

LEGISLATIVE COUNCIL

Thursday, 25 October 2018

The **PRESIDENT (Hon. A.L. McLachlan)** took the chair at 11:00 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. R.I. LUCAS (Treasurer) (11:01): 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.

Motion carried.

Bills

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 October 2018.)

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:02): I thank honourable members for their contributions to the second reading debate. This bill is being introduced by the government to address the lack of regulation of e-cigarettes in South Australia. The bill aligns with the recommendations of the Select Committee on E-Cigarettes and the positions of leading public health bodies, including the National Health and Medical Research Council, on the need for governments to act to regulate e-cigarettes. It will also bring the e-cigarette legislation in South Australia in line with interstate legislation.

The fact that South Australia is the last state in Australia to regulate e-cigarettes is a stark demonstration of the former Labor government's low priority on public health. Even after receiving a bipartisan select committee report in February 2016, they left office two years later without legislating in this area. The bill also introduces a range of administrative enhancements to ensure that the legislation is up to date and to improve the functioning of the legislation.

These amendments emanate from an independent review of South Australian tobacco control legislation that was completed in 2017. The review was commissioned by SA Health and conducted by Dr Chris Reynolds, an expert in public health legislation in South Australia. These administrative changes are important to ensure that South Australia's tobacco legislation continues to be a key mechanism for reducing the harms of tobacco use in our community.

It is pleasing to note that rates of tobacco use among the entire population, including young people, have fallen in recent decades. In 2007, 23 per cent of people aged 15 to 29 were current smokers. By 2017, 10 years later, that figure had reduced to 14.7 per cent. These reductions have come as a result of public health measures aimed at reducing smoking, including the establishment of more smoke-free areas, bans on tobacco advertising and excise tax increases for tobacco products.

To ensure that we continue this downward trend, we are undertaking legislative reform as a key part of the government's approach to improving the health of the community. The sale, advertising and promotion of e-cigarettes has the potential to undermine the gains we have made in this area by creating a gateway for young people to develop nicotine dependence and progress to

tobacco smoking. The South Australian government is not prepared to leave the door open to that possibility.

This bill establishes a regulatory regime for e-cigarettes that aligns with the way that tobacco products are regulated. It also balances adult access to these products with the protection of public health, including safeguarding our young people. These safeguards include bans on selling e-cigarettes to minors, bans on the sale of e-cigarettes from vending machines and temporary stalls and advertising bans on e-cigarettes, including the removal of retail displays of e-cigarettes. It will also protect people from exposure to e-cigarette vapour in smoke-free areas.

The changes in the bill will be communicated to South Australian e-cigarette retailers and peak bodies, as well as to existing tobacco licence holders. Information will also be made available on the SA Health website to explain the new requirements. Recognising that e-cigarette retailers will be required to make changes to their business operations, a six-month transition period will be provided for retail displays and the ban on internet sales. This will assist with compliance and is also consistent with previous legislative changes for tobacco retail regulations.

Under this bill, shisha tobacco has been included in the definition of a tobacco product. Shisha tobacco is smoked through a water pipe and usually contains tobacco sweetened with fruit or molasses sugar, giving it a fruity aroma. The Tobacco Products Regulation Act 1997 already incorporates shisha under the definition of tobacco product in the act. Consequently, offences relating to tobacco products, such as smoking in a smoke-free area or selling tobacco to minors, also extend to shisha products.

The government is including a specific definition for shisha tobacco to make it clear to those businesses involved in the sale or use of shisha that the tobacco legislation does extend to these products. Clear legislative protections against the sale of shisha to minors and the use of shisha in smoke-free areas support both compliance and enforcement.

The Hon. Connie Bonaros, in her second reading speech, asked about health promotion in relation to shisha. In 2018, SA Health communicated information to the public through social media on the harms associated with the use of shisha products and the passive inhaling of shisha smoke. The information on shisha products was posted for four weeks, and monitoring data shows that it was an engaging way to communicate this information to the public. Given the success of their social media initiative, the government is considering another phase of social media activity on this topic in the near future.

Currently, the bill includes new penalty levels that have been adjusted according to CPI, as an administrative change to ensure that the penalties are aligned to the cost of living. Again, the former Labor government made no changes to these penalties in 16 years, undermining their impact. The government made it clear in the second reading that it is doing a full policy reassessment of penalty levels in consultation with the public. These issues require consideration of a range of factors to determine the appropriate levels, including the seriousness of the offence, the deterrent value of the penalty, as well as levels for similar offences in South Australia and interstate.

One cannot assume that the penalties in the tobacco legislation in South Australia automatically should apply to the tobacco legislation. If liquor is sold or supplied to a minor on a licensed premises, the maximum penalty for the licensee for the first offence is \$20,000 and for a second or subsequent offence is \$40,000. This applies to the licensee, the corporation and the responsible person. In any other case, it is \$5,000. The expiation fee is \$1,200.

However, the alcohol legislation has a different regulatory framework, including restrictions on the age of the vendor and which areas within licensed areas a minor can enter. This is a very different regulatory framework to tobacco, which is sold from a range of venues, including supermarkets, service stations and delicatessens. In early 2019, the government will consult publicly on penalty levels across the legislation so that all these factors can be considered to ensure the penalties are an appropriate deterrent.

In respect to questions from honourable members regarding the issue of expiation notices and fines over the past five years, I propose to provide information on the penalty provisions during the committee stage.

In relation to section 38A(1), the sale and supply of tobacco products to children, SA Health enforcement officers conduct controlled purchase operations to test tobacco retailers' compliance with sales to minors. In the last five years, 19 expiations were issued for the sale of tobacco products to minors. In the past two financial years, between July 2016 and June 2018, seven expiations were issued, and since July 2018 there has been one expiation issued for this offence.

I turn now to the recommendations of the select committee. Recommendation 3 of the select committee final report recommended the prohibition of the sale of e-cigarette peripherals that may specifically appeal to minors, such as sweet and confectionery-flavoured e-liquids. The Hon. Connie Bonaros raised this issue during the second reading stage. The government supports the aim of the select committee's recommendations to reduce the appeal of these products to children, including flavoured products. We have received advice that this is best addressed at the national level. My department has discussed with the commonwealth government the recommendations from the report that have implications or are best addressed at the national level. We will also be raising this particular matter further with the commonwealth government in appropriate national fora.

The government also supports recommendations 17 to 19 of the select committee's final report which relate to research on the harms of e-cigarette products and falls principally within the remit of the commonwealth government. The issue of e-cigarette research to strengthen evidence in this area continues to be the subject of discussion with the commonwealth. The National Health and Medical Research Council funding of 10 grants committing over \$8.5 million for research into e-cigarette's since 2011 reflects the commitment of the commonwealth government and research bodies to grow the body of research available to inform e-cigarette policy.

Honourable members sought an update on the government's progress towards achieving a smoke-free prison system. I am pleased to advise the council that the Adelaide Women's Prison will be smoke-free by 28 February 2019. The transition to a smoke-free environment forms part of a rolling program of smoking bans which will occur across the South Australian prison system commencing in 2019. A timetable is currently being worked through to achieve full implementation by 2020.

Tobacco smoking is the leading cause of preventable disease and death in Australia, and in the lead-up to the 2018 election the government made a commitment to eliminate staff and prisoner exposure to environmental tobacco smoke. There is a strong focus on ensuring that adequate support is put in place to help prisoners and staff to quit smoking, including counselling and nicotine replacement therapy. That is why the Marshall Liberal government has committed \$6.2 million over the next four years in the 2018-19 state budget to provide counselling support and nicotine therapies to assist with the transition. We will be drawing on the experience at the Remand Centre to ensure that the process is implemented in a structured and planned way with minimal risk.

I would like to take this opportunity to thank parliamentary counsel and the staff of Drug and Alcohol Services South Australia for their assistance with this bill. I would also like to thank the members of the Select Committee on E-Cigarettes for their work in examining potential legislative and regulatory controls that could be applied to e-cigarettes. It is important that we continue to protect the community from the harms of smoking, and I thank all honourable members who have supported this significant initiative and facilitated its passage through this council.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: I was not sure that I was going to raise some of these issues, but seeing the minister saw fit in his second reading speech to make political points about the urgency and speed at which this had moved, I think I will ask a couple of questions. Did the minister receive correspondence from the shadow health minister, the member for Kaurana, seeking an update as to the status of whether this bill would be reintroduced?

The Hon. S.G. WADE: I think it is a bit cute of the Leader of the Opposition to take offence at my political comments. They were brief and to the point and less expansive than his own. I would make the point that the former Labor government put us in the situation where we are the last state in Australia to be legislating in this area, so it does not seem to me a great focus on e-cigarette legislation.

The government received a bipartisan select committee report in February 2016 and yet did not take legislative action such that the bill was passed by the time it was voted out of office in March. The fact that the Labor opposition wants to try to camouflage their embarrassment at their lack of action over 16 years by putting into the new parliament legislation they could not be bothered giving priority to in the previous parliament is a matter for them.

The Hon. K.J. MAHER: My question was: did the minister receive correspondence from the member for Kaurana, the shadow health minister, and why did the minister not reply to that correspondence?

The Hon. S.G. WADE: I will take that on notice. My recollection is that there was correspondence.

The Hon. K.J. MAHER: Is it the minister's recollection that he opted to not provide any sort of response whatsoever to that correspondence?

The Hon. S.G. WADE: I would have thought the Leader of the Opposition would not want to continue this point. I would like him to address why his former government failed to address this area such that we are the last state in Australia—the last state—to be legislating in this area.

The Hon. K.J. MAHER: Can the minister confirm that the bill that is currently before the chamber is substantially similar to the private members' bill that the member for Kaurana introduced out of frustration at not receiving any response whatsoever from the health minister?

The Hon. S.G. WADE: I can confirm that South Australia is the last jurisdiction in Australia to deal with e-cigarette legislation. I can confirm that the former government, by the time it was voted out in March this year, had wasted two years following a select committee report, and we are only now addressing this matter. I can assure you that I have no embarrassment that the former Labor government muddled in this area for 16 years and we have this legislation at this point seven months into our term.

The Hon. K.J. MAHER: In opposition now, the Labor opposition introduced a private members' bill that has effectively been copied by the government. If this was such a priority, as the health minister now says, in his time in opposition why did he sit on his hands and do nothing about it?

The Hon. S.G. WADE: I dispute the fact that this is a photocopy of the former government's bill. It deals with a range of matters, including shisha and the recommendations of the Reynolds review.

The Hon. K.J. MAHER: The minister has mentioned the Reynolds review. Does this bill include the recommendations of the Reynolds review?

The Hon. S.G. WADE: I refer the honourable member to my second reading explanation, which made it clear that it only deals with part of the Reynolds review recommendations. That is because this government believes in the value of consultation. There are a number of recommendations in the Reynolds review that, in our view, do require consultation. That is what we have committed to. I made a public statement, I think, in the last month or two that the remaining Reynolds review recommendations have already commenced with targeted consultation. The more public formal consultation will take place in early 2019.

The Hon. K.J. MAHER: On that and the number of recommendations from the Reynolds review and the consultation, perhaps the minister can explain some of the recommendations of the Reynolds review that they have failed to take up; firstly, significantly increasing the penalty for the sale or supply of tobacco products to children. Why was that not included in this bill? Who is the consultation occurring with on that particular aspect of the Reynolds review?

The Hon. S.G. WADE: I will need to consult the record, but I would turn the question back on the Leader of the Opposition. Considering the Reynolds review was released in early 2017, and my understanding is the then government's e-cigarettes bill was tabled later in 2017, why didn't you?

The Hon. K.J. MAHER: I thank the minister for a statement rather than a question to me.

The Hon. S.G. WADE: It is an answer, actually.

The Hon. K.J. MAHER: It is an awfully strange thing, when he is in government now. In terms of the Reynolds review, the minister previously said they have elected not to proceed with some of the recommendations because they wanted to do further consultation on specific recommendations. Who is the minister intending to consult with on the recommendation of the review to suspend or cancel a retailer's licence on being found guilty of the sale or supply of tobacco products to children?

The Hon. S.G. WADE: As I indicated earlier, the government has continued to have a two-stage consultation for, shall we say, the next tobacco products bill. The stage 1 consultation will focus on industry and health organisations, and the second stage will be a public consultation, including a communication strategy through SA Health.

The Hon. K.J. MAHER: I thank the minister for his answer. What industry and what health organisations does the minister speak of?

The Hon. S.G. WADE: My expectation is that the health organisations would include the Cancer Council, the Heart Foundation, SAHMRI, and the like. My expectation in relation to industry would include groups such as Business SA, the Restaurant and Catering Industry Association of SA, Clubs SA, the Australian Retailers Association, and the like.

The Hon. K.J. MAHER: In terms of the Reynolds recommendation to involve SAPOL more directly in the enforcement of the act, which of those groups needs consultation to implement that part?

The Hon. S.G. WADE: In terms of that part of the legislation, we would be particularly keen to talk to the Local Government Association, which is part of the enforcement framework.

The Hon. K.J. MAHER: Is the minister a little embarrassed that he has brought in a bill which it seems has only been half consulted on and requires a whole lot more work?

The Hon. S.G. WADE: I do not know whether the shadow minister wants to take the next two hours continuing political bickering.

The Hon. K.J. Maher interjecting:

The Hon. S.G. WADE: I would remind the honourable member that he started it. In his second reading contribution he engaged in politics. I needed to correct the record, which I did. I would remind the honourable member that the previous government progressed legislation after the Reynolds review had been released. They did not consult on the Reynolds review and incorporate it in the bill. We are going to do it diligently.

We did not want to leave the South Australian community without e-cigarettes regulation while a full consultation process was undertaken. Some straightforward elements of the Reynolds review that did not require consultation, in our view, were incorporated into this bill that is now before the council. There are other matters that we believe would benefit from consultation, and they are the ones that we are taking to this two-stage approach.

I think it is again somewhat hypocritical of the Leader of the Opposition to criticise the government for consulting, considering that yesterday in question time he was criticising the honourable Minister for Human Services on exactly that point.

The CHAIR: The Hon. Ms Bonaros. A new topic?

The Hon. C. BONAROS: Yes.

The Hon. S.G. Wade interjecting:

The Hon. C. BONAROS: No, I will focus on my own line of questioning, thank you. I will start by firstly thanking the minister for providing detailed responses to many of the questions that we have put on notice. In relation to one of those questions, though, I know that you did cover it off, but I did miss a little bit of that explanation. In relation to the penalty provisions listed on pages 14 and 15 of the bill, can you run through again how many expiation notices and fines have been issued in relation to any of the penalty provisions over the past five years, two years and 12 months, please?

The Hon. S.G. WADE: If I may, I will both quote what was in my summing-up and also provide some additional information. In my summing-up, I mentioned that in the last five years, 19 expiations have been issued for the sale of tobacco products to minors. In the past two years, between July 2016 and June 2018, seven expiations were issued, and since July 2018 there has been one expiation issued for this offence.

Moving now to more broadly: over the last five years, that is 2013-2018, SA Health has issued 43 expiation notices. There were 18 for section 38A(1), which is sales to minors. There is a one-person discrepancy there because that includes one in the last six months. The figures I am giving you now are financial years, and the previous ones were since that time.

Returning to the last five financial years' data, there have been eight expiations for section 6, one expiation for section 30(4), one expiation for section 38A(5), one expiation for section 40(1), one expiation for section 46(2), 12 expiations for section 46(3) and one expiation for section 46(4).

Then we turn the page and we find that over the past two financial years, 2016-17 and 2017-18, the following expiations were issued: seven expiations for section 38A(1), four expiations for section 6, one expiation for section 30(4), one expiation for section 46(2) and four expiations for section 46(3).

