone from the government could write me a letter basically outlining the advice and what the impact of it would be. Obviously, the position that has been landed upon is that the advice from the Solicitor-General itself is privileged, but I do have a letter from the Attorney-General with today's date on it. It states:

> Dear Kelly,
>
> I write in relation to the Constitution (One Vote One Value) Amendment Bill 2017 (the bill).
>
> As you are aware, the Hon. Mark Parnell MLC has filed amendments to the bill (the Parnell Amendments).
>
> I have sought legal advice in relation to the Parnell Amendments. After considering the advice, the Government has determined that a referendum would not be required to give effect to the bill in amended form.

Given that this essentially achieves what the Dignity Party would have liked to have seen from the outset, and that we have had these amendments before us for four weeks, I think we have had ample

time to have become more informed and maintain our consistent position, which is to support the bill in its current form.

The Hon. J.A. DARLEY: I do not deny the fact that until 2.30 today my position was to oppose both bills. I looked at the Hon. Mark Parnell's amendments and I thought they had some merit. I had concern about those and I discussed them with the Hon. Mark Parnell. Then the government came to me with its amendment concerning the review. No matter what we do today, my understanding is that the election in 2018 will be fought on the boundaries that currently exist. If there is a review afterwards, there is nothing to say that the outcome of that review could change section 83—you could put things back, take things out, etc. So, on that basis, I changed my view.

Clause passed.

Clause 2.

The Hon. P. MALINAUSKAS: I move:

That clause 2 be opposed.

Clause negatived.

Clause 3 passed.

Clause 4.

The Hon. P. MALINAUSKAS: I move:

That clause 4 be opposed.

Clause negatived.

New clause 5.

The Hon. M.C. PARNELL: I move:

Amendment No 1 [Parnell–1]—

Page 2, after line 24—After clause 4 insert:

5—Amendment of section 83—Criteria

(1) Section 83(1)—delete subsection (1)

(2) Section 83(3)—delete subsection (3)

I do not need to speak to it; we have agitated the issue.

The Hon. R.I. LUCAS: As I indicated before, the Liberal Party will be strongly opposing this particular provision. Section 83 of the Constitution Act is headed 'Electoral fairness and other criteria'. They are not words that I use. They are the words in the Constitution Act, inserted by a Labor government and supported by the parliament and the people of South Australia.

It is the electoral fairness and other criteria provisions, and the electoral fairness subclause is this 83(1). The Hon. Mr Parnell is moving that we remove the electoral fairness provision from section 83. For the reasons I have outlined, we are trenchantly opposed to the removal of this particular provision. Given that there is to be a review, we strongly disagree with the position that the Hon. Mr Darley has just outlined. When one looks at the new review provision, on which we will vote soon, it states: 'The Premier must undertake a review of the operation of section 83.'

Section 83, if the numbers prevail in this chamber, will not include a fairness provision, will not include subsection (3), which is a related provision to the fairness provision, so the Premier of the day will be entitled—and if the Labor government is re-elected—to review the section 83 that is left; that is, if members do what they are intending to do, gut section 83, all that will be left will be 83(2) of the Constitution Act. It will have no reference to fairness or the other related provision under 83(3).

So the Premier of the day will only have to review, and will say, 'All the act requires me to do is review the operation of section 83,' and will look at the various provisions of section 83. That is

why we say that, if you are going to have a genuine, fair dinkum review of section 83, then you leave section 83 in there at the moment.

As the Hon. Mr Darley and the minister have agreed, the boundaries will stay the same for this election and, if after the election the parliament wants to have an urgent review, it says that the review required must commence not later than 12 months. So, if the government of the day wants to have a review in the first month of the new parliament and institute changes if they wish to, they can do all those sorts of things immediately upon election after March of next year.

But, at least it would be a genuine, fair dinkum review of the existing 83. It would be a review of the fairness provision, and then all those other provisions, such as population, topography, feasibility, communication, demographic changes, etc. But, if what occurs is what is being proposed, it will not be a review of the fairness provision because it will have gone.

It is a fanciful notion to suggest that any future Labor government, given that they are now concerned that a fairness provision disadvantages them—they have been happy to reap the electoral benefit for more than a decade (three elections out of the last four) of previous electoral commissions' interpretation of this particular provision. It is only now that it has been properly interpreted and supported by a 5-0 judgement of the Supreme Court that they now have concerns about electoral fairness.

The point I make is that various members have said—the Hon. Mr Parnell has prosecuted this case—that in some way there is a growing tide of Independents and minor parties in this chamber. This particular chamber has been strongly divided into threes, more so in the last period, since the 1990s. No government has controlled this chamber since the late 1970s.

The Hon. M.C. Parnell: It's fairly elected, that's why.

The Hon. R.I. LUCAS: That is for an upper house. It is a different system from the lower house. The view of many, other than the Hon. Mr Parnell, is that good governance is based on a party or government being able to actually govern in their own right in the House of Assembly. It is not a view that the Hon. Mr Parnell accepts, but up until now it has been a view that the Labor Party and Liberal Party have accepted; that is, if you want to have government, you ought to have a government in the house of majority, in the lower house, that is able to govern, and then they are subject to a different electoral-based system in the Legislative Council or in the Senate, which acts as the filter or the house of review. There is a strong argument to have different electoral systems electing both lower houses and upper houses.

I remind members that, contrary to what the Hon. Mr Parnell is saying, at the time these fairness provisions were introduced there was a minority government in the House of Assembly. There were a number of Independents in the House of Assembly, at least as many I suspect, from memory, as there are now in the House of Assembly. So, this notion that there has been some creeping change in the House of Assembly over the years from when this was introduced does not correspond with the facts.

Martyn Evans, Terry Groom and others were represented at that particular time and it was one of the reasons why the fairness provisions were implemented: because the government of the day had to rely on Independents or minor parties—I cannot remember whether they represented parties, I think they were Independents—at the time in relation to getting their legislation through, and a number of reforms were achieved in that period because of the role of the Independents. The situation at the time and the fairness provision introduced in the House of Assembly was very similar to the situation that we have now in terms of the House of Assembly.

Again, it is my final plea to members to say: if you want a genuine review of section 83, you cannot support this particular motion from the Hon. Mr Parnell because what it does is it guts section 83 before the review and it means that ultimately the review will not include a review of the fairness provision because it will no longer exist if you vote to support this particular amendment.

The Hon. P. MALINAUSKAS: The review allows the opportunity to review section 83 in its amended form as suggested by the Greens post the election. It is a prudent approach. It was one that we thought makes obvious sense considering that a change is being proposed along the lines

suggested by the Hon. Mr Parnell. If the council is going to support that change it makes sense for that review to take place after the election.

The committee divided on the new clause:

Ayes 10
Noes..... 9
Majority..... 1

AYES

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

NOES

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

PAIRS

Gago, G.E.	Lensink, J.M.A.

New clause thus inserted.

New clause 6.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Employment–1]—

Page 2, after line 24—Insert:

6—Insertion of section 83A

After section 83 insert:

83A—Review

(1) The Premier must undertake a review of the operation of section 83.

(2) The review required under this section must commence not later than 12 months after the general election of members of the House of Assembly next occurring after the commencement of this section.