Over the past financial year, 2017-18, the following expiations were issued: seven expiations for section 38A(1), three expiations for section 6 and four expiations for section 46(3). In addition to the enforcement activities of SA Health, South Australia Police has issued the following expiations for section 48(1): in 2015-16, 66; 2016-17, 60; 2017-18, 60.

The Hon. C. BONAROS: Thank you for that extensive answer. In relation to the comments that you made regarding the campaign by the government in relation to e-cigarettes and shisha, you said there was an advertising campaign around shisha smoking in particular, that it was the government's intention to have a further such campaign. Is that likely to include any policies and procedures aimed at protecting staff and passers-by? As we know, there are a number of these outlets in Hindley Street; you walk past, and there are people smoking water pipes at the tables. Given that these things have the same effect as smoking between one to 200 cigarettes, I would have thought, then, that it would be appropriate for any such campaign to include potential dangers to passers-by in terms of passive smoking.

The Hon. S.G. WADE: I thank the honourable member for her question. Shisha smoking is banned from use in outdoor dining areas, and all of the restrictions on the use of shisha in smoke-free areas are the same as the restrictions on the smoking of other tobacco products. Additionally, by including the definition of shisha explicitly in the bill, a clear message will be sent to business proprietors and the public that shisha is harmful and is restricted in smoke-free areas; the point being that even the legislation itself is educative.

In June 2018, SA Health communicated information to the public about the harms associated with the use of shisha and the passive inhaling of shisha smoke. This occurred as part of SA Health's social media activities. Information on shisha products was promoted for four weeks, and monitoring data shows that it was an engaging way to communicate this information to the public. Given the success of this social media initiative, the government is currently considering another phase of social media activity on this topic in the near future.

I thank the honourable member for bringing to the attention of the government the initiative in New South Wales. I think it was in relation to the southern Sydney area. We will certainly be looking at that and other initiatives that might be underway in Australia and overseas. I think it is also fair to make the point that even our enforcement activities have an educative function. Health-authorized officers, police, local government officers, as they talk to businesses, customers, smokers and bystanders, will also make people aware of the health risks. The government certainly agrees with

the honourable member that, whether it is tobacco products or e-cigarettes, we need to continue to reinforce the health risks of these products.

The Hon. C. BONAROS: Moving on to the issue of flavoured e-liquids, the minister in his second reading summing-up indicated that this might be a matter that is better dealt with at the national level. I am trying to confirm how it was that we were able to deal with flavoured cigarettes at a state level but we are saying that this is best dealt with at the federal level.

The Hon. S.G. WADE: I thank the honourable member for her question. It is one that I asked the officers earlier so they were on notice from both of us. The advice I am given is that, in relation to these cigarettes, the regulation of flavoured cigarettes was done on a state-by-state basis, each state acting on their own. In the context of e-cigarettes, the Crown Law advice is that it would be more legally robust if states were to act cooperatively at the national level. I make the observation that, whilst we are the last state to regulate this area, there is one more jurisdiction which is yet to legislate, that being the Northern Territory.

To be honest with you, I have not checked whether the Northern Territory is intending to legislate in this area but, if you like, we almost have a national network of state-based legislation. It is my intention that through the fora that I have access to such as—I might get the names wrong but I give you the idea—the Ministerial Drug and Alcohol Forum, the food standards authority and the COAG Health Council are all fora that I believe are interested in tobacco and e-cigarette legislation. But also at my officer level, SA Health has already had discussions with the commonwealth department about regulation in this area, so the government strongly supports the need to include flavoured e-cigarettes in a nationally consistent and complementary framework.

The Hon. C. BONAROS: Can I take it from that response then that, if the federal government does not move in that direction, there will be further consideration or a commitment at least from this government to move in that direction in isolation?

The Hon. S.G. WADE: I thank the honourable member for the question. Let me just make it clear: I was not suggesting that we were going to have national commonwealth legislation. It is a bit like the APRA legislation where you have complementary state legislation and regulation. I am sure this parliament would want to see the governments of Australia moving on this sooner rather than later. I suppose the point that I would make is that the advice that we are being given from Crown Law is that it is a better, more robust system, but if it is not something that the jurisdictions move on, I would not be surprised if parliaments say, 'Well, we'll go for a less robust regime in the meantime.' But, it is certainly our preference, if you like, now that we are almost closing the loop, to make sure that we have a robust national scheme.

The Hon. C. BONAROS: I take it from that response also then that we would be open to considering not only the flavoured e-cigarettes but also the animated ones? There are characters that come with these things, so they are specifically designed to attract minors. I think you can get on with diamantes and animated characters and the like, so I take it from that response they would be included in that class.

The Hon. S.G. WADE: The honourable member's question was educative. I now know that we can have Disney e-cigarette containers. Yes, it would be our intention to regulate those elements as well. We need to do whatever we can to discourage both tobacco and e-cigarette use by minors.

The Hon. C. BONAROS: Can I move on to the implementation of this legislation and perhaps point out to the minister that overnight I received several messages from people who are not disgruntled members of the public in relation to the move by this parliament to legislate in this space. One thing I have said to people who have contacted me is that it is extremely important that we work with those who are in this retail space, because their business model is effectively going to be dismantled overnight and they are going to be subject to a licensing regime and a regulated industry.

What consultation has occurred with those retailers, and how much time are we actually intending to give them to come up to speed with the legislation, given especially that they are not going to be able to have these items available for display any longer in their stores? They are going

to have to meet the signage requirements and whatnot. Also, what is the commencement period for this legislation?

The Hon. S.G. WADE: I thank the honourable member for her question and through you, Mr Chair, I will answer it but also take your counsel and avoid distractions that might be political. I will just make the point that the Select Committee on E-Cigarettes tabled its report in February 2016, so I think it is reasonable for this parliament to say that retailers have been on notice for 2½ years that that is the intention of this parliament.

In terms of the passage of this particular piece of legislation, let me advise that recognising that e-cigarette retailers will be required to make changes to their business operations, a six-month transition period is proposed for retail displays and the ban on internet sales. This will assist with compliance and is also consistent with previous legislative changes for tobacco retail regulations.

The introduction date for the new bill, once enacted, will depend on when the bill is passed, but given the strong support of the parliament, evidenced in the discussion in this parliament, I do not expect it to be delayed. However, it is likely the new legislation will come into operation in the first quarter of 2019, and the retail display and online sales requirements will come in six months after that.

The Hon. C. BONAROS: Can I take it from that response then that retailers will have access to a grace period from any penalties in that six-month period?

The Hon. S.G. WADE: Yes, no enforcement penalties will be applied during that period.

The Hon. C. BONAROS: And in that time what has the government arranged in terms of actually working with that industry to ensure that they are up to speed—and I know what you have just said in relation to the committee, but I suppose it is a little bit different when there is a regulatory framework they know they now have to comply with. So what are we doing in terms of communicating with those retailers to ensure that they know what the new rules will be?

The Hon. S.G. WADE: I thank the honourable member for the question. The regulatory changes will be communicated to South Australian e-cigarette retailers and peak bodies with a mail-out informing these retailers of the new laws and how to comply with them. Additionally, a mail-out to existing tobacco licence holders will occur to provide information on the new regulations relevant to their operations. Information will also be available on the SA Health website to explain the new requirements. We as a government will be keen to engage industry and retailers to make sure the transition is as smooth as it can be, consistent with the clear intent of this parliament.

The Hon. C. BONAROS: I am not sure if the minister has perhaps touched on this already, but in relation to the recommendations of the select committee that I have referred to and the research on e-cigarettes, has the government done anything to progress those recommendations? This is recommendations 17 to 19 of the select committee's final report.

The Hon. S.G. WADE: If I could reaffirm the statements I made in my second reading summing-up, the government supports recommendations 17 to 19 of the select committee's final report, which relate to research on the harms of e-cigarette products. Medical research principally falls within the remit of the commonwealth government, and the issue of e-cigarette research to strengthen evidence in this area continues to be the subject of discussion between SA Health and the commonwealth. The National Health and Medical Research Council has funded 10 grants since 2011, committing over \$8.5 million for research into e-cigarettes. Research funding bodies continue to grow the body of research available to inform e-cigarette policy.

The Hon. C. BONAROS: I have one final question. In relation to the dangers of smoking, we know that smoking kills and that 50 per cent of smokers have an increased risk of being killed by smoking. In particular, we have statistics for people in the 15 to 29 age bracket who are smoking. The number for them is up to 14.3 per cent, higher than the previous year, which was 12.3 per cent. What is the government going to do to combat the increase in smoking, particularly amongst our young people?

The Hon. S.G. WADE: I thank the honourable member for her question. Suffering from chronic optimism, I would like to preface my remarks by saying that I think it is important for us to celebrate long-term progress. The fact that we have made progress over a considerable amount of

time—governments of both flavours supported by crossbenchers of many colours—should encourage us to continue to be vigilant in strengthening the regime over time. In that context, let me affirm that there have been long-term declines in smoking prevalence in South Australia. This has been a result of consistent public health messages aimed at reducing smoking.

The government has noted the result of the 2017 survey for monitoring smoking prevalence in South Australia, which indicates that, amongst those aged 15 to 29, smoking prevalence was statistically similar to 2016 but did show an increase. We need to monitor it to see whether this is a long-term trend. In the meantime, we will continue to make sure that our communication and education programs are as robust as they can be. To ensure that we continue a downward trend, we are undertaking legislative reform as part of the government's approach to improving the health of the community. Obviously, this legislation is part of that.

The Hon. K.J. MAHER: The honourable member mentioned that health organisations and industry groups would be part of the targeted consultation. Will tobacco companies be consulted?

The Hon. S.G. WADE: The government has no intention of consulting tobacco companies as part of the consultation.

The Hon. K.J. MAHER: Have tobacco companies made any representations to the minister or to the Liberal Party in relation to tobacco reform?

The Hon. S.G. WADE: The Liberal Party can speak for itself, but I would be surprised if tobacco companies had not made representations. I have met with representatives of the vaping industry, but I will take on notice whether there have been any representations.

The Hon. K.J. MAHER: Has the South Australian branch of the Liberal Party accepted donations from any tobacco companies?

The Hon. S.G. WADE: I do not think that I am responsible for the Liberal Party of Australia (South Australian Division), and I do not have any awareness of their relationships in that regard.

The Hon. K.J. MAHER: Will the minister take that question on notice and bring back a reply, please?

The Hon. S.G. WADE: As I have said, Mr Chair, I am not responsible for the Liberal Party of Australia.

The Hon. K.J. MAHER: I will ask once again. The minister has said that he would be very surprised if there was not consultation with representatives of the tobacco industry in relation to this. This goes to a pretty fundamental area of how we operate and the influences that occur in politics. Will the minister take on notice the question as to whether the South Australian branch of the Liberal Party has accepted donations from tobacco companies?

The Hon. S.G. WADE: The honourable member is conflating answers I gave. I said I would take on notice representations to me as the Minister for Health and Wellbeing. For that matter, I am happy to broaden that to include the department. I certainly am accountable for what representations the government has received from tobacco companies. I am happy to take that on notice, but if the honourable member has questions for the Liberal Party of Australia, I suggest that he makes those inquiries of them.

The Hon. K.J. MAHER: I have a final question on this area, Mr Chairman. Just to be very clear, the minister is saying that he will refuse to make inquiries as to whether his party has accepted donations from the industry which he is seeking to regulate. Is that what he is saying?

The Hon. S.G. WADE: I thank the honourable member for giving me the opportunity to laud—

Members interjecting:

The CHAIR: Order! I cannot hear the minister.

The Hon. S.G. WADE: —Robert Menzies. One of Robert Menzies' key principles in the establishment of the Liberal Party of Australia was that there would be a clear separation between

the parliamentary party and the organisational wing. In our view, that is a 1940s or 1950s early initiative to address the need for probity in public policy.

The Hon. K.J. Maher: I bet this makes tomorrow's papers, your refusal to say that—

The Hon. S.G. WADE: I do not know.

The CHAIR: This is not a conversation. This is a question and answer forum in committee.

The Hon. K.J. Maher interjecting:

The CHAIR: Order, Leader of the Opposition!

The Hon. C. BONAROS: I ask a question in relation to enforcement issues. Again, I am not sure if the minister has touched on this previously, but does the government intend to increase the number of officers available? What does it intend to do to ensure that there is effective compliance and enforcement in this space?

The Hon. S.G. WADE: I thank the honourable member for her question. I understand the Reynolds review highlights that there are 1.5 FTE public servants dedicated to tobacco enforcement. Adding to that, I am advised that there are 14 officers who have the capacity to support. In other words, they have the legal authority. I stress that compliance and enforcement is a shared responsibility. I am thinking of recent public concerns raised about a hotel in the CBD that was drawn to the attention of the public because they were promoting what was a durry. I had to find out what a durry was but apparently it is a cigarette.

I think it was actually a non-government organisation that first highlighted in the public domain that the legislation was being breached. The advice that was provided to me was that both police and SA Health were very quick to educate the business about the requirements of the legislation, and on my understanding a breach did not occur on that occasion.

Clause passed.

Clause 2.

The Hon. K.J. MAHER: I know this matter was briefly traversed in clause 1 when the Hon. Connie Bonaros asked about how the act will come into force but, for clarity, can the minister indicate the exact date that this new regulation will come into force and the stepped-out time frame for the implementation?

The Hon. S.G. WADE: I thank the honourable member for his question. It is hoped that the legislation will be proclaimed as soon as possible. The rate limiting factor is likely to be the communication program: communication with the sectors that are going to be affected, and also the drafting of the regulations. It is our expectation that enforcement will start in the first quarter, allowing for the fact that the transition elements will require another six months.

Clause passed.

Clauses 3 to 6 passed.

Clause 7.

The Hon. K.J. MAHER: At the briefings on this bill, it was suggested that shisha products have always fallen under the definition of tobacco products under this act. Can the minister confirm that that is his understanding?

The Hon. S.G. WADE: I am advised that that has been the ongoing view of government.

The Hon. K.J. MAHER: Just to confirm, is it the minister's understanding that shisha vendors have always been regulated according to the requirements for serving food around tobacco products?

The Hon. S.G. WADE: I am advised yes.

The Hon. K.J. MAHER: Is the minister aware of any instances of breaches of rules around serving food around tobacco products in relation to shisha products?

The Hon. S.G. WADE: I am advised to take that on notice. I do not have the information with me.

The Hon. K.J. MAHER: I would be grateful. When the minister is taking that on notice, can he indicate what he means by coming back with a response?

The Hon. S.G. WADE: I would suggest we provide the information between the houses.

The Hon. K.J. MAHER: I thank the minister for that. That seems a very sensible way to go. There might be others that are taken on notice and provided between the houses. I wonder also about whether there has been any consultation on these current changes with shisha vendors—I am thinking of those we see around Hindley Street.

The Hon. S.G. WADE: I might make some comments and then the honourable member might clarify whether there are any outstanding queries that are left. I just want to restate that shisha tobacco is already covered, in the government's view, by the Tobacco Products Regulation Act 1997. It is covered, in our view, under the definition of tobacco product. Consequently, offences relating to tobacco products, such as smoking in a smoke-free area or selling tobacco to minors, also extend to shisha products. So, in that sense, it would be almost counterintuitive to talk to them about this legislation expanding to them, because they are already covered. The reason why we are putting in a specific definition is to make it clearer to the community and to retailers that offences related to tobacco products apply.

The SA Health enforcement team has undertaken a range of actions in an attempt to increase the compliance of shisha businesses with the tobacco laws. Along with numerous meetings of business owners, they have already undertaken over 40 inspections of shisha bars between 2016 and 2018. The information I have been provided actually does indicate that those inspections have resulted in three expiation notices being issued, as well as issuing multiple directives to make changes to improve compliance. Whilst, as I understand it, we have not specifically engaged shisha businesses in relation to these changes, what we have already been doing makes it clear that we believe it applies to them.