(3) The Premier must prepare a report based on the review and must, within 12 sitting days after the report is prepared, cause copies of the report to be laid before each House of Parliament.

New clause inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (17:01): I move:

That this bill be now read a third time.

The Hon. R.I. LUCAS (17:01): I rise at the third reading. I will not repeat the arguments. The Liberal Party is trenchantly opposed to this particular provision. We oppose the third reading of this particular bill. We oppose the third reading and we will be dividing at the third reading.

The council divided on the third reading:

Ayes 10
Noes 9
Majority 1

AYES

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

NOES

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

PAIRS

Gago, G.E.	Lensink, J.M.A.

Third reading thus carried; bill passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO NO 3) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 November 2017.)

The Hon. A.L. McLACHLAN (17:06): I rise to speak to the Statutes Amendment (Attorney-General's Portfolio No. 3) Bill 2017. The bill amends various extant acts, largely in response to relatively minor issues that have been identified by various agencies and interested parties. I indicate that the Liberal Party will be supporting the second reading of the bill. The changes made by the bill are largely technical in nature. For example, it contains proposed amendments to the Bail Act to enable a manager of a youth training centre to witness bail agreements or a bail guarantee. The government has advised that this change will bring the training centre in line with the current practice in adult prisons.

The bill also contains amendments to the Guardianship and Administration Act 1993, removing the current requirement for the Coroner to hold an inquest for any person who has died of natural causes and who is under an order pursuant to 32(1)(b) of the said act. These orders usually relate to an aged person with a mental incapacity. The amendments proposed by the bill will mean that such a death will instead be reportable to the Coroner, rather than the current legislative requirement to hold a long and often drawn-out inquest, regardless of whether it is necessary in the circumstances.

I note the provisions will still enable the Coroner to conduct an inquest, if necessary or desirable to do so, or as the Attorney-General directs it. This is an inclusion that the Liberal Party is supportive of. Other amendments contained in the bill include changes to the Young Offenders Act. Currently, diversionary measures can be used when a youth commits a minor offence. These measures can require youths to give an apology or pay compensation to a person who has suffered physical or mental injury as a result of an offence.

The bill will expand these diversionary measures to enable them to be used in cases when a person may not have suffered physical or mental injury, but may still have suffered loss or damage as a result of a youth's offending conduct. A victim who may have suffered property damage is an example that immediately springs to mind. Again, this seems to be a sensible approach, and the Liberal Party welcomes this inclusion in the bill.

The bill also amends the Spent Convictions Act to refine rules relating to the disclosure and use of convictions that become immediately spent. The government has provided advice in between the chambers regarding the need for these particular changes. The advice set out that the current act has produced an anomaly when there is a finding of guilt but no conviction is recorded. In these circumstances, an offence will become immediately spent. Pursuant to the current act, however, in these circumstances employers are barred from taking any internal action from the date of conviction.

This would even apply in cases when the offence was committed in the course of employment or where the employee poses a serious risk to other staff or the public. A further anomaly arises in situations where a person who is found not guilty as an employer is still able to conduct their own investigations and consider whether any disciplinary action is required.

The effect of this is that a person who was found guilty of an offence but had no conviction recorded is better off than someone who is acquitted before a court. The government amendments seek to remedy this particular issue. After consideration in between the houses the Liberal Party has agreed to support the same.

I note further amendments were moved and passed in the other place removing the position of the Deputy Chief Magistrate. The government has since filed further amendments in the Legislative Council to follow on from this. They seek to clarify the Chief Magistrate's powers of delegation and provide for the appointment of the magistracy in the Chief Magistrate's absence or on the office becoming vacant.

Other consequential amendments are also required to the commencement clause in order to enable the consequential amendments to the Magistrates Court Act and Remuneration Act to commence at the same time as the changes to the Magistrates Court Act, on 8 July 2018.

The Hon. K.L. VINCENT (17:10): I have just a few remarks on behalf of the Dignity Party, particularly in regard to the spent convictions parts of this bill. The intention of the principal act is to issue a spent conviction in some cases—and I stress in some cases—where the accused person had an otherwise blameless record and has only committed a minor offence. In its current form, in the opinion of the Dignity Party, and indeed on the advice we have received, the bill casts too wide a net and could potentially and perhaps unintentionally capture people in a way that prejudices their current and future employment prospects.

The Dignity Party feels that this is not in the spirit of the main act, nor in the spirit of the Attorney-General's changes to the Spent Convictions Act, stating an intention to protect vulnerable people. So I have filed amendments to provide that young people who have committed a first time and/or minor offence can apply to a magistrate to have information about such a conviction excluded from disclosure. It is up to the magistrate to uphold the spirit of the bill in terms of protecting vulnerable people, particularly children, elderly or disabled people from employees whose conviction history they may otherwise have not known about. It would be up to that magistrate to decide whether an offence is relevant or not relevant to a particular type of employment.

As an example of this, my office is aware of a story of someone who was a young girl at the time and who we will refer to as Hannah. Hannah went to a music festival one year some years ago and was caught by police in her car taking drugs with her friends. All the young people were terrified and decided for various reasons not to tell their parents, and because of the situation with the other girls' families Hannah stepped up and took the wrap solely by herself.

She was given a spent conviction by the judge. This whole process had the intention of and indeed had the impact of leaving a scar on Hannah due to which she reflected on how doing recreational drugs was not worth it, if it resulted in serious consequences and penalties such as these. Hannah went on to work in the performing arts and in hospitality, often teaching and mentoring other young people. She has been very successful and also performed overseas and around

Australia. If her spent conviction information was readily available to current and prospective employers, who knows what kind of working future Hannah may or may not have had?

The justice system has to have fairness built in, and it is our job to uphold this as lawmakers in this chamber today. I believe that in order to do that we need to restrict this spent convictions disclosure clause somewhat to ensure that it captures people who have only committed a one-time or a minor offence and where the magistrate is satisfied that the nature and circumstances and seriousness of the relevant offence was not great and whether the relevant offence involved a child or children or a vulnerable person or persons, because obviously we do not want people who have committed offences that are serious and involve vulnerable people, including children, not to have that against their file, if you like.

Under my amendment, the magistrate will also have to consider whether the applicant has a history of offending and whether the applicant appears to have rehabilitated and to be of good character and, lastly, whether or not making the order would have an unduly negative effect on the applicant's career or employment prospects.

Again, we are not talking about people who have committed very serious offences of abuse or taking advantage of vulnerable people, including children. We are talking about people like Hannah, who at one point in their young lives made a mistake and have not done so since, and have gone on to be, to use a somewhat clichéd term, upstanding members of our community. I do not think that they should continue to have that one-off mistake that they made, which was minor in the scheme of things, continue to impact their employment opportunities far into their future.

That is the spirit with which the Dignity Party has introduced that amendment. I have just explained it now so that I do not have to go into too much length at committee stage. But it is also important to remember that these spent convictions provisions only apply to people up to and under the age of 25 years. That is what the bill defines as a young person, much to my personal offence but that is not a matter for today. I think that there may well be some room to broaden the scope to include people over the age of 25, particularly as we learn more through developments in neuroscience and other fields that chronological age is not necessarily the same as developmental age.

Having said that, given the shortage of time before us, this is a good start which paves the way for a future parliament to review this and decide if this kind of oversight is effective. We feel that offenders under 25 still have their professional and personal lives ahead of them and, for those who may have made a mistake at one point in their lives, this amendment seeks to offer them a second chance and a fair go at seeking and keeping a job.

A job can be a lifeline in terms of not becoming further on the fringes of society and anything that we can do to protect deserving people to stay in employment is important. Having said that, measures to continue to protect vulnerable people in this state are vital, and that is exactly why there are those caveats in the amendment that I put forward. With those words, I lend the Dignity Party's support for the second reading of the bill and thank the government and other members of the crossbench for their support of this amendment.

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) (17:17): I thank honourable members for their contributions. There are a number of amendments on this bill, so I will not make a significant contribution at this second reading summing up. I am sure we will answer some questions as we speedily go through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

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

Amendment No 1 [Employment–4]—

Page 3, lines 6 to 12—Delete the clause and substitute:

2—Commencement

(1) Subject to this section, this Act will come into operation on the day on which it is assented to by the Governor.

(2) Sections 21, 22, 23 and 24 will be taken to have come into operation on 1 July 2017.

(3) Subject to subsection (4), sections 13 to 18 (inclusive) will come into operation on 8 July 2018.

(4) If this Act is assented to after 8 July 2018, sections 13 to 18 (inclusive) will be taken to have come into operation on 8 July 2018.

(5) The following sections will come into operation on a day to be fixed by proclamation:

(a) sections 5 to 12 (inclusive);

(b) sections 19 and 20;

(c) sections 25 to 34 (inclusive).

This amendment is to the commencement clause. It will enable the amendment to the Advance Care Directives Act and amendments Nos 2 and 3 in set 2 of the government's amendments to commence on assent.

Amendment carried; clause as amended passed.

Clauses 3 to 13 passed.

New clause 13A.

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

Amendment No 2 [Employment–4]—

Page 7, after line 11—After clause 13 insert:

13A—Insertion of section 6B

After section 6A—insert:

6B—Acting Chief Magistrate

(1) Subject to subsection (2), the Chief Magistrate may, by instrument in writing, appoint a magistrate to be Acting Chief Magistrate during a period, and subject to any conditions, specified in the instrument of appointment.

(2) The appointment of an Acting Chief Magistrate under subsection (1) ceases on the office of the Chief Magistrate becoming vacant.

(3) If—

(a) the office of the Chief Magistrate becomes vacant; or

(b) —

(i) the Chief Magistrate is absent, or, for any reason, is unable for the time being to carry out the duties of the office; and

(ii) an Acting Chief Magistrate has not been appointed under subsection (1),

the Governor may appoint a magistrate to be Acting Chief Magistrate until—

(c) a person is appointed to the office of the Chief Magistrate; or

(d) the Chief Magistrate returns to official duties,

(as the case requires).

(4) On the appointment of a magistrate to be Acting Chief Magistrate under this section, any power or function attached to the office of the Chief Magistrate under this or any other Act devolves on the magistrate so appointed.

This has the effect that parts 7, 8 and 9 will remove the office of the Deputy Chief Magistrate. These provisions are designed to allow the Chief Magistrate greater flexibility in managing the court to better suit the needs of the magistracy.

The Hon. A.L. McLACHLAN: The Liberal Party supports this amendment.

New clause inserted.

Clause 14.

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

Amendment No 3 [Employment–4]—

Page 7, after line 13—After line 13 insert:

(2) Section 7(3)—delete 'administrative powers or functions' and substitute:

powers or functions under this or any other Act

This amendment clarifies the broad powers conferred on the Chief Magistrate to be able to delegate his or her functions. This is desirable in light of the removals that happened in the last amendment of the office of Deputy Chief Magistrate.

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16.

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

Amendment No 4 [Employment–4]—

Page 7, lines 17 and 18—Delete clause 16 and substitute:

16—Amendment of section 11—Chief Magistrate

Section 11(3)—delete 'Deputy Chief Magistrate and, if both are absent, on a Magistrate appointed by the Governor to act in the absence of the Chief Magistrate' and substitute:

Acting Chief Magistrate appointed in accordance with section 6B of the *Magistrates Act 1983*

This amendment is consequential on amendment No. 2.

Amendment carried; clause as amended passed.

Clauses 17 to 21 passed.

New clause 21A.

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

Amendment No 2 [Employment–2]—

Page 8, after line 18—After clause 21 insert:

21A—Amendment of section 4—Relevant Acts prevail

After the contents of section 4 (now to be designated as subsection (1))—insert:

(2) Subsection (1) does not apply in relation to a rule made under section 92(1)(ka).

In speaking to this amendment, I will also speak to my next amendment, which seeks to insert new clause 22A. These two amendments are a set. The purpose of these amendments is to expand the power of the South Australian Employment Tribunal to make rules as to costs. These amendments are necessary in light of the broad jurisdiction now able to be exercised by the tribunal, including judicial powers that are exercised in the part of the tribunal known as the South Australian employment court.

Under section 92 of the South Australian Employment Tribunal Act 2014, the president and the deputy president of the tribunal may make rules after consultation with the minister. This includes under section 92(1)(k) the power to make rules regulating costs and providing for the assessment

and setting of costs. The power to make rules includes the power to make rules in respect of any jurisdiction conferred on the tribunal by another act.

New clause inserted.

Clause 22 passed.

New clause 22A.

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

Amendment No 3 [Employment–2]—

Page 9, after line 21—After clause 22 insert:

22A—Amendment of section 92—Rules

(1) Section 92(1)—after paragraph (k) insert:

(ka) providing that a rule made pursuant to paragraph (k) is to prevail over an inconsistent provision of a relevant Act; and

(2) Section 92(5)—delete 'The' and substitute:

Except to the extent specified in subsection (1)(ka), the

New clause inserted.

Clauses 23 to 25 passed.

New clause 25A.

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

Amendment No 1 [Vincent–1]—

Page 10, after line 34—After clause 25—insert:

25A—Amendment of section 13A—Exclusions may not apply

(1) Section 13A—after subsection (1) insert:

(1a) A young person in relation to whom a finding has been made (as constituting a conviction for the purposes of this Act) that is taken to be immediately spent under section 4(1a), may apply to a qualified magistrate for an order that a prescribed exclusion under clause 14 of Schedule 1 does not apply in relation to the finding.

(2) Section 13A(6)—delete 'this section' and substitute 'subsection (1)'

(3) Section 13A—after subsection (6) insert:

(6a) The making of an order under subsection (1a) is at the discretion of the qualified magistrate and that discretion will be exercised having regard to—

(a) the nature, circumstances and seriousness of the relevant offence; and

(b) whether the relevant offence involved a child or children or a vulnerable person or persons; and

(c) all the circumstances of the applicant, including—

(i) whether the applicant has a history of offending; and

(ii) the circumstances of the applicant at the time of the commission of the offence and at the time of the application; and

(iii) whether the applicant appears to have rehabilitated and to be of good character; and

(iv) whether not making the order would have an unduly deleterious effect on the applicant's career or employment prospects; and

(d) whether the removal of the exclusion by operation of an order under this section might present a risk to children, vulnerable persons or the public more generally (and, if so, the extent of that risk); and

(e) whether there is any public interest served in not making the order; and

(f) any other matter considered relevant by the qualified magistrate.