Clause passed.

Clauses 8 to 17 passed.

Clause 18.

The CHAIR: Ms Bonaros, you have filed two amendments: the first amendment, No. 1, Bonaros-1, is at clause 18.

The Hon. C. BONAROS: I indicated during the second reading that I would not be moving those amendments. Can I, for the record again, confirm that the reason I will not be moving those amendments is that amendments have been filed by the opposition that increase the penalties around selling to minors even further than what we proposed, and we will be supporting those amendments, as opposed to our own.

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

Amendment No 1 [Maher-1]—

Page 8, after line 26—Insert:

(1a) Section 38A(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a responsible person who is the proprietor of a business—

(i) for a first offence—\$20,000;

(ii) for a second or subsequent offence—\$40,000; or

(b) in any other case—\$5,000.

(1b) Section 38A(1), expiation fee provision—delete the expiation fee provision and substitute:

Expiation fee: \$1,200.

This amendment seeks to raise the penalty provisions for the sale of tobacco products to minors, and it does so to place them in line with the penalties for the sale of alcohol to minors. The opposition believes that the sale of cigarettes to minors is harmful and addictive and should be afforded the same maximum penalty as for alcohol. So, given that, the penalty would increase the government's proposed maximum penalty of \$10,000 to \$20,000 for a first offence, and a maximum of \$40,000 for secondary or subsequent offences, for proprietors of a business.

For anyone who is not a proprietor of the business who provides tobacco products to children, an expiation fee of \$1,200 would apply. We believe such a penalty sends a clear message to vendors that selling tobacco to children is a serious offence and should not be taken lightly, and brings it into line with what the penalty regime is for alcohol.

The Hon. S.G. WADE: Can I ask the Leader of the Opposition who the opposition consulted with on this amendment?

The Hon. K.J. MAHER: The member for Kaurua is the shadow health minister and has conduct of this bill, so I am happy to take that on notice.

The Hon. S.G. WADE: The government supports the principle of ensuring that penalty levels in the tobacco legislation provide a strong deterrent against committing offences, particularly the offence of selling tobacco to minors. However, it is important that the levels are consistent with a clear rationale and that there is a consistent approach across the legislation.

Currently, the bill increases penalties based on CPI as an administrative amendment, which aims to ensure penalties are updated according to the cost of living, since they have not changed since 1997. I note the fact that since 1997 the Labor Party has formed government for 16 of those years and took no action to maintain the real impact of enforcement. It is our government's view that any further increases need to be considered on an offence level and align with levels in the rest of the legislation, and whether it is commensurate with the seriousness of the relevant offence.

Rather than introduce a new penalty for businesses and individuals for just one offence in the act, the government intends, as it has already made clear in the second reading stage, to consult publicly on penalty levels across the legislation and to bring in another bill. Consultation has already commenced ahead of that broader consultation process on the legislation to be conducted in early 2019.

It is the government's view that making changes at this stage pre-empts that consultation and denies the opportunity for health organisations, industry and the public more broadly to express their view. The fact that the opposition cannot tell us who they consulted I think highlights the fact that this is a parliamentary response rather than a health response.

The Hon. T.A. FRANKS: For the sake of clarity at this point, the Greens indicate that we are sympathetic to the government's intentions to further consult on this matter, while reserving our position to consider higher penalties at a later date.

The committee divided on the amendment:

Ayes 9
Noes 8
Majority 1

AYES

Bonaros, C.
Hunter, I.K.
Pangallo, F.

Bourke, E.S.
Maher, K.J. (teller)
Pnevmatikos, I.

Darley, J.A.
Ngo, T.T.
Scriven, C.M.

NOES

Dawkins, J.S.L.
Lensink, J.M.A.
Stephens, T.J.

Franks, T.A.
Parnell, M.C.
Wade, S.G. (teller)

Hood, D.G.E.
Ridgway, D.W.

PAIRS

Hanson, J.E.
Lee, J.S.

Lucas, R.I.

Wortley, R.P.

Amendment thus carried; clause as amended passed.

Clauses 19 to 33 passed.

Schedule 1 passed.

Schedule 2.

The Hon. K.J. MAHER: I have a question on schedule 2 before moving my amendment. Is the minister able to confirm whether he or the department considered raising any of the penalties, not just the ones we referred to, above what is in this current bill?

The Hon. S.G. WADE: Yes.

The Hon. K.J. MAHER: Which penalties did the minister consider raising in the bill that did not appear as raised in the bill?

The Hon. S.G. WADE: Unlike the opposition, this government's intention is to consult with the community both in stage 1 and stage 2 and come back with a fully considered bill. I am not going to pre-empt that consultation now.

The Hon. K.J. MAHER: Will the minister confirm that he and his department wanted higher penalties but were overruled and vetoed somewhere along the cabinet process?

The Hon. S.G. WADE: As the honourable member knows, I am certainly not going to go into cabinet deliberations. My understanding is that the basic stage 1 and stage 2 legislative reform approach was that it was recommended by the department.

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

Amendment No 2 [Maher-1]—

Page 14 [Schedule 2, item relating to penalty provision for section 38A(1)]—Delete the item relating to the penalty provision for section 38A(1)

This is consequential on the previous amendment for the raising of penalties for selling tobacco to minors having passed.

The Hon. S.G. WADE: I am advised that this amendment is consequential, and the government therefore supports it.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (12:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**NATIONAL GAS (SOUTH AUSTRALIA) (CAPACITY TRADING AND AUCTIONS) AMENDMENT
BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2018.)

The Hon. M.C. PARNELL (12:19): There is a national regime for both electricity and gas on the eastern seaboard. When legislation is to be changed, when rules are to be changed, South Australia, under the cooperative arrangements, is the lead legislator, so this bill before us now is effectively for the whole of the Eastern States' gas market. The bill implements the outcomes of a review of the east coast gas market which was undertaken by the Australian Energy Market Commission over the last three years.

The bill is aimed at increasing competition and reducing price-fixing. They are noble objectives and they are fairly unexceptional in this privatised gas regime. I understand the gas network has always been in private hands in this state, as opposed to electricity which was in public hands for most of the last century. I also note that, whilst an aim of this bill is to reduce price-fixing that impacts on the end users of gas, it does absolutely nothing to prevent price gouging and the manipulation of the market by gas companies that are also generators of electricity.

In July this year, the Grattan Institute published its report, entitled 'Mostly working: Australia's wholesale electricity market'. The report by Tony Wood and David Blowers states:

Wholesale electricity prices rose across [the] National Electricity Market (NEM) by 130 per cent between 2015 and 2017.

The price paid for electricity traded in the NEM also more than doubled from about \$8 billion to \$18 billion, and household bills increased by up to 20 per cent in 2017 alone, but it is impossible for governments to fix the problem because most of the price rises have been caused by issues beyond their control. According to the Grattan Institute, there are three issues which caused the price rise. The first one was the closure of the big, old but low-cost coal-fired power stations. They were low cost to operate, especially without a price on carbon, but they were incredibly expensive to maintain and they became uneconomic.

The second trigger was the price of key inputs, and that is where this is relevant to this bill because the price of gas as an input rose just when the plants that they fuel were needed more often because of the closure of coal, and that pushed up prices even further. According to the Grattan Institute, that accounts for 40 per cent of the increase in electricity prices. The third issue that they raised is that the major electricity generators were gaming the system. They were using their power in concentrated markets to create artificial scarcity of supply and so force up prices.

Gaming has mainly occurred in Queensland and South Australia but there were also signs of it in Victoria, especially since the closure of Hazelwood, and New South Wales looks to be next. Gaming has been part of the market for many years, and it appears that it is allowed by current market rules, but it is estimated to add as much as \$800 million to the price paid for electricity that is traded in the National Electricity Market in some years and the Grattan Institute recommends that the rules should be changed. Well, here we are changing the rules, but we are not changing the right rules if we are to deal with this problem.

Another very influential commentator, someone who has the most in-depth understanding of energy markets and how they operate, is Giles Parkinson, editor of RenewEconomy. On 13 September this year, he stated the problem this way, and he does not mince his words:

The Australian Energy Regulator has confirmed the outrageous gaming of wholesale electricity prices in South Australia in early July, when the big generation companies jacked up their prices when the main link between the state's grid and Victoria was heavily restricted by maintenance work.

A report from the AER was released late Friday, and confirms RenewEconomy's contemporaneous observations that the market was being gamed by the generators on July 9, resulting in a six-hour period where prices averaged more than \$600/MWh, a three hour period when prices averaged more than \$1,200/MWh and one period where the price was more than \$8,800/MWh.

As the AER notes, these prices had absolutely nothing to do with the cost of generation, or the lack of supply, or peak demand. It occurred because the market players sensed an opportunity to fill their pockets, and struck—as they have done on so many occasions over the past decade and more...

Parkinson goes on to say:

The chief tactic of these market players, notes the AER...was to take advantage of Australia's 30-minute settlement rules, which do not align for the dispatch period, which is every 5 minutes.

This presents an irresistible opportunity for the generators to take advantages of network restrictions, or other constraints, to bid very high prices for one 5-minute period, so guaranteeing a high price for the entire 30-minute settlement period (where the price for the 5-minute periods are averaged out).

Having set a ludicrously high price in one five-minute period, the generators then bid low—and often to the price floor of minus—

that is, minus—

\$1,000/MWh—to ensure that their generators share in the spoils.

This created an extraordinary scene on July 9 where the price repeatedly lurched from more than \$10,000/MWh to minus \$1,000/MWh over successive 30-minute periods as the gaming—which is not illegal, and is admired by the ACCC chair Rod Sims as the 'market at work'—went ahead in full view.

The obvious point to make there is that the generators we are talking about are mostly gas-fired power stations. These are the big gentailers: they produce gas, they sell gas and they burn gas in their own gas-fired electricity generators. Parkinson describes the gaming of the system like this:

It's like going to the farmers' market and asking for a dozen eggs. Half of them are priced at 50c each, but the other six are \$50 each—but you can only buy a dozen—so that will be \$303 please. The generators pocketed an extra \$20 million that day from South Australia alone.

Twenty million dollars, pocketed through gaming, largely the result of work of the gas companies. Parkinson goes on:

The AER didn't say it (in fact, the tone of the report seems at some points to be admiring of the generators' restraint), but I will: It's a bloody outrage.

It is exactly the sort of behaviour that big energy users such as Queensland zinc refiner Sun Metals—way back in 2015—sought to stamp out by requesting a change to 5-minute settlement periods.

Despite the support of other big energy users, the Australian Energy Market Operator, and numerous independent analyses pointing to the continued gaming, the market rule-maker, the Australian Energy Markets Commission, took several years to assess the request, and then delayed implementation until 2021.

Parkinson goes on to say:

The big energy users have helped propagate the nonsense that much of the cause of high wholesale prices in the Australian grid is the fault of renewables, when most observers point to the gaming.

The relationship between these incidents that I have just outlined and this bill is effectively a missed opportunity. I am not saying that the Greens will not support this bill. We know from previous experience over the last 12 years that these national schemes are rarely open to review. Neither Liberal nor Labor has moved or supported a single amendment to any national electricity law, which I will say is in many ways an abrogation of responsibility by this parliament. It is effectively handing over the rule making to the executive—or to the executives, I should say, because these things are hashed out at meetings of ministers. It does really make the role of the parliaments redundant and pretty much irrelevant.

In the early days, I used to move amendments to these bills; I soon learnt that none of them were ever going to find any favour with anyone. So a majority of members of this parliament are happy to hand over their responsibilities to the executive. I do not think that is the way our democracy should work.

I will also, just by way of conclusion, say that this bill does nothing to stop the uncompetitive behaviour of gas companies in relation to domestic connections. Yesterday, I introduced a bill to deal with the behaviour of property developers in cahoots with gas companies to mandate the connection and use of gas in new housing developments. It is an absolutely outrageous proposition that, if you buy into a new housing estate—a young family, for example, entering a contract for a house and land package—you are obligated to connect to gas and obligated to use gas at least to heat your home and your hot water supply.

I am disappointed that these national energy laws never really get to the heart of the problem, in particular the gaming by gas companies and gas-powered generators of electricity. Whilst these laws do not deal with those problems, the Greens will not stand in the way of these current national reforms going through, so we support the second reading of this bill.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (12:31): I will quickly sum up the debate. There has been a little bit of confusion, but I think the indication is that this bill is going through today. I would like to thank honourable members for their contributions, in particular the Hon. Mark Parnell. I have been in this place with him for many years, and he has moved a lot of amendments over the years. I know that some are disappointed that the two major parties often agree on these sorts of national energy bills, but that is the case again today. I will not prolong the council any longer.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: We support the government on this.

Clause passed.

Remaining clauses (2 to 24) and title passed.

Bill reported without amendment.

Third Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (12:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:36 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2017-18—

Construction Industry Long Service Leave Board
South Australian Multicultural and Ethnic Affairs Commission
South Australian Parliamentary Superannuation Board
Super SA

Construction Industry Long Service Leave Board Actuarial Review as at 30 June 2018

By the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Reports, 2017-18—

Administration of the Development Act 1993
Department of Planning, Transport and Infrastructure
Office of the Commissioner for Kangaroo Island
State Planning Commission

By the Minister for Human Services (Hon. J.M.A. Lensink)—

Reports, 2017-18—

Principal Community Visitor—Disability Services
Training Centre Visitor

By the Minister for Health and Wellbeing (Hon. S. G. Wade)—

Reports, 2017-18—

Department for Health and Wellbeing

Health and Community Services Complaints Commissioner
Principal Community Visitor—South Australian Community Visitor Scheme

Ministerial Statement

NATIONAL DROUGHT SUMMIT

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:17): I table a copy of a ministerial statement on the topic of support for drought-affected farmers made by my colleague the Hon. Tim Whetstone, Minister for Primary Industries and Regional Development.

Question Time

SUPPORTED ACCOMMODATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking a question of the Minister for Human Services on the topic of supported community accommodation services.

Leave granted.

The Hon. K.J. MAHER: Labor's approach to the transition to the NDIS in this area was to establish a statutory authority, while the Liberal government's approach has been a wholesale privatisation of the supported community accommodation area. My questions to the minister are:

1. Did the minister, her staff or her department undertake any consultation with people who access supported accommodation, support workers, next of kin or advocates prior to deciding to implement their privatisation policy?
2. Since announcing the privatisation, what work has the minister, her office or her department undertaken, and what communication has been provided to the people affected?
3. Has any company or organisation been appointed or selected to carry out consultation in relation to this matter?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19): I thank the honourable member for his question. These matters have been canvassed a range of times in this place, and very similar, if not identical, questions have been asked of me previously.

In relation to the public corporation, that decision was made by cabinet in either May or June of this year and subsequently publicly announced. It was consistent with what our election commitment had been, which was to provide a timetable for the transition of all government disability services to the non-government sector. I have provided details about the previous government's program, which was consistent with this policy in terms of Domiciliary Care, and other therapy services as well.

I think I previously outlined some of the communications that have gone to stakeholders, in terms of the workers, the unions, people in the homes and families, after that decision had been made. We are in the midst of a much more detailed range of consultations where we have three goals: continuity and quality client services and supporting client choice; retention of skilled and experienced employees in the disability sector; and growth in the South Australian non-government sector. My advice is that consultation on this particular phase commenced in the week beginning 10 September.

As part of the initial information sessions with staff, the Department of Human Services has supported United Voice to meet with its members following the meeting in paid time so that they could independently listen to its members and provide written feedback to the Department of Human Services. The Department of Human Services is committed to consulting with staff and unions on how it can retain skilled and experienced staff in the disability sector and is continuing to work closely with United Voice.