(4) Section 13A—after subsection (8) insert:

(9) In this section—

young person means a person of or below the age of 25 years.

I have already explained my amendments in some detail. The first one simply creates the new clause to allow a young person to apply to a qualified magistrate for an order to exclude them from having that spent conviction readily available.

The Hon. M.C. PARNELL: The Greens will be supporting this amendment. We think that the honourable member has drafted a sensible amendment that gives young people the best opportunity to move on with their lives after, perhaps, things that have happened in their past that they later regret. We do not need to lumber people with their pasts forever and these are sensible exemptions and exclusions.

The Hon. K.J. MAHER: I rise to inform the chamber that the government will be supporting the Hon. Kelly Vincent's amendments. These amendments will enable a young person with an immediately spent conviction to apply to a qualified magistrate for an order that a prescribed exclusion under clause 14 of schedule 1 does not apply in relation to that conviction. The government recognises that there will be exceptional circumstances in which an immediately spent conviction should not be taken into account by an employer or a potential employer.

This amendment seeks to prevent unjust outcomes by allowing a person to apply to the court to consider whether their circumstances are of an exceptional nature. The government is sympathetic to the objectives that the Hon. Ms Vincent is trying to achieve. As this amendment was filed very late, the government has obviously not had an opportunity to consult with the Magistrates Court and other interested groups but will do so prior to implementation.

The Hon. A.L. McLACHLAN: The Liberal Party has not had an opportunity to seek approval in its party room since these amendments were filed today, but we will not be opposing the provisions. From a personal perspective, I might add that I do not have a problem with them, but I do not have specific party room instructions. I do have a question for the mover. If this application is made, I assume there will be a court record of the application, so in some cases, that will be able to be searched and the circumstances of the application will be set out in a court record. Is that the understanding of the mover?

The Hon. K.L. VINCENT: If possible, I might need to hand to someone with a vastly more legal mind than mine.

The Hon. M.C. PARNELL: When I hear the words 'vast' and 'legal mind' in the same sentence I leap to my feet. I might be accused of making stuff up but my first reaction would be that the Hon. Andrew McLachlan may well be correct, that technically it would be possible, but my feeling would be that I am not aware of employers who go to the length of searching the records of the Magistrates Court in every possible jurisdiction just to see if a person has managed to successfully get a spent conviction taken off their record. I think the answer might be technically yes, but practically I do not think we have a problem.

The Hon. K.J. MAHER: Yes, that is the advice I am getting: theoretically that is possible but you would have to know that it exists to go searching for it. It is almost inconceivable that there would be a general procedure for companies, when employing someone, to check to see if someone has made this exceptional circumstances application to a magistrate to do that. So, technically yes, but practically it would be a highly unusual thing to eventuate, we would have thought.

The Hon. J.A. DARLEY: I will be supporting the Hon. Kelly Vincent's amendment.

The Hon. K.L. VINCENT: I might just add a comment because I did suspect that that was the case but I wanted to make sure that I was on the right track. Given the other parts of these amendments which outline that the magistrate has to be absolutely satisfied that the nature, circumstance and seriousness of the relevant offence were not grave and that the relevant offence did not involve a child or children, elderly people, vulnerable people and so on and so forth, and that

the applicant is rehabilitated and not likely to reoffend again, etc.—you may well go looking for that record but given that we are talking about some very minor offences here, even if they had applied for and been successful, I think that would satisfy the idea that it was probably a very minor thing to begin with, so I do not know why you would go scrounging around for that in the first place.

New clause inserted.

Clause 26.

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

Amendment No 2 [Vincent–1]—

Page 11, line 8 [clause 26, inserted clause a1(2)]—Delete '13A' and substitute:

13A(1)

Amendment No 3 [Vincent–1]—

Page 11, after line 8 [clause 26, inserted clause a1]—After subclause (2) insert:

(2a) A prescribed exclusion under clause 14 of Schedule 1 does not apply in relation to a finding (as constituting a conviction for the purposes of this Act) that is taken to be immediately spent under section 4(1a) in respect of a particular young person if a qualified magistrate has made an order to that effect under section 13A(1a).

Given that I have already outlined all of my amendments at some length, unless there is any reason why I should not, I am happy to treat the remainder as consequential.

Amendments carried; clause as amended passed.

Remaining clauses (27 to 34) and 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) (17:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 August 2017.)

The Hon. T.J. STEPHENS (17:36): I move:

That the debate be adjourned.

The council divided on the motion:

Ayes 12
Noes..... 7
Majority..... 5

AYES

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

NOES

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

PAIRS

Lensink, J.M.A.	Hanson, J.E.

Motion thus carried.

ROAD TRAFFIC (HELMETS) AMENDMENT BILL

Introduction and First Reading

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

CRIMINAL LAW (FORENSIC PROCEDURES) (EMERGENCY SERVICES PROVIDERS) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (TERROR SUSPECT DETENTION) BILL

Final Stages

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

CONSTITUTION (ELECTORAL REDISTRIBUTION) (APPEALS) AMENDMENT BILL

Final Stages

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

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Final Stages

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

FINES ENFORCEMENT AND DEBT RECOVERY BILL

Final Stages

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

Adjournment Debate

VALEDICTORIES

Resumed on motion.

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) (17:45): We have heard from the Hon. Gail Gago, and I thank the chamber for their indulgence. I think it is one of the features of this chamber that when we have people in for motions or for things like a final speech, we indulge people to allow that to happen. I think that is one of the better traditions of this place.

Before we hear from other members who are retiring, I rise to deliver my second speech to wrap up this year in the chamber. I was thinking about delivering this speech in song in the tradition of the Hon. Tung Ngo, who does things in song in this chamber, but I have decided not to today.

Members interjecting:

The Hon. K.J. MAHER: Not to today. No parliamentary year is easy, and 2017 certainly had its share of controversies. In the words of Barack Obama, 'The strongest democracies flourish from frequent and lively debate, but they endure when people of every background and belief find a way to set aside smaller differences in service of a greater purpose.'

Before I speak about those retiring from this place, I would like to recognise the work of our Government Whip, Tung Ngo, and the Opposition Whip, John Dawkins. It is a thankless job, a job in which you are often given advice about how to better do your job, I know from experience. I place on the record my appreciation for what they have done. I want to thank you, Mr President, for the way you have presided over this chamber during question time and debate, keeping most of us on the straight and narrow and nearly always turning up in a moderately timely fashion at the start of hearings. It has been a hallmark of your presidency.

I would like to convey my gratitude on behalf of honourable members here to those who have arguably the most difficult jobs in this place, and that is our excellent Clerk, Jan Davis, who marks something like her 112th year of service in this chamber, and our deputy, the Black Rod, Chris Schwarz, both keeping us on track and literally putting words in our mouths for much of the time.