In relation to the clients and their families, they have been informed of the decision by phone call and a letter. A number of clients are under the guardianship of the Office of the Public Advocate, who has liaised with them about the decision and what it means for them. Through consultation with

staff and employee associations this will be an important part of developing the plan for implementing the withdrawal of services. All stakeholders will have opportunities to ask questions, provide feedback and contribute.

In relation to the honourable member's final question, OzTrain has been engaged to perform consultation with staff, which, as I said, commenced in the week beginning 10 September. The Australian Centre for Social Innovation (TACSI) has been engaged to perform client consultation, and that commenced in the week beginning 8 October, and KPMG has been engaged to perform sector consultation, and that commenced in the week beginning 15 October.

SUPPORTED ACCOMMODATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary: I thank the honourable member for her answer. Just so that I am clear, there are three different companies that are conducting consultation. How were those companies selected and why wasn't it just one group doing consultation in such an important area?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I can get further detail for the honourable member if he is interested in how that took place. The decision to engage these particular organisations was made by the department based on their experience in this space. They are clearly different cohorts who—cohorts is one of those words, isn't it? They have different needs and they have different interests in this space and therefore the department has made the decision to engage various organisations based on their assessment of their strengths.

Parliamentary Procedure

VISITORS

The PRESIDENT: I acknowledge the guests of the Hon. Tung Ngo from the Taipei Economic and Cultural Office and, in particular, its director general. I also acknowledge in the gallery our esteemed former president, the Hon. John Gazzola.

Honourable members: Hear, hear!

Question Time

SUPPORTED ACCOMMODATION

The PRESIDENT: Leader of the Opposition, your supplementary.

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): As I understood the minister's answer, TACSI has been engaged for consultation with the people who access supported accommodation. If that's the case, how many of these people will TACSI be engaging with in this consultation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:24): I thank the honourable member for his question. They are at the early stages, so the part of the process they are in is the design process. They have taken a sample size. I would have to double-check what the numbers are but they have taken a sample size to enable them to frame the questions and consultation process, if you like. If I can explain, we are very much at the beginning of this particular very detailed phase of the consultation. We have taken a sample of the client group to enable us to form the questions to which we will then invite all the clients to respond.

SUPPORTED ACCOMMODATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary: would it surprise the minister if TACSI were only engaging with 24 people who accessed supported accommodation, even if it was an initial consultation? Would it surprise the minister that the sample would be that few when almost 600 people are affected?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): No, it doesn't because it is the design phase. We are taking a sample size to enable us to inform how we engage with the entire population group, if you like, to look at the issues in detail, so that, rather than hypothetically sending out 500 surveys and finding that we haven't designed the right questions to start with, you engage in a very detailed process with a sample size so that you try to ensure that you get the

questions that you then ask people so that we are not going through different rounds of consultations because we didn't get the questions right in the first place.

SUPPORTED ACCOMMODATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary: I know it has started to be circulated quite widely, but I will give the minister opportunity to reflect. Does she stand by her comment yesterday that, 'Anybody who was in the sector knew exactly what we were talking about', because there is that one single line in the policy document?

The PRESIDENT: Last question. Minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I never take the member's comments at face value.

The Hon. K.J. Maher: Remember what you said yesterday, though? You don't remember what you said yesterday?

The PRESIDENT: Leader of the Opposition, allow the minister to answer.

The Hon. J.M.A. LENSINK: Anybody who was in this sector who had read that particular comment would have known what that meant.

The Hon. K.J. Maher interjecting:

The Hon. J.M.A. LENSINK: They did; they would have. I've had comments, I've had that sort of feedback from people. It was very transparent. In fact, I think I can probably quote from the document here. I assure you, Mr President, that this is not a prop, it is part of my informative reading. It's called, 'A strong plan for real change. Our first 100 days'. Under the title of 'Better services', we have here—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Page 39:

A timetable provided for all State disability services to be transferred to the NGO sector, including group homes.

SUPPORTED ACCOMMODATION

The Hon. I.K. HUNTER (14:27): A supplementary arising from the original answer: the minister said, in response to the question from the Leader of the Opposition, that she or her agency communicated with stakeholders, next of kin and staff on the government's policy direction, and that they did that via written communication, being letters and emails and also phone calls. Will the minister take on—

The Hon. D.W. Ridgway: It's meant to be a supplementary question, not an oration.

The PRESIDENT: The Hon. Mr Ridgway, I would back my understanding of standing orders ahead of yours. The Hon. Mr Hunter actually is showing courtesy on context, given that the Leader of the Opposition has asked a series of supplementaries. He is therefore bringing it back to the original answer, which is why I am allowing him some latitude. The Hon. Mr Hunter, please ask your question.

The Hon. I.K. HUNTER: Will the minister take on notice that part of the question and bring back to the chamber copies of the written communication, being letters and emails, which she says her agency put in place to inform stakeholders, next of kin and staff of the government's change in policy in relation to the privatisation of services?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29): I reject the term 'privatisation', but—

The Hon. K.J. Maher: What is it then?

The Hon. J.M.A. LENSINK: Well, it's the same process that the Labor Party undertook with Domiciliary Care, ASSIST and Child and Youth Services.

The PRESIDENT: Through me, minister.

The Hon. J.M.A. LENSINK: I'm sorry, Mr President—I must stop forgetting.

The PRESIDENT: You're talking to the council.

The Hon. J.M.A. LENSINK: I just love these comments from the Labor Party about privatisation when we've got the Motor Accident Commission, the forests—and they were genuine privatisations. This is a withdrawal.

The Hon. I.K. HUNTER: Point of order: I asked a simple question. Would the minister take that part of the question on notice and bring back copies of that information?

The Hon. J.M.A. LENSINK: As I understand it, I am entitled to respond to questions from members.

The PRESIDENT: Yes, I am allowing you some latitude, minister, but ultimately come to the answer to the question.

The Hon. J.M.A. LENSINK: I just had to correct part of the record. I am happy to take whatever the scripts were or the forms of communication that took place earlier this year with all of those stakeholders for honourable members if that is their desire.

SUPERLOOP ADELAIDE 500

The Hon. C.M. SCRIVEN (14:30): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding the Adelaide 500.

Leave granted.

The Hon. C.M. SCRIVEN: Today, the minister announced that Superloop was the new sponsor of the Adelaide 500. Can the minister advise what is the value of the contract, what is the length of the contract, what was the open and transparent process that was conducted to appoint Superloop, and how well developed are preparations for the race?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:30): I thank the honourable member for her question and her ongoing interest in the Adelaide 500. In fact, today we did announce the new sponsor, which is Superloop, so the race will now be known as the Superloop Adelaide 500.

The member opposite asked me the question about the value of the contract. She would know that it is very important that large contracts, this one in particular, be commercial-in-confidence. She asked the length of the contract. I am sure that they have read in the media commentary since the spectacular unveiling of the logos and the race cars that it is for a three-year period. Members opposite would know that we have a contract in place with Supercars until 2021, and negotiations will begin next year in relation to the event beyond 2021. Superloop is very happy to be involved up until 2021 and be a frontrunner, and is very likely to be involved in the sponsorship, whatever the arrangements are, with Supercars post 2021.

My recollection of the questions was what was the transparent and open process. It was the same process that operated under the former government, that the Tourism Commission and Events SA and the motorsport team negotiated with a whole range of potential sponsors and have been able to come to an arrangement with Superloop. My recollection is that they provided the back office wi-fi support NuSkope at the race over the last four years, so this has been a bit of an evolution for Superloop to step up to be the sponsor. Maybe the member opposite can remind me of the fourth question that she asked.

The Hon. C.M. Scriven: How well developed are the preparations for the race?

The Hon. D.W. RIDGWAY: Thank you. The preparations are well advanced. There has been some criticism of the timing of ticket sales. For this year's event, the 2018 event, tickets went

on sale on 1 November. They went on at midnight today, and if I look at my watch, today is 25 October, so we are actually six days ahead of last year. It is well progressed.

I am trying to think of the names of the little trucks that jump over the hurdles. I can't remember the exact—

The Hon. K.J. Maher: Stadium trucks.

The Hon. D.W. RIDGWAY: Stadium trucks. I thank the member. Unfortunately, CAMS hasn't licensed them for this particular race. We would have liked to have them there, but public safety is very important to the Tourism Commission and the government, and unfortunately CAMS hasn't licensed that particular event to come back to Adelaide, so we can't have them. Other than that, it will be an action-packed event.

I hear that there has been some commentary about Superloop from some of the opposition members, that they don't know them. This is why companies like Superloop are actually sponsoring events. It is interesting to note that Superloop is a provider of telecommunication internet services in the Australian Asia-Pacific and has 45 staff already in Adelaide as the lead office for the Superloop home broadband. Through the expansion of their own networks and access to the nationwide NBN network, they are currently being transformed into a complete IT provider for both residential and business. They anticipate the Adelaide workforce will significantly increase as the Superloop home broadband ramps up.

If their expansion plans go well, they are contemplating having 200 employees in Adelaide. Not only are they investing in our iconic Adelaide 500, but they are also investing in our economy and growing our state's economy. I think it is something that we should be very grateful for, that Drew Kelton and the team from Superloop have decided to sponsor the race and be the naming rights sponsor and also invest in our great state.

We are excited by the opportunity that this partnership brings. We are combining a relatively new brand in the Adelaide market together with one of our state's most iconic events. The Adelaide 500 is a much loved event on the South Australian events calendar. It injects millions of dollars in economic benefit into the state. This partnership provides a tremendous opportunity to grow the event even further, while continuing to deliver an adrenaline-filled, four-day festival for fans of all ages.

Today, I officially launched the Superloop Adelaide 500. It is set to be a sensational festival of motorsport and entertainment in 2019. The member opposite asked how well-prepared we are. It will be headlined by the Virgin Australia Supercars Championship. Motorsport fans can also look forward to the popular Dunlop Super2 Development Series, the Porsche Carrera Cup, the Touring Car Masters, the Aussie Racing Cars and the Audi R8 LMS Cup.

Adelaide comes out in force to support our own South Australian supercar driver Nick Percat, who was at the launch today together with his team boss, Brad Jones. Tickets are now on sale. They started selling at lunchtime today to celebrate the 21st running of the event in February next year. I can also confirm the general admission pricing for the 2019 event will remain unchanged and will continue to provide value for money for fans of all ages. I encourage families to take advantage of the free general admission for children under the age of 14 as long as they are accompanied—

The PRESIDENT: The Hon. Mr Ridgway, we are straying off the core of the question now. Is there much more?

The Hon. D.W. RIDGWAY: Mr President, with due respect, I was asked how well-prepared the preparations are for the event. I'm just trying to outline for the honourable member that, even for children under the age of 14—

The PRESIDENT: I am giving the latitude to finish. I'm just curious. We've gone into ticket pricing and we've gone into an advertising spiel for the sponsor, and we are getting very close to your own leader's four-minute mark.

The Hon. D.W. RIDGWAY: I am also reminded that, of course, it was a Liberal government initiative 21 years ago. The former government saw fit to continue it, but it is fabulous to have this race now in its 21st year. I look forward to seeing all of you in this chamber when you go to the

2019 Superloop Adelaide 500 when it opens the Virgin Australian Supercars Championship from 28 February to 3 March 2019.

SUPERLOOP ADELAIDE 500

The Hon. C.M. SCRIVEN (14:37): Supplementary question: does this sponsorship contract with Superloop have any side deals?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:37): I have no idea what the member opposite is talking about—side deals. Can she explain if it's a phenomenon that happens in the union movement or in the Labor Party? My understanding is that it is a three-year deal, which we are fabulously excited about. Hopefully, when we have negotiated with supercars and we get a clearer picture of the event beyond 2021, Superloop will be involved. Mr Kelton from Superloop was very excited today. It is a great opportunity for their business. They want to grow their business, as I explained, and hopefully employ 200 staff in Adelaide in the next couple of years. They see this as an opportunity to grow their brand and to grow their recognition and product range. I have no idea what the member opposite is referring to in side deals. It may be some legacy of her many years of involvement with the union movement.

The PRESIDENT: If you don't know, the Hon. Mr Ridgway, then sit down! The Hon. Mr Stephens, you have the call and then I will come back to the Hon. Clare Scriven.

SUPERLOOP ADELAIDE 500

The Hon. T.J. STEPHENS (14:38): Supplementary question: minister, can you confirm that the event is the biggest and most successful motorsport event in Australia?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39): I thank the member behind me for his very important question. It is the largest—

The PRESIDENT: It's a supplementary, so it needs to be answered in a brief fashion.

The Hon. D.W. RIDGWAY: Yes, okay. It is the largest motorsport event in Australia. It is one of the largest production motorsport events in the world. It has close to a quarter of a million visitors every four years. It has a 21-year history. It often wins national tourism awards. What it does is, it fills all of the hotels. It activates Adelaide. It is one of the few times that Adelaide is chock-a-block full.

We have great events—the Tour Down Under, the Fringe, the Festival, all of those things—but this actually fills every hotel for about a week. It is an exciting time of the year, and I thank the honourable member for his supplementary question and the opportunity to highlight to the chamber the importance of this great event. An initiative that was started under the former Liberal government over 20 years ago, it has now grown to be one of the nation's great sporting events, a great sporting festival. We are proud that we started it back more than 20 years ago, and we are proud to be associated with it today. Again, I really support and encourage you to get along to the Adelaide Superloop 500.

Members interjecting:

The PRESIDENT: You are pushing the friendship. You are pushing it, pushing me.

The Hon. D.G.E. Hood: Good question, good answer.

The PRESIDENT: You may be in the minority there, the Hon. Mr Hood. The Hon. Ms Scriven.

SUPERLOOP ADELAIDE 500

The Hon. C.M. SCRIVEN (14:40): Supplementary: to clarify the minister's answer, so neither the minister nor the government has made any other commitments to Superloop for any future contractual arrangements, either informally or formally?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41): I don't know how much clearer I could have been.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: It's about the event. I have received no advice, formally or informally, that there is anything other than a three-year sponsorship and naming rights sponsor for the event, and I think we should be proud of the fact that Superloop is prepared to sponsor and be the name Superloop Adelaide 500. It has a good ring to it—the Superloop Adelaide 500. I mean, super and loop, it is about going around. When the Superloop people have drawn a diagram of their broadband network—

The PRESIDENT: Right, sit down.

The Hon. D.W. RIDGWAY: —it often resembles—

The PRESIDENT: Sit down. The Hon. Mr Ridgway, sit down.

The Hon. D.W. RIDGWAY: —a racetrack.

The PRESIDENT: The Hon. Ms Scriven.

SUPERLOOP ADELAIDE 500

The Hon. C.M. SCRIVEN (14:41): A further supplementary: so is the minister saying he is not aware of any conversations with Superloop or any of its subsidiaries, such as NuSkope, about providing internet or IT services to the South Australian government?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41): That is correct. I have no knowledge, and I have not been given any advice at all to that effect.

The PRESIDENT: The Hon. Ms Scriven, a further supplementary.

SUPERLOOP ADELAIDE 500

The Hon. C.M. SCRIVEN (14:42): Yes, that's right. Has Superloop or any of its subsidiaries attended any Liberal Party fundraisers or made any donations to the Liberal Party?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:42): None that I am aware of.

The PRESIDENT: The Hon. Mr Hunter, this will be the last supplementary. I would like to get on to the Hon. Ms Bourke.

SUPERLOOP ADELAIDE 500

The Hon. I.K. HUNTER (14:42): Thank you, sir. My supplementary to the minister is this: has the minister looked at the company via the Google search website and, if so, can he advise me how to find them, because when I check on Google now, it comes up as—

Members interjecting:

The Hon. I.K. HUNTER: Well, I admit—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —I am no expert on this interweb thing, but when I hit the company—

The PRESIDENT: The Hon. Mr Hunter, we understand the question. Minister.