I want to also place on record and thank the capable and diligent staff who assist with keeping this chamber in order: Guy Dickson, Leslie Guy; our attendants Todd, Super Mario, Karen and Antoni; and our office staff member, Kate. Her post question time supply of chocolates I know has been appreciated, particularly by me.

I also recognise and thank the many people who dedicate themselves to the service of the parliament and to the South Australian people: parliamentary counsel, the Hansard staff, the catering kitchen staff, the library staff, our building staff and everyone else who makes this place seem like it just works, but who do an incredible amount behind the scenes.

On behalf of all ministers, I want to acknowledge the ministerial office staff for their tireless work over many hours and devotion away from their family and the jobs that they do. It is a deep personal commitment that is required for that job. I want to acknowledge the excellent work of agency officers, ministerial officers and administrative staff. I think the Hon. Gail Gago aptly summed up the work that so many people in the Public Service do, often without recognition.

I want to personally thank my chief of staff and advisers in my office for their almost always great advice, particularly for advising me not to drink a second or third Red Bull before question time. I think everyone is grateful that I usually have only one.

The Hon. D.W. Ridgway: That's not even made in South Australia. I thought you were meant to choose SA.

The Hon. K.J. MAHER: The South Australian-made Red Bull that I always drink. I particularly want to make mention of some people for whom this will be their last time in this chamber: the Hon. Gail Gago, the Hon. John Gazzola and, to a much lesser extent, the Hon. Peter Malinauskas mark their ends of service in this chamber today.

Firstly, to the Hon. Pete Malinauskas, who was here for a good time, not a long time, we recognise your contribution to this place. We on this side of this chamber wish you the best in your efforts to quite possibly become the next member for Croydon in a few months' time. We have all appreciated your capable performance in this place and your absence will be felt. I think it will be felt particularly if we return to government and we no longer have a health minister in this chamber to absorb all the questions in question time.

The Hon. Gail Gago and the Hon. John Gazzola have both served in this place in various capacities in high office since 9 February 2002, when they spent that one terrible day in opposition. The Hon. Gail Gago served for many years in various ministries in both the Rann and Weatherill governments and, of course, for almost five years as the Leader of the Government in this place.

The Hon. Gail Gago brought to the Legislative Council a very strong record of advocacy in working for South Australians. She had experience in important fields working with people, particularly in nursing, having begun her career in South Australia as a nurse and becoming an organiser with the ANF and ultimately rising to the position of branch secretary.

She has a long history of leadership roles within the Labor Party and the labour movement. In her time here, I think she holds the distinction of being the first woman to lead the government in the Legislative Council in South Australia—although I think we had Carolyn Pickles leading the opposition—and the first woman to fulfil the role of acting premier in South Australia as well. So, she has a number of firsts as a woman, and as a minister for women it has been quite fitting. Gail's contribution to the labour movement, the Labor Party and the parliament has been very significant. I trust that her contributions will continue past her retirement from this place. On behalf of the government, I thank her and wish her the best for whatever awaits her in the future.

The Hon. John Mario Gazzola also has a very significant history with the South Australian labour movement and the South Australian Labor Party. Having served as an organiser and a secretary for what is now the Australian Services Union, he has certainly brought his understanding of South Australia's industrial landscape to this place. We thank John for his term of service as President of the Legislative Council and his very genuine committed work on a number of committees over the past 15 years. The Hon. John Gazzola has also sported the finest looking beard in this chamber, slightly outpipping the Hon. John Dawkins over recent times.

The Hon. J.S.L. Dawkins: What about the Hon. Mark Parnell's? It is the longest standing beard.

The Hon. K.J. MAHER: Familiarity breeds contempt when it comes to beards, I fear, which is why the Hon. John Gazzola has taken that title. It is disappointing to see that the beard has been removed, but I very strongly suspect it will make a return in the years to come. I also want to mention, very briefly, the Hon. Gerry Kandelaars, who left us earlier this year. Much was said about Gerry at the time but, again, I think it is important to recognise the contribution he made to this place and the circumstances of his sudden departure from parliament. I know many of us have seen the remarkable recovery Glenys has been making. We wish Gerry and his family all the best.

The Hon. John Gazzola and the Hon. Gail Gago are retiring, but it is the nature of elections that it is an uncertain outcome that we face. I hope to see all of us in this chamber past the election, but if that is not the case I want to thank anybody who is serving now who does not return. I know it is a difficult and anxious time. Trust me, when you are No. 4 on a major party ticket, you are not always guaranteed of getting back in. Jing, I think you will be alright; No. 4 is a great place to be with a major party running for parliament.

Thank you to everyone for their contributions. As we have talked about this afternoon in debating bills, this chamber has changed over the years. As the Hon. Mark Parnell pointed out, at various times it has been one-third, one-third and one-third. It brings a diversity to this chamber and, in some ways, the diversity we find in this chamber in some cases probably helps us make better decisions. So, I want to thank every member for what they have contributed over this year and over this term.

The Hon. J.S.L. Dawkins: It has changed, leader; it was three Democrats when I came in here.

The Hon. K.J. MAHER: We do not talk about the bad old days. I should ignore interjections. I wish everyone a very happy and safe festive season and I very much look forward to being back on this side of the chamber next year. I have become quite fond of these paintings up there and I am not at all familiar with the ones looking onto the other side, and I will be very, very pleased to welcome all of the opposition back to that side of the chamber next year.

The Hon. J.M. GAZZOLA (17:55): I thank the leader for his kind words. After last night and this morning's sitting and 15 and a bit years in this place, I can confidently say that I will not miss Wednesdays' private members' business. However, today, hopefully, will be the last sitting day and, after four hours sleep, I have to report that today started brilliantly with Henry flying in from Melbourne, and of course being the last day of the month it is our payday.

There are so many amazing, hardworking staff in this place, past and present. If I tried to name them all, I am sure I would miss a few and therefore I will not attempt to. However, I wish to thank the Clerk of the Legislative Council, Mrs Jan Davis, and acknowledge her long service in the Legislative Council. To Jan and her gentlemen Ushers of the Black Rod, the late Mr Trevor Blowes and now Mr Chris Schwarz, I owe you a great debt of gratitude for your professionalism, guidance and assistance over the years.

I will not name all of the Legislative Council staff, but thank you for your patience, understanding and support. To Hansard, the library, committee staff, researchers, PNSG, finance, catering staff, building services and parliamentary chauffeurs, thank you for helping me over the last 15 years. It has been a wonderful experience and a privilege to work with you. I know how hard you all work to make this place a pleasant and efficient workplace and therefore I hope you all get an excellent pay rise.

To all honourable members, both past and present, and members in the other place, thank you for your understanding and support. I have gained some knowledge from you and I thank you for sharing your expertise and experiences with me. You have all made me laugh, made me sigh and at times bewildered me.

I wish to acknowledge the union movement and in particular the South Australian and Northern Territory branch of the ASU. There has never been a better time to be either a union member or a union official. Collectively, we face deregulation of the workplace, industrial relations issues, employment insecurity, federal government sponsored attacks on the union movement, negligible wage growth and maximum profits. Governments of all persuasions are willing to privatise the profits and socialise the losses. To the workers I say: join a union, get organised and get a decent pay for a decent day's work. I also wish to thank the ALP party office staff and all the members of the ALP.