The Hon. I.K. HUNTER: One point, sir.

The PRESIDENT: One more point.

The Hon. I.K. HUNTER: When I hit the company that comes up in Google, it says '404 not found'. Has the minister done a search and can he advise me how to find this company on the interweb?

The PRESIDENT: We've got the question. Minister.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:43): I am amazed that we have a wonderful announcement today of a new corporate sponsor for one of our

iconic events, and we have had nothing but the former government trying to smear them and to play it down. That is a disgraceful way to—

Members interjecting:

The Hon. D.W. RIDGWAY: Just disgraceful. What I find is that they are upset. With a change of government, we actually had a queue of people wanting to sponsor the Christmas Pageant. The corporate world comes out to support our events. The member opposite says, 'Go to Google.' I don't have to Google them; I know who Superloop is. I know the chief executive. I met him for the first time today, but I have known about Superloop for—probably my first recollection was prior to the election. I ran into the name somewhere, but I do not remember exactly where and, of course, since the election I have been briefed that in the last few months we are in negotiations with Superloop. This is a disgraceful way—I can't believe how negative the opposition is. It is a great event.

The Hon. I.K. Hunter: '404 not found'.

The Hon. D.W. RIDGWAY: The Hon. Mr Hunter in this place when he was a minister said that he actually didn't like technology. In fact, as a minister he said that he had to take valium when he left the city. He didn't even like to go into the country—

The Hon. R.I. Lucas: He called it the 'interweb thing'.

The Hon. D.W. RIDGWAY: The interweb—so I have no faith that he actually knows how to use Google search.

The PRESIDENT: I have given you more than enough latitude, the Hon. Mr Ridgway. We are 34 minutes in; we are over halfway, and we have only got to two questions. I call the Hon. Ms Bourke. I am keen to get to the crossbenches to have some questions.

Honourable members: Hear, hear!

The PRESIDENT: I don't know why the government benches are hear, hear-ing. The Hon. Ms Bourke.

REGIONAL MINING

The Hon. E.S. BOURKE (14:44): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding mining in regional areas.

Leave granted.

The Hon. E.S. BOURKE: On 16 October 2018, Alex Brown, a resident of Maitland, wrote to the *Yorke Peninsula Country Times* regarding the government Statutes Amendment (Mineral Resources) Bill 2018. In the article he expressed his disappointment that the Liberal Party was not delivering on a pre-election commitment by the Hon. David Ridgway to consult rural communities on his bill before it was introduced to parliament. Mr Brown states:

...David Ridgway MP made this pre-election commitment on the Liberals' behalf. It's disappointing this promise wasn't kept.

My question to the minister is:

1. Why did the minister break his pre-election promise for the government to consult with regional South Australia, particularly the Yorke Peninsula community, prior to introducing the bill to parliament?
2. Is he aware that the Liberal Party member for Narungga has publicly stated he will cross the floor as a result of his pre-election promise to the community?
3. Does the minister sympathise with the difficult position he has placed the member for Narungga in?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:46): I thank the honourable member for her question. It is interesting that Mr Brown talked about my bill. It was never my bill. It was always and has always been, before the election, the shadow minister the Hon. Dan van Holst Pellekaan, as he is now, or just Dan van Holst Pellekaan. I said to the people of Yorke Peninsula that I expected that if we were successful in winning the election the minister for

mining, which I assumed at the time would be Dan van Holst Pellekaan, would have carriage of the bill, which of course he does. He tabled it before the winter break, which I suspect is exactly the sort of consultation that we would—

The Hon. E.S. Bourke: Prior to being tabled. Prior to being tabled. They were his words, not mine.

The Hon. D.W. RIDGWAY: When you table a bill before a seven or eight-week or six-week break, that is part of the consultation. It is actually out there in the public domain.

The Hon. R.I. Lucas: Exactly, and we're still consulting.

The Hon. D.W. RIDGWAY: And we're still consulting. The actual details of the bill are very much the province of the Hon. Dan van Holst Pellekaan, but we are still consulting on the bill. Until the bill finally passes this chamber—both chambers—and until we actually know the final make-up of the bill, I don't believe I have put anybody in a difficult position. I made it very clear at the time of the election.

Of course, the Hon. Ms Bourke was not actually at the meetings that I was at on Yorke Peninsula. I made it very clear that if we were lucky enough to be elected to government, the minister, the Hon. Dan van Holst Pellekaan, would have carriage of that bill, if he was the minister, and that there would be a consultation period: exactly what we've got. It was tabled before the winter break, and we have a consultation period, and we are still consulting at this current time.

STUDYADELAIDE INTERNATIONAL STUDENT AWARDS

The Hon. D.G.E. HOOD (14:48): My question is to the Minister for Trade, Tourism and Investment. Can the minister share with the council news from the StudyAdelaide International Student Awards?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:48): I thank the honourable member for his ongoing interest in a whole range of things but especially the StudyAdelaide International Student Awards. Last Friday, I was fortunate enough and very proud to attend the 2018 StudyAdelaide International Student Awards at Government House. It was a big event. There were about 500 international students, a big marquee; there was a real buzz in the air. These international students have a fantastic time while they are in Adelaide, and they really do enjoy their time here. There were masses of students there to support their colleagues as they were given these awards. It is a great opportunity to recognise our outstanding international students and showcase some of the contributions these students are making to society.

The major prize, for the 2018 StudyAdelaide International Student of the Year, was awarded to Mr Himal Kandel, a PhD candidate at Flinders University. Before coming to Adelaide, Himal lived in a remote Nepalese village from which it took two days to walk to the nearest hospital for his scholarship. Motivated to study ophthalmology, as a number of his friends and relatives in his village had problems that could easily be fixed with glasses or simple surgery, he has a dream to open up an eye hospital in his village in Nepal. He managed to win a number of scholarships and chose South Australia for his studies. Himal's wife Sanya and his daughter Sahinya were there, and he said:

[It's a] great place to start a family. I'm very proud to live in one of the world's most liveable cities. It's also a perfect place to start a family. It's a safe and beautiful city. Adelaide is so welcoming to international students and it is our home away from home.

Of course I agree 100 per cent with Himal. Other award winners included: January Dechavez from the Philippines, who was awarded for Academic Excellence, Postgraduate (Coursework); Nicholas Loh Chieh from Singapore for Academic Excellence, Undergraduate; Isadora Inez Alves Koszma from Brazil, who won for Academic Excellence, Vocational Education and Training; and Ian Ngui Rong Yi from Malaysia, for Academic Excellence, Pathways.

Do Xinyu from China won for Academic Excellence, School—she is actually at Henley High School, Mr President, so she is not even at university yet. Nguyen Thi Thanh Thien from Vietnam won the award for Community Engagement, and Xin Er Neoh from Malaysia won for Artistic Achievement. Phan Nguyen Mai Chi from Vietnam won for Sporting Excellence—she is actually a very, very competent chess player—and Laen Sugi Rante Tandung from Indonesia won for

Entrepreneurship and Innovation. Flinders University Singapore Student Association won Student Event of the Year.

A number of students also received highly commended awards. It is important that we properly resource StudyAdelaide to ensure programs like these awards are well supported. That is one of the reasons we increased funding of StudyAdelaide to \$2.5 million a year. As I said earlier, South Australia has a lot to offer international students, but it is also clear that international students offer a lot to South Australia. They make a valuable contribution not only to our economy and jobs, but also to our beautifully rich and diverse community.

StudyAdelaide did a fantastic job in putting together this year's International Student Awards, and I have received much praise from the attendees and others who have said likewise. I once again congratulate Mr Himal Kandel and the other award winners for their achievements. I would also like to thank His Excellency the Governor and the team at Government House for allowing the marquee to be erected and the presentations to be held. It was certainly a memorable moment for all of the students who won awards.

SURPASS SUN ELECTRIC

The Hon. T.A. FRANKS (14:52): Under standing order 107, I seek leave to make a brief explanation before addressing a question on the topic of the SSE solar company to the Hon. Frank Pangallo.

Leave granted.

The Hon. T.A. FRANKS: SSE (or Surpass Sun Electric Co. Ltd) is an international technology company that started in China in 1997. It has over 20 years of manufacturing experience in electrical and power infrastructure. The company's success led them to expand their operations into our country. Indeed, SSE Australia was established in 2010. It completed over one gigawatt of solar projects in China prior to that move into Australia, and indeed has now commissioned a series of solar projects specifically in South Australia, with the planned 150 megawatt solar project in Whyalla, to be done in three stages, due to be finished in 2019.

A quick check—not just of Google, but with the Australian Business Register and ASIC—will show any member that SSE is registered with ASIC as an active Australian proprietary company limited by shares, and has been for many years. It has also shown up as active under the Australian Business Register, specifically as Surpass Energy Pty Ltd. Further, SSE is also a gold member of the Australian Solar Council—an organisation itself of some 50-plus years' standing in this sector.

Yet, on Wednesday 17 October in the proceedings of this place, it was stated by the Hon. Frank Pangallo that SSE was 'a mystery Chinese renewable energy company', and that Colin Gillam was 'an executive' of that 'mystery Chinese renewable energy company'. The Hon. Mr Pangallo went on to say:

Mr Gillam has since disappeared from SSE, leaving their solar project on the edge of town beset with problems until only recently. Again, no proper investigation of the facts in reporting. It sounded like a good story only because it added spite and spice to the fire and brimstone unleashed on our candidate.

Well, the mystery man has today materialised. Mr Gillam has sent the member, myself and others in this place an email from that very same company, SSE, in his role not as 'project manager' but indeed as general manager—I suspect a promotion rather than a disappearance. My questions to the honourable member are:

1. Does he stand by his claims that SSE is 'a mystery Chinese renewable energy company' that Colin Gillam has 'since disappeared...leaving their solar project on the edge of town beset with problems until only recently', or did it just sound like a good story to spin under the protection of parliamentary privilege?

2. Will he now review his claims and take the opportunity to retract them?

The PRESIDENT: Mr Pangallo, this is a matter raised by you in the chamber and therefore I allow the question.

The Hon. F. PANGALLO (14:55): Thank you, Mr President, and I thank the honourable member for her question. I received that email this morning. There were several other claims made in that email, a lot of them quite defamatory, which the honourable member has not gone through. Suffice to say that Mr Gillam has claimed he is the general manager of this business, and we are now in the process of trying to verify that with the headquarters in Shanghai. I give an undertaking that when the council resumes in our next sitting weeks I will have far more information about SSE and Mr Gillam.

SURPASS SUN ELECTRIC

The Hon. T.A. FRANKS (14:56): A supplementary: why has the member not contacted the address given on the email: Burwood Road, Hawthorn East, Victoria 3123? It is far away from China.

The Hon. F. PANGALLO (14:56): We did try to ring the telephone number and it just rang out. However, we are endeavouring—

The Hon. T.A. Franks interjecting:

The Hon. F. PANGALLO: No, I didn't; I only got the email today.

The Hon. T.A. Franks interjecting:

The PRESIDENT: This is not a conversation. The Hon. Mr Pangallo.

The Hon. F. PANGALLO: As I said, when we sit next I will have more answers as well as more questions to raise about SSE.

SURPASS SUN ELECTRIC

The Hon. T.A. FRANKS (14:56): Did the member do an ASIC or an Australian Business Register check before making his claims in this place?

The Hon. F. PANGALLO (14:56): In relation to SSE?

The Hon. T.A. Franks: Yes.

The Hon. F. PANGALLO: I never said that it did not exist. It is quite clear that it did exist because they built a solar farm in Whyalla.

SURPASS SUN ELECTRIC

The Hon. T.A. FRANKS (14:57): Does the member understand the difference between SSE the international company and SSE Australia?

The Hon. F. PANGALLO (14:57): Yes, I do.

GREECE, WILDFIRES

The Hon. I. PNEVMATIKOS (14:57): My questions are to the minister assisting the Premier regarding the Mati fires. They are:

1. Will the minister advise how much financial support was allocated in accordance with the Marshall government's commitment to provide financial support for the Mati fires?
2. Will the minister advise when the money was provided, to whom the money was provided, what it was allocated for and what was the determining factor behind the financial amount allegedly allocated?

The Hon. J.S. LEE (14:58): I thank the honourable member for her questions. There was a meeting held between the Premier and Mr Bill Gonis recently, but the Premier would like to hold another meeting to present the contribution from the South Australian government in conjunction with the opposition leader. That has been discussed with Mr Gonis. As far as the other questions asked by the honourable member, I would like to consult with the Premier and bring those answers back to the chamber.

SHELTER SA

The Hon. J.S. LEE (14:59): My question is to the Minister for Human Services about Shelter SA. Can the minister advise the chamber about the role of Shelter SA's Homeless Connect: Health and Housing Expo as part of Anti-Poverty Week?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): I thank the honourable member for her question and her interest in this area. Shelter SA is an organisation well-known to many members. It is an advocacy organisation operating in the community services sphere, with a particular focus on homelessness and the services that can and need to be provided to homeless people, as well as focusing on housing issues more broadly. I thank them for their advocacy in this sector. Shelter SA recently held a homelessness expo, which I was delighted to be involved with. The member for Hurtle Vale, shadow minister Nat Cook, was also in attendance, and we were welcomed by Uncle Moogy.

The event was held in Whitmore Square. A range of service providers were there, including those who are clearly well-known to us, including the Hutt St Centre and a range of the non-government service providers in this space, as well as some health providers and other particular community service organisations. The purpose of the expo is to provide information to people who may be homeless but also to those who have a particular interest in this area. We were quite lucky with the weather. It did hold out and I think they were quite pleased with the attendance. It has been an annual event that they have held as part of the events that they do to improve the awareness in our community for people who may need services in this area. It is a much-welcomed event, and I thank them for the efforts that they went to, to put that event on.

CUSTODY NOTIFICATION SCHEME

The Hon. C. BONAROS (15:01): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question regarding the Custody Notification Scheme.

Leave granted.

The Hon. C. BONAROS: On 22 August 2017, Kunmanara Gibson, a 47-year-old Aboriginal man for whom English was a second language, died in custody after being found unconscious in his cell at Adelaide City Watch House. Sadly, there have been other deaths since then. The South Australian Aboriginal Visitors Scheme, operated by the ALRM (Aboriginal Legal Rights Movement), was not informed of Mr Gibson's arrest until after he died.

There have been at least 407 Indigenous deaths in custody since the royal commission in 1991 and 147 that *The Guardian* could find since 2008. One of the key recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody was that all states notify a custody notification service whenever an Indigenous person is arrested to offer support, language and legal services. Recommendation 224 of that report states:

...in jurisdictions where legislation, standing orders or instructions do not already so provide, appropriate steps be taken to make it mandatory for Aboriginal Legal Services to be notified upon the arrest or detention of any Aboriginal person other than such arrests or detentions for which it is agreed between the...Legal Services and the Police Services that notification is not required.

In October 2016, the Minister for Indigenous Affairs announced that the Coalition government had written to all state and territory governments, offering to fund a national rollout of a custody notification scheme, similar to that which operates in New South Wales. It is a scheme which has been credited with saving the lives of Indigenous people in custody. My question to the Treasurer, for the Attorney-General, is: why has the government not yet implemented a custody notification service consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and will the government implement that scheme as a matter of urgency?

The Hon. R.I. LUCAS (Treasurer) (15:03): I am happy to take the honourable member's question on notice and bring back a reply.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. T.T. NGO (15:04): My question is to the Minister for Trade, Tourism and Investment. Will the minister explain why advertising agency KWP is good enough to provide services for a NT tourism contract but isn't good enough to provide services for the SA tourism contract?