You may have noticed, through my speeches on matters of interest, I have pursued my passion for music, the artists and support staff in the creative industries. I was extremely pleased when Premier Jay Weatherill and his cabinet recognised the growing music industry and its benefits economically for the wellbeing of the state. Adelaide is now recognised as a UNESCO City of Music and just this week Lonely Planet named Adelaide as Australia's live music city and as one of the world's most exciting cultural hubs.

There are so many more successes in the music industry that I will have to find another way of telling the new parliament all about it. In the summer issue of *Yewth* magazine, Sharni Honor, of Adelaide's musical Porch Sessions, summed it up when she was asked, 'Is Adelaide's music scene dying out?' Sharni's reply was:

> No way. It's such an amazing thing at the moment. And I think the cool thing about it is how cross-genre supportive it is. In a lot of scenes, a lot of people stick to their niche and that's how they exist. For the music scene at the moment, everyone is dipping their toes into everything. So people that go to rock shows go to folk shows, people that play in rock bands go to folk shows as well, and vice versa. It's really healthy and supportive in that sense. And everyone knows everyone, and I just love that.

I hope the new Weatherill government, ably assisted by its first majority in the Legislative Council, will continue—

Members interjecting:

The Hon. J.M. GAZZOLA: Have we preselected that man? We will continue the fine work and, more importantly, continue to increase funding to the various stakeholders in the music industry. The Weatherill government deserves another term to continue building our creative industries and our beautiful state. You can be assured that I will do my best for the re-election of a Weatherill Labor government.

South Australia could not have reached this level of recognition without the commitment to the music industry from Music SA, the AHA, venue owners, promoters, event organisers and the important hardworking Music Development Office. I also hope that there are plans for an Adelaide concert hall to complement our amazing venues in Adelaide.

To my staff, past and present—Brenton, Kara, Olivia, Maddy, Alessandro, Krysta, Narrah, Felicity and Tiffany—thank you so much for your support, sense of humour and tolerance levels. I could not have had a finer bunch of staff. I wish you well for the future and thank you for your friendship.

Personally, 2017 has been a mixed year. In February, we celebrated my mother's 90th birthday. In June and July, I had a few health issues, and in August I turned 60. I can confidently say that 60 is not the new 30 or the new 40. On 5 September, my mother passed away, and I wish to acknowledge the strength and support of my family Velina, Stella, Gino, Dino, Nives and Tony. We have been through a bit over the past couple of months but I appreciate how we have supported each other. To Gwenda, Henry and Ruby, I could not have asked for a better family. I look forward to spending more time with you but I am not sure how you feel about that.

I am often asked what I shall be doing after the 2018 election. I will travel, and upon my return, I will tend to the garden and continue my research into the fish stocks in Gulf St Vincent and beyond. There is also a fair chance that our band, which started in 1978, will continue to pursue that so far elusive record contract and chart success.

I will grow my beard again and hopefully this time next year I will have reinvented myself into a bogan hipster. Some might say, 'What do you mean 'reinvented'?' But I will ignore those comments. So I still hope to enjoy a pint of West End Draught and a pint of the latest craft brew served at the King's Head Hotel. I also hope for a Port Adelaide versus Adelaide Crows grand final which will go into extra time with Port winning by the smallest of margins. I think that would be a wonderful outcome for the VFL-dominated AFL.

Finally, I wish to thank you, honourable members. I did my best and I wish you well for the future. I promise when my mate, the Hon. Bob Sneath, comes to town next year, we will visit you in Parliament House. I leave this place with more friends than enemies—a perfect finale.

Honourable members: Hear, hear!

The Hon. D.W. RIDGWAY (Leader of the Opposition) (18:02): I rise on behalf of the opposition, although some of our members are not here, to wish you all well at the end of this year and the end of the four-year term that we have had. I particularly thank the team of the Liberal opposition for their support of each other and the way we have conducted ourselves. I would like to thank all of them for their support of me but also of each other. We work well as a team and various members of the team take responsibilities for various bits of legislation. I would like to thank them and all of our staff behind the scenes who support us all.

I never like to count my chickens, and I would not dream of it, but I just relayed a story from a former minister in the Queensland government who went into opposition. They said to me, 'It is outrageous. We have to answer our own phones now and we do not have any staff.' I wish that upon you all at some point hopefully in the future. To the other members in the chamber, the government and the crossbenchers, I wish you all well. Most of the time we have a good relationship, sometimes I lose my sense of humour but usually I get it back again. Over a period of time it comes back. Thank you and all of your staff who we interact with who are important.

I thank the retiring members, the Hon. Gail Gago and the Hon. John Gazzola, who were both elected at the same time I was elected. We were all sworn into parliament on that day and, while I do hope that there is a brighter future for the team on this side of the chamber, I am a little envious of the fact that you are now going off to do something else. The Hon. Mark Goldsworthy, Isobel Redmond and others in the other chamber that were elected at the same time are retiring too and you can see that big smile on their face and the burden lifted off them. I sort of think maybe I am a little bit envious of that.

Also, to the Hon. Peter Malinauskas, only here for a short time, I hope he finds a very long and dreary time in opposition in the seat of Croydon. Also, I do want to make a mention of Gerry Kandelaars too. I had caught up with the fact that his wife has done particularly well since the transplant. I think that is wonderful news, because certainly she was here when he left and was at that time in a pretty desperate state. I am really pleased that she has made a wonderful recovery.

Also, as the Leader of the Government said, elections are a strange time and we are sort of in uncharted waters a little, as always. For anybody that is not fortunate enough to be returned—I think everybody here is seeking re-election; there is obviously nobody else retiring—whatever comes, I wish all of you all the very best in your endeavours in the election.

I would like to thank all the staff we have here—obviously Jan and Chris, and the other table staff, Guy and Leslie, and then all of the other staff here—Mario, Todd, Anthony, Karen—everybody here that makes this place work well, I really appreciate it.

Mr President, to you as well, thank you for your mostly good service and good humour. We probably have at times been a little harsh on you and you have bounced back, notwithstanding the fact that you tried to kick somebody out and the chamber did not support you, that was a little unusual. You only ever tried that once and it did not work. We were all pretty comfortable; we knew that you wouldn't kick us out, or weren't able to kick us out. Anyway, thank you for your service and what you have done.

I would also like to thank all the other people in the building: the building services people, the catering people, Hansard, parliamentary counsel, the Blue Room and PNSG—everybody that looks after us. As the Hon. John Gazzola made mention, some of us are fortunate enough to have chauffeurs. They are fantastic people to have to get you from point A to point B and they work some particularly incredibly long hours.

I could not go through this speech without talking about the head of the library, Mr John Weste, and that spectacular pink outfit that he had on a few weeks ago. I thought that was one of the best bits of apparel I have seen on a man in his place for a very long time. I would be game to wear the jacket but not the whole outfit. I do thank him and the library staff for all of their services.

With those few words, I wish you all the very best. Whatever happens in the next 108 or 109 days, I think it is—we will know in about 109 days' time whatever the South Australian people have served up for us, and, whatever the result is, I am sure those of us who are coming back will enjoy our next four years of service, and I hope you all have a Merry Christmas and a prosperous New Year.