The PRESIDENT: The Hon. Mr Ridgway, the question was directed towards you.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:04): Sorry, Mr President, I was distracted. Could I ask the member to repeat the question?

The Hon. T.T. NGO: Will the minister explain why the advertising agency KWP is good enough to provide services for a NT tourism contract but isn't good enough to provide services for the SA tourism contract?

The Hon. D.W. RIDGWAY: I thank the honourable member for his question. It's an interesting question but the member would be familiar with the process because I think I answered somewhere between 40 and 50 questions on the TBWA procurement. That was done through a proper transparent procurement process, started by the member opposite's very good friend Leon Bignell when he was minister—

The PRESIDENT: Refer to him by electorate.

The Hon. D.W. RIDGWAY: As the member for Mawson, former minister for tourism, sport, recreation, racing and agriculture, only surpassed by the member opposite's very good friend and close relationship with the former member for Waite, Martin Hamilton-Smith. He called him a good egg; I'm not sure that's what I would call him. Nonetheless, I am getting distracted.

There was a procurement process that the Tourism Commission went through. As we know it was basically all but completed prior to the election. I'm not privy to that process. There was a ranking and they went through all of the people who were bidding and tendering to do that particular work, and TBWA was successful—it was the chosen one. I don't know what process the Northern Territory government went through but, given that it is a Labor government up there, I'm sure with a quick phone call you could work it out. I'm pleased that KWP obtained work in the Northern Territory but I have no idea if we are comparing apples with apples and the same sort of creative services.

I spoke at length yesterday about our Rewards Wonder campaign and the great success that it has been. We have had a tremendous start with the new advertising campaign and I wish KWP and the Northern Territory all the best in whatever they are doing. We do actually collaborate quite a lot, as members would be aware. We share a border. There is quite a lot of work done on the Explorers Way, which is the touring route from Darwin to Adelaide. It is important that the Northern Territory has a strong offering because, of course, that draws tourists into the City of Darwin and feeds them down to us.

I think I mentioned earlier in the week that we spoke at the trade and tourism ministers' meeting in Melbourne where the Chief Minister of the Northern Territory was very keen to share the opportunities between the two states. He openly admits that they don't have any wine but they have barramundi and all sorts of exciting things in the Northern Territory—so we can collaborate together. I wish Northern Territory tourism and KWP all the best in their relationship in Darwin.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. T.T. NGO (15:07): Supplementary: in an answer given by the minister on 3 May 2018 about the same subject, the minister said:

Since the announcement of the contract, the Premier and I have met with the chief executive and chair of the SATC board to clarify the process and confirm actions to be taken to ensure that South Australian companies would be in the best position to win possible future contracts.

Has a review of the tender process occurred, and what changes have been made to the contract process?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:08): I thank the honourable member for his question. Certainly, he quotes me accurately. We met with the chair

and the chief executive and talked about a range of opportunities. I think if the member had been listening to my Rewards Wonder answer yesterday there was a whole range of tourism operators—61 were showcased in that—and a number of local production houses were used in the production. Sure, TBWA are based in Melbourne but nearly all of the work was done for them by local South Australian companies.

I think it's important that the procurement process is, if you like, sanctioned by the Procurement Board. It is at arm's length—it's certainly extremely at arm's length from the minister because the minister doesn't actually ever get involved, nor does cabinet. That process is robust. I'm not sure that we committed to a review of the procurement process but if we did I will check my answer from back then. Clearly, there is always a desire to make sure that we help South Australian companies. That is why we had 51 artists.

The Hon. Ms Franks from the Greens asked me questions yesterday about the artists in the promotion, the five days of streaming involving 51 local artists, 61 tourism business and local production houses. That advertising campaign, which will go on for more than 12 months, actually showcases a whole stack of local businesses and musicians, and gives work to local production houses. Sure, the head contract has gone to a Victorian company, which, incidentally, now has an office in Adelaide and are employing staff here, but all the other work has gone to South Australians and South Australian companies.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. T.T. NGO (15:10): Just a quick supplementary: does the minister know how many jobs KWP is moving from South Australia to the Northern Territory with this new contract?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:10): No.

SMITH BAY PORT

The Hon. M.C. PARNELL (15:10): I seek leave to make a brief explanation before asking a question of the Treasurer about the proposed Smith Bay port on Kangaroo Island.

Leave granted.

The Hon. M.C. PARNELL: The development of a new industrial sea port on Kangaroo Island has been controversial and has pitched a number of commercial interests against each other and caused a great deal of anxiety in the local community. According to the Save Smith Bay Facebook page, Kangaroo Island Plantation Timber Limited told shareholders at their AGM last week that, 'No government financial assistance has been sought' for its Smith Bay sea port.

But, according to observers, the company also informed shareholders at the meeting that, 'Key road upgrades have been identified and discussions are underway with all levels of government'. My questions of the Treasurer are:

1. Is he aware of any requests for funding having been received by the state government, or requests for road upgrades made, to enable current narrow dirt roads to carry B-double trucks to the port?

2. If the minister is not personally aware, is he able to refer the question to any minister who may have been in such discussions with Kangaroo Island Plantation Timbers?

The Hon. R.I. LUCAS (Treasurer) (15:11): I have no recollection of any requests for funding through my office, but I am happy to check. I suspect that discussions that relate to roads, infrastructure and ports are more properly directed towards my colleague the Hon. Stephan Knoll, and I will seek advice from him as to whether or not he can provide any information that might be of assistance to the member.

INTERNATIONAL DIRECT FLIGHTS

The Hon. K.J. MAHER (Leader of the Opposition) (15:12): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding international direct flights.

Leave granted.

The Hon. K.J. MAHER: The minister has spoken about the importance of direct flights to and from Adelaide, and after a lot of hard preparation and work from the former minister, the Hon. Leon Bignell (the member for Mawson) it is great to see that Adelaide has won the rights to host the world Routes Aviation Conference in 2019. My question is: with the global airline conference coming to Adelaide in 2019, why has the minister decided to cut funding from tourism development, and how much funding specifically has been cut to SATAC's airline attraction activity?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:13): I thank the honourable member for his question. It will be a great honour to host the world Routes Aviation Conference here next year. It was a fabulous event in Guangzhou when I was there. I will not get distracted and talk about the typhoon, because I know that you, sir, will sit me down if I talk about that. Nonetheless, it was a particularly good event and I am delighted that South Australia is hosting it. Interestingly, it will be at the Adelaide Showground because of the layout; they want a bigger area than the Convention Centre can present. The minister opposite would know that opportunity—

The Hon. K.J. Maher: Former minister.

The Hon. D.W. RIDGWAY: Former minister, I beg your pardon. I did see the other day that your good friend Martin Hamilton-Smith had a business card that said 'Former minister'.

The Hon. K.J. Maher: You had a business card that said 'Minister' when you were in opposition.

The Hon. D.W. RIDGWAY: That is a lie. That is totally false.

The PRESIDENT: You only have a few minutes of question time left. The question was reasonable. Minister.

The Hon. D.W. RIDGWAY: They make an outrageous allegation. Never, ever have I travelled the world, or anywhere in this state, with a business card that said—

The Hon. K.J. Maher: You just told people. Did you tell anyone?

The Hon. D.W. RIDGWAY: No, no. The way I conducted myself they assumed I was a minister. You can take that whichever way you like. I could have been exemplary, or I could have been at the other end of the scale. You know how you performed. I get distracted, Mr President.

The PRESIDENT: You are distracted.

The Hon. D.W. RIDGWAY: I'm sorry. Members opposite would know that regarding airline attraction, you only get an opportunity every few years when opportunities become available. We have the airport doing their expansion. They have made it very clear that they want to pitch for some new international flights. There hasn't actually been any money cut. We don't anticipate that this year we will be spending money on attracting new flights because the airport wants to wait until they have finished the expansion.

One of the reasons we had a cut in the Tourism Commission budget was that it was a final payment for an incentive the previous year. This government will be prepared to back new and more international flights when the opportunities arise, but this year, due to the expansion of Adelaide Airport, we won't be pursuing any new international flights.

HEALTH SERVICES

The Hon. J.S.L. DAWKINS (15:15): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health initiatives in the Jamestown area.

Leave granted.

The Hon. J.S.L. DAWKINS: On 12 October, I was pleased to attend the launch of the Mid North Suicide Prevention Network in Jamestown. More than 200 people packed the local memorial hall on a Friday night for this event, which was hosted by Andrew Stacey, chair of the network, and compered by Adam Clay of the Office of the Chief Psychiatrist.

It was a privilege to present the state government's cheque for \$5,000 as an establishment grant, which accompanies the launch of all suicide prevention networks. The role of the Northern Areas Council and the initial contact with me by Mayor Denis Clark in 2016 in the establishment of the network should also be acknowledged. Will the minister update the council on other health services at Jamestown?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I thank the honourable member for his question and pay tribute to his continued leadership on both rural health issues and suicide prevention. I had the pleasure of attending Jamestown Hospital recently for the opening of the new theatre suite at the hospital. The opening follows a significant upgrade, during which Jamestown Hospital theatre was closed from 18 May this year to the end of June.

The works undertaken will enable the Jamestown Hospital to retain its level III certification, allowing the continuation of birthing and surgery services at the hospital. That is no small matter for the Jamestown community. As honourable members would know, country regional communities greatly value the capacity to be able to form and raise their families within the region.

In 2016-17, 44 mothers delivered their babies at Jamestown. An additional 27 babies were welcomed in 2017-18, reduced as the theatre had to be closed during the upgrade works. Jamestown also performs a significant number of surgical services, with just over 270 surgeries performed there each year, including elective surgeries and colonoscopies.

The honourable member will know that the government's commitment to improving health services across regional South Australia is strong. The state government allocated \$250,000 through Country Health SA. This was supported by a contribution of \$100,000 by the Friends of the Jamestown Ambulance.

I would like to acknowledge this substantial contribution, together with the work of the Mid North Health Advisory Council, in ensuring that additional works could be added to the renovations. That is so much the story of country health. It is very much a collaboration between the state government and the community and, to be frank, with the support of the federal government, particularly through funding for GP services.

I congratulate everybody who has advanced this project, in particular Steve Richmond and other members of the Mid North Health Advisory Council and the management and staff of the Jamestown Hospital and Health Service. Mr Richmond reminds me that in opposition, when I visited Jamestown Hospital, I was shown the site of where they wanted the operating theatre upgrade. True to form, when he had me there to open the operating theatre suite, he showed me the next project, so I can assure the people of Jamestown that their health advisory council is not resting.

One of the privileges of the day was to honour Dr Jack Shepherd, after whom the new theatre suite has been named. Dr Shepherd worked at Jamestown Hospital for 28 years. In his time there he set up the training site, the Jamestown Medical Centre, and was instrumental in the expansion of surgical services that the upgrade will allow to continue at the hospital.

He also reached the rank of Lieutenant Colonel in the Army Reserves, a service in which our President has served. He was deployed to Vietnam, East Timor, Norfolk Island and the Solomon Islands. Dr Shepherd, who I think retired in the early 2000s, was honoured by a resolution of a community meeting that the theatre be named after him. For a medical practitioner to be honoured by a community more than a decade after his retirement from service in that community I think speaks volumes about the regard in which he is held.

Dr Shepherd was present at the opening of the new theatre and gave a firsthand account of his time in the hospital, including his pioneering of CTG foetal monitoring in South Australia. Dr Shepherd also served as one of the founders of the Australian College of Rural and Remote Medicine, one of the most influential medical bodies not only in rural Australia but right through the medical profession.

Dr Shepherd also took the opportunity to remind all those present about the importance of country health facilities and fighting to maintain them. This is a message that I know the honourable member has relayed to this chamber on many occasions through the years and one which I have pursued as shadow and, following the election, as minister. The Marshall Liberal government is

committed to supporting the delivery of health services in rural South Australia. The opening of the new Jamestown Hospital theatre was a demonstration of that commitment.

Personal Explanation

SUPERLOOP ADELAIDE 500

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:21): I seek leave to make a brief personal explanation, if I may, and clarification.

Leave granted.

The Hon. D.W. RIDGWAY: During question time, the Hon. Mr Hunter asked about googling Superloop. I am not quite sure what he was doing because I have it here: the Superloop Adelaide 500, 'Strap yourself in. Better internet is here.' Whether it was too much traffic to the site that he was having difficulty with, I am sure he will be able to find Superloop for the Superloop Adelaide 500 whenever he looks.

The PRESIDENT (15:22): The Hon. Mr Ridgway, the council granted you leave. That is not really a matter of personal explanation, and then it meandered into a debate. Just for future reference, I would ask you to reconsult your standing orders.

Bills

**PETROLEUM AND GEOTHERMAL ENERGY (BAN ON HYDRAULIC FRACTURING)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 20 September 2018.)

The Hon. C.M. SCRIVEN (15:23): The opposition supports independent evidence-based decision-making in regard to all gas production in South Australia. This includes any consideration of fracture stimulation. The former Labor government had a policy to abide by the independent recommendations of highly qualified scientists as part of the stringent regulatory system that exists in South Australia. Indeed, I have heard our system described as the best regulatory system in the world.

During 16 years of Labor government, we did not see hundreds of wells using fracture stimulation approved throughout the South-East. Indeed, the member for MacKillop stated in the other place on 5 September 2018, and I quote:

It is my understanding that, at present, the mining sector has no immediate plans to use hydraulic fracking methods to access resources in the South-East.

Proposals for any type of gas extraction are rigorously assessed. Any proposals for significant risks do not get approved. It is based on science. We have been consistent in the position that these decisions should be based on science. Our robust regulatory framework ensures that all approved gas production is safe and environmentally sustainable.

Our opposition to this bill is not about fracture stimulation; our opposition to this bill is about the principle that scientists are the best people to make decisions about scientific matters: scientists not politicians. It is about confidence in South Australia's stringent regulatory system. For the very reason that we do have confidence in that stringent regulatory system, we will be opposing the bill.

The Hon. M.C. PARNELL (15:25): I have to say there is a strange feeling of déjà vu in the chamber this afternoon as we reach this item on the *Notice Paper*, the Petroleum and Geothermal Energy (Ban on Hydraulic Fracturing) Amendment Bill 2018. I read the bill and it looked strangely familiar. In fact, I recognised the drafting, I recognised the words that were used, and the penny eventually dropped that this was, in fact, the same bill that I had introduced into this chamber and that had been voted down by both the major parties. Fast forwarding a couple of months, we now see that the bill is back before us. It is not back in my name. In fact, it is not back in the name of any of us on the crossbench; it is now a government bill and we are debating it on government time. What a remarkable turn of events.

I will take the opportunity to acknowledge the work that Troy Bell, the member for Mount Gambier, has done in the lower house and his incredible powers of persuasion to be able to take a Greens' bill, introduce it into that chamber and, by force of argument, convince the Liberal Party to vote for it. In fact, so convince them as to the merits of this bill that they would bring it back to us not as a private members' bill, as it started, but in fact as a government bill to be debated in government time. I am curious as to what might have changed in the meantime. When I go back and refresh my memory about the contribution of the Hon. David Ridgway, Minister for Trade, Tourism and Investment, when he spoke to my private bill back on 25 July, he said:

We have already acted to implement the moratorium on fracking in the South-East in the Limestone Coast area. This bill tries to play politics by bringing into question that moratorium.

Back in July, this bill was playing politics but fast forward to October and all of a sudden we find that it is now an essential piece of legislation that the parliament should be seriously considering, and the government is inviting us to vote for it. It is a government bill. Mr Ridgway went on to say:

We made a commitment for a 10-year moratorium, and that is what the people of the Limestone Coast and the South-East have. The moratorium is working. This is just an attempt to raise concerns in the South-East, where there are no concerns because we have made good on our promise: it is a 10-year moratorium.

The concerns of residents in the South-East was evidenced on the day we voted for my bill—the same bill. We had the public gallery full of farmers from the South-East who had spent a great deal of time and money bussing up or driving up from the South-East. Their passion for this issue did, I am sad to say, attract the ire of the President. I have never seen Parliament House security staff mount a staircase as quickly as I did on that day. Of course, there was no need to be alarmed, as it turned out. They were expressing their passionate views about the importance of the legislation. They posed no danger to themselves, to us or to other members of the public, but certainly the passions were there. They were terribly disappointed, back on that occasion, that the government and the opposition did not support the bill.

So when the minister sums up the second reading debate on what is now a government bill, I might ask him, if he could, to reflect on what has changed in the short period of time between when the government thought this was purely playing politics and was completely unnecessary and now when we find it on the *Notice Paper* in government business. The other thing that I will raise as a point is that the Hon. David Ridgway back in July said:

In principle, we do not support using mining legislation to legislate against specific activities and technologies.

We have heard that a few times in the past. I have brought matters before this chamber in relation to a specific mining activity or technology—underground coal gasification—and we are told, 'Oh, no, we couldn't possibly legislate to ban a specific mining technique or a specific mining technology.' I am delighted that the government has seen the error of its ways and realised that it is in fact a very important role of this parliament to scrutinise particular technologies, specific ways of mining, and to come to a conclusion on whether they are good for the people of South Australia or not.

So I am very encouraged by the government's current approach, and when I bring, as I will, back to this place a bill to ban underground coal gasification, one of the dirtiest, most polluting forms of extracting fossil fuels that we know of, I look forward to the government supporting that legislation and not raising this hoary old issue that, 'We don't legislate in relation to specific technologies.' Clearly, we do: we are legislating for it today.

There is no conceivable position that anyone would expect the Greens to take other than to fully endorse this bill before us and to vote for it. It is in fact the Greens' bill. Again, I will offer my congratulations and thanks to the member for Mount Gambier for his diligence in pursuing it through the lower house. I understand we are going to progress this bill through all stages today. I look forward to the committee stage. I may have a few more questions—in fact, I will have a few more questions—for the minister. But for now, the Greens are delighted to be supporting the second reading of this bill.

The Hon. R.I. LUCAS (Treasurer) (15:32): I am delighted and very proud, as a former resident of Mount Gambier, still with family there, to stand to thank members—some members, I should say—in relation to their contribution on the legislation.

I must admit I am extraordinarily disappointed at the attitude of the Hon. Clare Scriven. I am extraordinarily disappointed at the fierce lobbying of the Hon. Kyam Maher, as another former resident with close associations with Mount Gambier and the very good people of Mount Gambier. As I understand it, it has been the Hon. Kyam Maher and the Hon. Clare Scriven who have driven the very strong position of the Australian Labor Party in relation to this particular position. The fact that the Hon. Clare Scriven has stood up in the chamber today as the official spokesperson for the Labor Party and put the very strong position of the Labor Party, opposing this piece of legislation, is just so extraordinarily disappointing to the very many friends and acquaintances I have in Mount Gambier.

I will be very surprised if that very good journal of record *The Border Watch* and indeed other local media do not highlight—and highlight very prominently—the position of members of the Labor Party, who on other occasions pretend that they represent the interests of the people of Mount Gambier, on this critical issue, this critical issue that the people of Mount Gambier and surrounding areas felt so strongly about: that the members of the Labor Party, the Hon. Mr Maher and the Hon. Ms Scriven, have just sold out the people of Mount Gambier in relation to this critical issue for their interests. It will be to their cost when they return to Mount Gambier and try to defend their position in relation to this particular issue.

I think the Hon. Mr Parnell indirectly—I am sure, on reflection, he would choose his words differently—indicates that this is exactly the same bill he introduced. If that were the case, it would have been ruled out of order because that is not possible in relation to the legislation. There is a very significant difference between the two bills. As the Hon. Mr Parnell knows, his bill has a prescribed period which would end on 17 March 2028. This particular legislation has a significant difference, in that it has a provision which mirrors a 10-year anniversary later than that, which will be upon the commencement of the legislation.

I am sure, on reflection, the Hon. Mr Parnell did not mean to impugn the integrity of the Chair and the Presidency. Mr President, I am sure you would not have allowed the consideration of a bill which was exactly the same as the Hon. Mr Parnell's bill. In the spirit of camaraderie for which I am famous, and as I indicated in my second reading explanation, I acknowledge the work undertaken by the member for Mount Gambier and the strong views the Hon. Mr Parnell has consistently adopted in relation to this particular issue. I do not deny the fact that he and the member for Mount Gambier have been staunch supporters of this particular cause, and I make no criticism of his particular views in relation to this issue. I just technically correct the claim he put on the record in relation to the structure of the bill.

In responding to the contributions at the second reading, and as I indicated at the outset of the second reading, the government has been persuaded by the arguments of the member for Mount Gambier and the Mount Gambier community, and the strength of those views. I am very happy to expand on those in the committee stage. My advice to the Hon. Mr Parnell, if he wants to pursue the issue, is that he might want to take advice and counsel from the member for Mount Gambier on how to lobby governments and ministers.

I think the position of the Hon. Mr Parnell is, 'How come the government didn't support my bill and has supported the member for Mount Gambier's bill?' Let me provide advice to the Hon. Mr Parnell: perhaps he should sit down with the member for Mount Gambier and seek his wise counsel as to how you go about convincing a government. To be fair to the Hon. Mr Parnell, he has not had to work with a Liberal government for 16 years. He has worked with Labor governments, and the Greens and Labor are natural bedfellows. I can understand that. We saw that earlier today with questions about side deals and things like that, but I will not be diverted by that.

There is a new government in town. It has a new approach to conducting itself and conducting business. The Hon. Mr Parnell will have to adapt his lobbying activities to a new regime. We are always open to sitting down and having grown-up, adult conversations with the Hon. Mr Parnell and all other crossbenchers in relation to legislation. Rather than raking over the coals of what happened earlier this year, or two years ago, or whenever it was, I think we should celebrate two things. One is that the government made a commitment to institute a 10-year ban, in broad terms, and it actioned that commitment in its first 100 days.

I do not think that even the Hon. Mr Parnell would criticise the fact that the government made its decision and actioned it, as it promised to do prior to the election. There was no specific commitment about legislation; we just said we would implement a 10-year ban, and we have. Criticism has come from the Hon. Mr Parnell, the member for Mount Gambier and others, namely: shock horror, in the worst set of circumstances, what happens if a Labor government actually comes back in 2022? Or what happens, shock horror, if a Labor government is there in 2026? While it is a shocking thought, one has to think through those things.

They are reasonable questions, but I do not think they can be direct criticisms that the Liberal government, upon election, did not keep its promise. It did institute the ban, it implemented the moratorium, but the good people of Mount Gambier said, 'We see what you've done but it's not enough, we want to guard against the possibility of a Labor government being elected at the next election', perhaps assisted by Green preferences all over the place in marginal seats. That is always a danger, that Green preferences might elect a Labor government.

The good people of Mount Gambier said to the member for Mount Gambier, and to me as a former resident, as well as to others who have the interests of Mount Gambier at heart, 'We've got to protect ourselves, we've got to inoculate ourselves against the prospects of the Hon. Clare Scriven or the Hon. Kyam Maher, heaven forbid, ever being in a position of power where they are ministers, because we have seen what they would do to the people of Mount Gambier.'

We have seen that in relation to selling off the forests, we see that now in their opposing what the people of Mount Gambier want in relation to the 10-year moratorium on fracking. They are not prepared to put the people of Mount Gambier first in their priorities because, in political terms, Mount Gambier is unimportant to the Labor Party. That has been demonstrated for decades.

As I said, I think we should celebrate two things. One is that the government implemented a 10-year ban, and the people of Mount Gambier and others said, 'No, we want more.' We accept that. Albeit it has not happened as quickly as the Hon. Mr Parnell would have wished and albeit there is a significant difference in terms of the 10-year timing of this legislation, but we should celebrate the fact that we have arrived at a position the Hon. Mr Parnell is supportive of and that the member for Mount Gambier is supportive of, but, much more importantly, that the people of Mount Gambier are supportive of.

We should celebrate that fact, and the passage of the bill at the second reading, through the committee stage and through the third reading today. It would be churlish to pour over the coals of the past and unduly delay the passage of the legislation. Nevertheless, if that is to be the case then I look forward to willingly engaging during the committee stage of the debate.

The PRESIDENT (15:42): Before I put the question, the Hon. Mr Parnell raised a question regarding the identical nature of the bills. In my capacity as President I did turn my mind to that issue when the bill was introduced, and determined that no action was required.

On 6 June 2018, the Hon. Mr Parnell introduced the Petroleum and Geothermal Energy (Moratorium on Hydraulic Fracturing) Amendment Bill (No. 13). Following debate the council voted to negative the second reading of this bill on 25 July 2018. The bill received from the House of Assembly contains ostensibly the same objects as the bill negated at the second reading.

I have given significant consideration as to the application of standing order 124 and the same question rule, and have taken advice from the Clerk as well as parliamentary counsel. Standing order 124 states:

No Question shall be proposed which is the same in substance as any question or amendment which during the same Session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

While the two bills aim to achieve the same thing, that is, to place a moratorium on hydraulic fracturing in designated areas identified in clause 3, a difference in the definition of prescribed period has the effect of altering the time at which the moratorium ends. The Hon. Mr Parnell's bill prescribed a period for the moratorium where it would begin on the commencement of the section and end on the definite date of 17 March 2028. The bill received from the House of Assembly proposes that the moratorium begin on the commencement of that section and end on the 10th anniversary of the commencement of the section.

By definition, a moratorium is a period of delay or temporary prohibition on an activity and the period for which the moratorium applies is a matter of substance in considering whether it should be applied. Given that the commencement date for the moratorium could not be known at the time of the second reading, and by prescribing a specific end date to the moratorium, the Hon. Mr Parnell's bill presents a scheme that would have resulted in the moratorium being in place for a shorter duration than that proposed by the House of Assembly bill, had it eventually been assented to.

The House of Assembly bill is clear that the moratorium will be in place for 10 years, should it receive royal assent. The difference in the duration of the moratorium is of substance and its effect on all stakeholders may be profound. I therefore rule that the two bills do not propose the same question.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: To assist the council, the minister and the advisers, it actually is not my intention to rake over the coals of previous debates on this bill. In fact, the only coals that are currently on fire in South Australia appear to be the ones under the ground at Leigh Creek, but that is a different issue altogether. I said I had some questions in relation to clause 1, but the President has pre-empted the questions. Mr Chair, I was going to ask whether you were confident that there was enough difference between the two bills, and, as President, you have clearly answered that.

However, I want to make it clear that the reason I asked the question was not because I was looking for some loophole to declare this current bill invalid. In fact, it was the opposite intention. My intention was, if the President and the Clerk had not put their minds to this matter, to try to move an amendment on the run in order to make the bill sufficiently different so that it could pass today. So I do not want anyone suggesting that I had an ulterior motive of undermining the legislation.

That was the primary question I was going to ask, but now that the minister actually has the advantage of some advice close by I might ask him whether the government has now changed its policy or its principle of not supporting the use of mining legislation to legislate against specific activities or technologies. That was the response made by the Hon. David Ridgway, and I want to ask whether that is in fact now a change of position or policy on the part of the government.

The Hon. R.I. LUCAS: As any good government should, we will be making judgements on the merits of each particular case. I did notice the very long bow that the member drew in relation to pending legislation that he flagged in regard to coal gasification, potentially imputing improper motive that the government was therefore locked into supporting the legislation. We have not seen it of course, so we will make a judgement on the honourable member's legislation when we see it.

The government will take the very best advice it has available to it from the energy and mines department, and indeed other departments and agencies as well, and we will make a judgement on what we see to be in the best interests of the people of South Australia. That is—and should be, we think—our approach to all legislation, including legislation as it might relate to technology in regard to the energy and mining portfolio.

The Hon. M.C. PARNELL: I thank the minister for his answer. Both the minister and the President drew the chamber and the committee's attention to the difference between the two bills. My bill originally had a 10-year moratorium that expired on the 10th anniversary of the state election. The current bill expires on the 10th anniversary of the bill receiving royal assent. So the logical question that flows from that is: assuming this legislation were to pass today, is there any anticipated time frame as to when the bill might receive royal assent? In which case, what would the starting date for the 10-year moratorium be and, consequentially, the end date?

The Hon. R.I. LUCAS: My advice is that we do not envisage or understand that there is any particular reason why this would be unduly delayed, compared to the normal process. The normal process might be matter of weeks, so we are not talking about months or years, obviously. The very small number of people with whom I had a discussion in Mount Gambier about this are actually much

more attracted to the government's bill because the 10-year moratorium, from their viewpoint, actually goes for a longer period. Rather than ending on March 2028, it may well go to November or December 2028. Albeit a relatively modest extension, they were nevertheless happier, after it was explained to them, with the government's approach to this in relation to a longer period of time in terms of the operation of the proposed moratorium.

The Hon. F. PANGALLO: I rise to say that I echo the Hon. Mark Parnell's views when he summed up what had happened last time, and we will be supporting this bill.

Clause passed.

The PRESIDENT: I intend to put clauses 2 and 3 together. The Clerk has alerted me to the fact that in clause 3 there is a clerical, where there is a heading 7A—Moratorium on hydraulic fracturing, that should be 11A. I am advised there is nothing we need to do in committee and it will be picked up as a clerical by the House of Assembly.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 September 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:53): I rise today to indicate general support for parts of this bill. The opposition understands the consequences of the High Court decision in *Burns v Corbett* and what that means in terms of federal diversity. We saw that in relation to the operation of SACAT, and we assisted, as an opposition, the speedy passage of a bill to resolve the problem, effectively, of having one of the participants in proceedings from interstate where it is of an administrative nature. We remedied that with SACAT, I think, if my memory serves me correctly, by, where that was the case, having it deemed to be heard by a magistrate.

Part of the bill before us deals with a similar thing, the *Burns v Corbett* High Court decision and what it means for the decisions of the South Australian Employment Tribunal and having, essentially, a fix for that. Where matters of federal diversity come into play, it is to have the tribunal sitting as the court, so that rather than administrative it is a judicial process. We agree and will be assisting with the passage of the bill in relation to that, which is important to make sure that that is fixed.

Another part of the bill is in relation to the insertion of a maximum amount of compensation of \$20,000 that can be awarded by an industrial magistrate. We know that this formed part of a scheme previously before it was transferred for the industrial magistrate jurisdiction to hear. However, the bill allows the \$20,000 limit to be exceeded by awarded compensation by basically referring it to a judge of the South Australian Employment Court, rather than being heard by an industrial magistrate. We think that would be unnecessarily cumbersome and have the effect, in essence, of clogging up the upper echelons of this jurisdiction.

We have not seen what evil it seeks to remedy, or what has been the outcry with the \$20,000 limit not being there anymore. We will not be supporting that part of the bill, but we will certainly facilitate and support the part of the bill that deals with the issues of federal diversity.

The Hon. I. PNEVMATIKOS (15:57): I rise today to also speak about the South Australian Employment Tribunal (Miscellaneous) Amendment Bill 2018. The South Australian Employment Tribunal was designed to be an agile body, capable of broadening its responsibilities to meet future

demands, and is primarily responsible for resolving various workplace-related disputes and issues relating to work-related injuries and employment and industrial disputes, as well as equal opportunity and dust diseases matters. It also acts to regulate industrial awards, agreements and registers, and hears work, health and safety-related prosecutions.