The Hon. M.C. PARNELL (18:07): I rise to briefly add my support to the motion. The Hon. Kyam Maher I think did a pretty comprehensive job in naming all of those who we need to thank at this time of the year. He went through the chamber staff, kitchens, library, Hansard, and PNSG, and I echo those thanks. Without these people we could not do our jobs properly, so on behalf of the Greens, I thank you.

Secondly, we have our retiring members, the Hon. Gail Gago and the Hon. John Gazzola. I would like to thank you personally and on behalf of the Greens for your service and for your friendship. It has mostly been a pleasure—mostly. It is hard to think of the times that it has not been—I could probably count them on one hand. Thank you both.

I will just mention with the Hon. John Gazzola, reflecting on my first ever words to him, which revolved around the fact that we had just formed the Australian Greens and I was a member of the Australian Services Union and I had felt that it was not appropriate for me to belong to an affiliated union. So, I wrote a letter to some bloke I had never heard of—Gazzola, I think his name was. I wrote him a letter and resigned from the union. When I found that he was here and I said, 'John, did I write to you?' his response was, 'Yes! I still have the letter,' and it has been all uphill since then! So, thanks John and thanks Gail for your service.

Thirdly, I would just like to quickly thank my staff, Cate Mussared, Emily Bird and Sophie Comber for their work. I sometimes describe them as the brains behind the outfit. They are certainly the muscle and the hard work behind the outfit and, as all of us know, we cannot do what we do without having supportive staff who go above and beyond the call of duty.

The final thing I will say, apart from wishing all my colleagues a Merry Christmas and a prosperous new year, is to reflect on what is on the top of all our minds and that is something happening in March, apparently. It is the election. Of course, as members would know, this year election day is St Patrick's Day. I expect everyone to be wearing green at polling booths. I have T-shirts I can provide. At the risk of being very culturally insensitive and inappropriate, I will just say

that the Greens will be urging people to vote for our party in both houses of parliament, to be sure, to be sure.

The Hon. J.A. DARLEY (18:10): I would like to add my support to the motion. I will not go through all the names that have already been mentioned. I thank chamber staff, Hansard, and individual members of the chamber. It has been exciting at times and it has been a bit dull at other times. I also thank the Hon. Gail Gago, the Hon. John Gazzola and the Hon. Peter Malinauskas for the work they have done in the time they have been here. I thought John Gazzola would mention the Neil Sachse Foundation Race Day that we all go to. I would like to wish everyone a happy Christmas and a prosperous new year and every success to the members who are standing for election. Finally, I would like to thank my staff—Jenny, Alicia and Dejana—for the work they have done.

The Hon. K.L. VINCENT (18:11): I would like to briefly place on the record my support for the motion. In doing so, I would like to begin, of course, by thanking my staff—the on-and-off team, which includes Anna and James, who has replaced Anna while she is on maternity leave. She is due on 10 December and yet was sitting at her desk yesterday when I walked in, so maternity leave obviously does not mean what it used to. We are very much looking forward to the arrival of little Reuben. Once again, I congratulate Anna and Ben on a very exciting time ahead.

The Hon. T.A. Franks interjecting:

The Hon. K.L. VINCENT: That will be the official name now because it is in *Hansard*, so hopefully there is not another argument going on as I speak, but whoever they turn out to be, I am very much looking forward to meeting them. I thank Anna, Cathi, James, Lucy, Emma, Anastasia and also Amy who left the team and found new work. It would be remiss of me not to mention that it was Amy's birthday yesterday. Once again, happy birthday, Amy, and thank you for everything.

I also acknowledge and thank the Dignity Party board, candidates and many supporters. I thank chamber staff, of course, building services, PNSG, library staff, Hansard, catering staff and parliamentary counsel, particularly for their work in the last few weeks and days with the rush to get some amendments across the line. I would also like to acknowledge in particular the retiring members: John Gazzola, with whom I share and will always share a great passion for the arts, so I acknowledge his collaboration and work in that area, and Gail Gago, in particular for her work around domestic violence, women's issues and also the environmental measures she mentioned.

There are a couple of stories that stick in my mind when I think of the Hon. Ms Gago. Her exuberance has always stuck with me and was very obvious to me. I remember years ago having a meeting with her about something or other. I cannot even remember now what it was about. It was such a long time ago, when I was a very new member of parliament and quite young. I was in my office ready for the meeting, and I could hear Gail talking to herself in her merry little way, trying to figure out where my office was.

I could hear her voice coming down the hallway. She eventually finds the room and comes in and says, 'This is a lovely set-up you've got here, darling. You've got this little alcove there with the fridge and everything. That's your little alcove; that's lovely. What do you keep in there?' I said, 'Sorry, what do you mean?' She said, 'Over there, in the safe. What do you keep in there?' I looked around and thought, 'There is no safe.' I am looking around and I realise what she is pointing to. Being a very new and young member of parliament, I did not want to make a minister of the government look silly but I felt that I had to say something. I cleared my throat and said, 'Minister Gago, that's a microwave.'

The Hon. G.E. Gago: Thank you for sharing that.

The Hon. K.L. VINCENT: You are welcome. I have been waiting this whole time. Of course, the other and far less embarrassing story that comes to mind when I think of Gail was during a period when certain circumstances had led to her being the only minister for the government in this chamber. As a result, she was under the pump each and every sitting day. I took her aside one day and said, 'Would you like to go out for a coffee or a cup of tea or something, just to have a chat? It doesn't need to be work-related, just to give you a few minutes to breathe.' We were chatting and I asked her, 'What do you like to help you relax? What is a treat for you?' If I am not mistaken, I think I remember that she said, 'A Balfours meat pie.' Was it Balfours or Vilis?

The Hon. G.E. Gago: Or both.

The Hon. K.L. VINCENT: Either/or. That surprised me because the Hon. Ms Gago is known for her strict exercise regime and strict diet of salad and not much else. I just want to put on the record that I did once or twice think about leaving the treat for Ms Gago, but it was not appropriate to leave it on her desk in the chamber and I was worried about what might happen if a sweaty meat pie was left in her letterbox.

The Hon. G.E. Gago: I would eat it!

The Hon. K.L. VINCENT: Yes, I know, but I am more worried about your poor staff who have to pick it up and deal with whatever odour and condensation comes out of the letterbox. I just wanted to place on the record that I did remember that and did consider it. Now that she is out I might have the opportunity to finally provide her with one in an appropriate setting.

Thank you, both Mr Gazzola and Ms Gago, for your work. I also want to place on the record my thanks to my support workers, without whom I literally would not be able to do this job. I need them to get me out of bed in the morning and make sure that I am wearing clothes, which is always a preferable thing when you are about to go into parliament, so I could not do this without them. In particular, I thank my main support worker Jarrod, who really does go above and beyond, both professionally and personally, to support me.

I think that has been more evident this year when we have conducted no less than 10 regional trips between me and my staff. Jarrod, I think I am right in saying, has accompanied us on each and every one of them and that means a lot of driving for him, a lot of early starts and a lot of late nights. I get paid well enough to do that but a poor support worker certainly does not, so I want to put on the record as always my thanks to dear Jarrod. I am very grateful to have him.

He is not only a great worker but a fantastic friend. Jarrod actually accompanied me to my grandmother's funeral this year in Canberra. He will not like me putting this on the record because I was supposed to pretend that he did not hear it, but my cousin was thanking him for accompanying me and making it easier for me to get over to Canberra for the funeral, and he said words to the effect, 'That's alright; Kelly's my sister,' but I wasn't supposed to hear that. However, now that I have, I would like to place on the record that Jarrod is very much my brother as well.

Of course, my other friends and family, my mum and dad, and my brothers Shane and Cody have become accustomed, bless their hearts, to texts at 10.30 at night asking, 'Is this a good title for a media release? What do you think about this? What do you think about that?' When my staff are unavailable, my parents in particular are, particularly to support me through the late nights and the impacts they can have on me. I place on the record my undying gratitude for their unwavering support.

The Hon. Ms Gago made some very poignant comments about the importance of partners and the often unrecognised roles that partners play, so I want to place on the record particular recognition of Nick and my best friend Chantelle for always choosing me, even when I did my level best to make it impossible for them. I will not say any more because there are not any words.

Thank you to my parliamentary colleagues for working with me often constructively, sometimes not, and if not making it interesting at least throughout the years and achieving some great outcomes as a result. The amendments to the spent convictions provisions just this afternoon are one such example.

Lastly, I wanted to place on the record my thanks to all those advisers, supporters and particularly constituents who have contacted me over the years, because ultimately you are what we are all here for and, if it were not for you allowing me to share your stories to fight for not only change for ourselves as individuals but change within the necessary systems as well, I certainly would not be able to put to my name the number of achievements that I can. Of course I am hoping to be able to achieve more, but that depends very much on the outcome of what will occur in just a few short months' time.

Having said that, I am putting out positive vibes and I look forward to, if not returning here, continuing my love for South Australia and advocacy for those who need it in our community in some

other form. But, for the time being, this is wood. I know because I remember the fight to get it here. Thank you all for your love, support and, if not love and support, then for making my life interesting.

To my colleagues who are, like me, facing election in the coming months, all the very best, and even to those of you who are not, all the very best for everything you wish to achieve and for a happy new year and long beyond that as well.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (18:21): I will be brief, but I wanted to take the opportunity to put on the record my sincere gratitude for the opportunity to be able to serve in this place. It happened rather unexpectedly, and I anticipate that this will be the last opportunity I will have to be here. I suspect that, if I am lucky enough to be elected to the other place as the member for Croydon, I will miss the relative congeniality that exists within the Legislative Council in comparison with the House of Assembly.

I am very grateful for all the assistance that all the staff put in to be able to facilitate the privilege it is to work in this place. I thank each and every member I have had an opportunity to work with over the relatively short time I have served here. It has been an experience I will always look upon fondly. I very much hope that I have the opportunity to work with each and every one of you in future, albeit in a different capacity.

The PRESIDENT (18:23): I would like to join in and support the motion. I thank the staff. They have been thanked to death tonight, but they certainly deserve it as their professionalism and hard work makes this chamber and the work in this Legislative Council a much easier job.

I would also like to wish our retiring colleagues all the best for their futures. It has been great serving next to you, or in front of you. Both of you are still young enough to get out there and get a new life. It is fantastic that you are leaving when you have time on your side.

I also wish the best for all those who are running at this election. Politics is a tough game, and we should never dance on anyone's political grave. We should always wish them well, work with them and just hope that whatever life brings them is the best in life.

I also thank the whips. As President, I rely on the whips to make sure this chamber runs well. For the vast majority of the time, the chamber has run very well, so I thank the Hon. Tung Ngo and the Hon. John Dawkins for the great work they have done as whips.

I would also like to thank and express my gratitude for the behaviour of this chamber over the four years that I have been here. Now and again we get a bit carried away but we are involved in a very passionate field of politics so it is only natural that people sometimes get worked up during debates and the like. As the Hon. Mr Ridgway noted, I once tried to kick somebody out and that failed so I learnt very quickly not to try it again. Members here have behaved very well and I think the people of this state have been very well served by the productivity and the behaviour of everyone here.

I would like to thank all the messengers and, in particular, Jan and Chris, who certainly make the job of President flow very easily. I was called in to a very teary Jan Davis before question time, who advised me that she is going to call it a day and Jan will be retiring by the end of the year. I said to Jan, 'Thank you very much, Jan, you are an icon in this parliament.' I do not think 50 years working in this parliament has been matched by anyone in the world, to be honest. To go from a clerk, a young woman working behind a desk to become the Clerk in this house is truly a magnificent achievement. I will ask Jan to say a few words before we finish.

Thanks very much. Have a good Christmas and a great New Year and I look forward to seeing most of you here next year.

The CLERK: Well, it had to happen; I have made the big step. Today, I have many mixed feelings. The Legislative Council has been a huge part of my life from the moment I commenced duties as a clerk/typist for the Legislative Council on 21 December 1964, the year the Beatles came to Adelaide, man had not gone to the moon and Sir Thomas Playford, South Australia's longest serving premier, was defeated in the ensuing state election in 1965. Electric typewriters had not been invented, nor had the smart phones that members cannot do without.

I received much exercise in those days with considerable numbers of amendments to legislation, including succession duties and electoral changes, having to run from the front office down to the basement of the parliamentary library to use the one and only manual Gestetner Roneo machine and return to my office and have to start all over again because of more amendments. It was only due to one night when the machine finally gave up that the then chief secretary ordered that an electric machine be obtained immediately.

Over the years, I have seen many changes and this place has come to be a part of my family. There were my early colleagues, especially Clive Mertin with whom I worked for many years, who was very much like a brother to me and a partner in crime, especially when we endured many, many late nights in the front office with our then boss in the chamber. We often played charades, only to be caught and suitably punished. In more recent times, there have been my colleagues the late Trevor Blowes and Chris Schwarz, both of whom I hold in such high regard. Of course, I must also mention Margaret Hodgins, who has been my assistant for many years. We have a great team in the Legislative Council: Guy, Leslie, Anthony, Todd, Mario, Karen and Antoni.

Starting at the very bottom of the Legislative Council staff structure, I never dreamt I would become the first woman Usher of the Black Rod in the commonwealth nor become the first woman Clerk in an Australian parliament.

Peter, my husband, has been with me from the early days. He has been a terrific support, listening to me when I came home late at night talking about the latest developments, especially when I first became Clerk and it seemed like it was the federal 1975 situation all over again over money legislation and the sitting of both houses was suspended while this big argument took place.

I have indeed had many, many happy years, with some difficult periods, but I will never look back with regret at choosing Parliament House as my career.

Honourable members: Hear, hear!

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) (18:30): I move:

That the standing orders be so far suspended as to enable the Clerk to deliver messages to the Speaker of the House of Assembly while the House of Assembly is not sitting and the council is not sitting, and for messages to be received from the House of Assembly and delivered to the President of the Legislative Council while the council is not sitting.

Motion carried.

At 18:31 the council adjourned until Thursday 21 December 2017 at 14:15.