The first intention of this bill is to pre-emptively address a potential constitutional concern. This arose from a recent High Court decision in the matter of *Burns v Corbett* 2018. The court in that decision held that, under the Australian Constitution and the Commonwealth Judiciary Act 1903, only a Chapter III court could deal with a dispute that involved federal diversity, and the SAET, as with a number of tribunals in the state, were not regarded as Chapter III courts.

This dispute also applied to the jurisdiction of the SACAT, and similar amendments were introduced to overcome the jurisdictional issues that are now placed before us. More specifically, courts of the state are prevented from exercising federal judicial power in relation to matters, including disputes involving the commonwealth, disputes involving other states and disputes involving residents of different states.

The bill seeks to clarify the jurisdiction of criminal offences from the Work Health and Safety Act to ensure the South Australian Employment Tribunal has jurisdiction in relation to federal diversity matters. We support, in general terms, this component of the bill.

The second component of the bill is to reinstate the cap of \$20,000 that existed under the Magistrate's Court for the maximum limit for an award for compensation. Anything above the cap would be referred to a judge, with the component of compensation to be reheard. The South Australian Employment Tribunal began hearing criminal proceedings on 1 July 2017. It has heard nine criminal proceedings. Of the nine, in only two proceedings were there awards of more than \$20,000 against individual defendants.

One of those cases, *Campbell v Jarrad MacGillivray Pty Ltd and Callan MacGillivray Pty Ltd*, was in relation to a 17-year-old apprentice who was performing carpentry duties on site. At the time of the incident, the young worker was working near timber framework intended on comprising part of the eastern wall of a house. Temporary propping was not secured to the slab or the ground, leading to the worker being struck and killed by the falling section of the unsecured wall frame.

The worker was transported to hospital suffering head and brain injuries that unfortunately led to his death. He was a teen. In this case, there were two defendants, and \$10,000 was awarded against each defendant to the two parents and three siblings of the deceased, amounting to \$100,000.

The second case, *Boland v BHP Billiton Olympic Dam*, was in relation to a worker who had held his position of development jumbo drilling miner for over a decade. He was drilling a development face at the worksite and was killed when crushed by rocks that fell from the development face. It was determined that the defendant in this case failed to ensure, provide and maintain safe work procedures, which resulted in the worker's death. In this case, \$20,000 was awarded to each of the spouse and three children of the deceased, amounting to an award of \$80,000 in compensation.

Neither case is an abuse of the current structure. They were horrific tragedies and were compensated accordingly and appropriately. They do not make for good examples to highlight a need to implement a cap; in fact, the contrary. Furthermore, I ask that members of the council note that our state's industrial magistrates are also judicial officers. There is already a process in place to dispute decisions through a full bench appeal, namely, three deputy presidents and judges of the South Australian Employment Tribunal.

This component of the bill is an unnecessary amendment. It will only cause complexities and extend proceedings and waiting times for those who are seeking justice. This is why I am opposing this component of the bill. There should be no cap. The judges of the South Australian Employment Tribunal are more than competent to exercise the discretion wisely and intermittently, as they have to date.

The Hon. R.I. LUCAS (Treasurer) (16:02): I thank honourable members for their contributions to the debate, to the two members who have indicated support for one aspect of the

legislation but opposition to another. I understand, from my advice, that other members in this chamber are supportive of the general position of the government in relation to the need for the legislation, based on advice that they have received, so I look forward to, I hope, favourable consideration during the committee stage and the third reading of the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: Very briefly, the Greens indicate that, while we support the bill overall, we will be supporting the opposition's amendments.

The CHAIR: The Hon. Mr Maher, I understand from your second reading that you are opposing clause 4; there are no amendments coming.

The Hon. K.J. MAHER: No.

The Hon. C. BONAROS: I indicate that SA-Best will be opposing clause 4 of the bill.

The Hon. R.I. LUCAS: Mr Chairman, can I move that we report progress? Certainly, the advice I received was that a number of members had indicated support for the bill as it was. It is news to me that there is opposition to this particular aspect of the legislation. We were not aware of the position. The Labor Party is perfectly entitled to not advise that they are moving amendments to oppose various provisions.

The Hon. K.J. Maher: We have no amendment.

The Hon. R.I. LUCAS: No, but you understand the process.

Progress reported; committee to sit again.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I give the Treasurer the call, I did indicate in question time that there were certain guests from the Taipei Economic and Cultural Office in the gallery as guests of the Hon. Tung Ngo. I neglected to also add that they were the joint guests of the Hon. Mr Stephens. My apologies to the Hon. Mr Stephens.

Bills

STATUTES AMENDMENT (DRUG OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 September 2018.)

The Hon. D.G.E. HOOD (16:07): I rise to speak in support of this bill, which delivers another key election promise of the Marshall Liberal team and sends a clear message that the use, sale, manufacture or cultivation of illicit substances will not be tolerated by this government. Indeed, since my election to this place in 2006, which seems a long time ago now, I have always personally taken a strong stance on drug use and associated criminal activity, taking particular issue with our lax and outdated cannabis laws, relentlessly calling on the previous Labor government to deter and prevent its abuse through tightening legislation. In fact, I recall the very first bill I introduced as a new member in 2006 sought to combat the prevalence of cannabis use in our society. I am therefore extremely pleased the new Liberal government is introducing measures, without delay, with the same intent.

We simply can no longer ignore the fact that, over the last few decades, since the inception of the Controlled Substances Act 1984, cannabis has been found to be an incredibly harmful and addictive drug, and our laws in South Australia should reflect this. This bill introduces a number of

provisions to ensure our laws pertaining to illicit substances are in line with community expectation, dealing appropriately and more effectively with the evolving nature of drug crime in our society.

Under the proposed amendments, the penalty for cannabis possession will be increased to \$2,000, which follows a recommendation from Deputy Coroner Anthony Schapel's inquest into the tragic murder of teenager Lewis McPherson in 2012, who was fatally shot in the chest by an inebriated and drugged Liam Humbles. I am sure members are familiar with the fact that the maximum penalty for cannabis possession in our state has remained at just \$500 since the Controlled Substances Act came into effect some 33 years ago; \$500 was a substantial amount of money 33 years ago, but of course is much less today.

Members would also be aware that, in practice, expiation fines generally imposed for the possession of cannabis under 25 grams is presently only \$150, which is comparable to that of a jaywalking fine and far less than the average speeding fine. I understand from the Attorney's comments in the other place that this is, thankfully, likely to increase in the regulations in an effort to maintain consistency with other changes to penalties contained in this bill.

In addition, a new type of offence is created referred to as 'serious drug offending' which will apply to those who have committed two or more crimes under part 5 of the act within 10 years. These repeat offenders will be subject to higher penalties for subsequently committing certain offences. The bill will also add 13 new aggravated offences, targeting offenders linked to organised crime, and will compel courts to consider whether a child was present at any stage concerning an offence against section 33.

There have been significant concerns that serial drug offenders have been abusing the current system by electing to participate in a drug diversion program to avoid prosecution for repeat offenders, given the regime places no restriction on the number of times they can elect to undertake an accredited course. I understand there is evidence to suggest the courses are relatively effective for those who are serious about the rehabilitation, but compliance generally wanes when they are undertaken on multiple occasions, as one might expect.

The statistics concerning drug diversions are quite startling, with a 10-year review revealing that one-quarter of the 13,627 participants were diverted more than once—one-quarter diverted more than once; 15 per cent were diverted twice; 5 per cent were diverted three times; and 4 per cent were diverted four or more times. Astoundingly, one individual alone was diverted no less than 32 times. When you consider the amount of taxpayers' money that would have been wasted on those who are evidently rorting the system, it would be irresponsible for our government not to take action.

In response, this bill introduces a limit on the number of times an offender can undertake drug diversion programs to twice within four years. This move will be welcomed by South Australia Police, which has indicated that an extraordinary amount of its energy and resources are directed toward dealing with people who fail or refuse to attend their counselling sessions. I am sure members would agree that our officers' time and attention can be better directed elsewhere; they certainly should not be preoccupied by those who are obviously not earnestly seeking to rehabilitate.

It is no secret that cannabis is the most widely used illicit substance in our state, with the 2016 National Drug Household Survey indicating almost one out of 10 South Australians had used the drug in the year prior. This is particularly concerning, given some research indicates a majority of habitual users will go on to use other illicit substances. Studies conducted all over the world have consistently found cannabis alone to be linked to psychosis, depression, anxiety, increased suicide, compromised cardiovascular, respiratory and immune systems, premature ageing, cognitive dysfunction, motor skills deficiency and learning, executive functioning and memory impairment.

Our youth, of course, are most susceptible to developing an addiction to this substance, with research in the US suggesting the younger a person is when they are introduced to cannabis, the higher their risk is of developing a dependency on the drug. Reflective of the drug culture in our general community, it is the most commonly used illicit substance amongst secondary students, with 10 per cent admitting to having used the drug previously. As science has confirmed, the adolescent brain is particularly vulnerable to the adverse effects of marijuana use. Measures need to be put in place now to ensure our future generations are better protected and dissuaded from its use.

As mentioned earlier, I have been known to be passionate about addressing problems associated with illicit substances and specifically, although not only, cannabis, a drug that has been grossly underestimated in its ability to inflict serious harm on those who use it in the community in general, and certainly those who abuse it. Almost 20 years ago, statistics indicated the national economic and social costs resulting from the abuse of marijuana alone was estimated to be \$21 billion per annum. That is almost 20 years ago. I would imagine this figure would have increased considerably since then, but even if it remained static against all odds (and I am sure that is not the case, but even if it had) it is nonetheless an astronomical burden for our communities to bear.

I have long believed we have had a duty to toughen our laws with regard to the possession, cultivation, manufacturing and trafficking of illicit substances, and I am very pleased the Marshall Liberal team is determined to prevent the accessibility of dangerous substances through ensuring the threat of punishment for drug crimes deter their production and sale. Its sweeping review of the act and subsequent reforms are undoubtedly in the best interests of South Australia and I strongly support the bill.

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 September 2018.)

The Hon. T.A. FRANKS (16:14): I rise on behalf of the Greens to indicate our support for the Correctional Services (Miscellaneous) Amendment Bill 2018. This bill, which has been introduced in the other place by the Minister for Police, prohibits members of outlaw motorcycle gangs and organised crime groups from visiting prisons. It limits the rights of child sex offenders to be visited by persons under the age of 18 years, and it also institutes workplace testing of prison officers, staff and contractors for alcohol and illegal drugs.

However, this bill, while similar in name to a bill brought before this parliament and that passed through one chamber of this parliament under the Weatherill government, is sadly missing many of the components of that previous bill, the Correctional Services (Miscellaneous) Amendment Bill 2017. Some of those aspects have been raised by the member for Elizabeth in the other place, and I understand the opposition is exploring introducing a bill that compiles some of those areas, but an area that has not yet been investigated that I would like to raise today and ask some questions and raise my concerns about is why the investigative powers of the chief executive provisions in the previous Weatherill government bill do not appear here in this Marshall government bill.

In the Correctional Services (Miscellaneous) Amendment Bill 2017 there was to be, just before the section on drug testing of officers, a part 7A to be inserted, entitled 'Management of officers, employees of Department', etc. It noted, under the proposed section 81T, 'Investigative powers of CE' of proposed division 2, 'General':

- (1) The CE may, for the purposes of the review or investigation of any matter relevant to the CE's powers, functions, duties or responsibilities under this or any other Act—
 - (a) by notice in writing—
 - (i) require an officer or employee of the Department to appear at a specified time and place; or
 - (ii) require an officer or employee of the Department to produce a specified document or object that is relevant to the subject matter of the review or investigation; and
 - (b) require an officer or employee of the Department to answer truthfully questions put by the CE that are relevant to the subject matter of the review or investigation.
- (2) An officer or employee of the Department who fails to comply with a requirement under this section or hinders the exercise of powers under this section is guilty of misconduct for the purposes of the Public Sector Act 2009 and any other Act.

- (3) A person is not obliged to answer a question or to produce a document or object (other than a document or object of the Government) under this section if to do so would tend to incriminate the person of an offence.

The bill further goes on to note that the 'Commissioner of Police may object to certain applications for engagement or appointment' and to set out several more clauses.

I raise my concerns as to why this particular provision has not been brought forward in this incarnation of the bill. One would have thought that the previous bill had been well consulted on—indeed, the Minister for Police in the other place has pointed to that consultation that was undertaken under the Weatherill government—and that if there were not to be the same provisions, reasons would be given for why they were not here.

My first question to the minister is: what does happen if an officer or employee of the department fails to comply with a requirement under any powers of the CE; what are the investigative powers currently of the CE; and what provisions are made for an employee who is guilty of misconduct for the purposes of the Public Sector Act? That is my first question.

I now turn to the reason why this concerns me so greatly, which is of course the death in custody of Wayne Morrison. At the moment, the South Australian Coroner's Court is hearing evidence with regard to the death of Wayne Fella Morrison, who, at the age of 29, died in September 2016 after being restrained and placed face down in a prison van at Yatala Labour Prison.

The inquest into Mr Morrison's death has heard that he was restrained, and on the opening day of the inquest CCTV footage was released showing a group of officers restraining Mr Morrison and placing him in the van, transporting him to another area of the prison before pulling him out of the vehicle unresponsive some three minutes later. The court heard that there was no CCTV recording from inside the van, which, according to evidence provided by the Justice Project to the Select Committee on the Administration of South Australia's Prisons in 2017, is not the case interstate.

It has been reported that precisely what occurred in the van is unknown as seven of the eight prison staff who accompanied Mr Morrison declined to provide police statements. I note that the court also heard that Mr Morrison's hands and legs had been restrained and a spit mask had been placed on his face before he was put face down in the van with that group of prison officers. The court also heard that Mr Morrison had suffered a heart attack and multi-organ failure.

It is also believed that a number of other factors may have contributed to Mr Morrison's death, including psychological and physical stress related to his initial aggression and subsequent restraint, restraint asphyxia, positional asphyxia in respect to how he was transported and asphyxia related to the spit mask. It is of great concern that after Mr Morrison was pulled out of the van, blue and unresponsive, there was another delay of almost three minutes before CPR was performed upon him. He was then taken to hospital and died three days later.

Mr Morrison was reported to have been calm, polite and in good spirits when he was initially taken into custody six days earlier. However, it has been reported his mental state deteriorated and no psychological assistance was provided to him in prison. He was also not treated in terms of his ethnicity and his Aboriginality was not recognised; therefore, he did not receive support from an Aboriginal liaison officer as he was entitled to do.

It is of great concern that the efforts of police officers to investigate this case have been hampered by prison staff. Police were unable to establish a forward command just inside the prison for several hours after their initial request to do so. It has been reported that police officers at the time were told some of the prison staff involved in the incident were no longer on site, but police later discovered they were in fact still there. It is also of great concern that the Department for Correctional Services (DCS) who remained on site were grouped together after this incident. They were all potential witnesses and, at the very least, they should not have been grouped together.

At the time of this incident, many questions were raised in this place. I note that I put a question to the then minister for corrections, who is now the member for Croydon. There were many calls for an independent inquiry at the time, and in response to a question I asked the then minister on 2 November 2016, the Hon. Mr Malinauskas stated:

I know for a fact that an independent inquiry is taking place because that is what the Coroner is—an utterly independent body...

That said, another form of independent inquiry is taking place and that is being conducted by SAPOL. South Australian police are totally independent from the Department for Correctional Services. Let me give you a hot tip: they are utterly separate from each other. SAPOL of course is conducting its own inquiries and one of the most elite units within SAPOL, in the form of Major Crime, is conducting it. I am very confident that what we will have, once all these investigations and inquiries have concluded, is the knowledge about exactly what took place regarding Mr Morrison.

Those words have not borne out to be true. I do not think the minister expected this situation, and I wonder if perhaps the then minister inserted the very clause I have referred to in the previous bill for those very purposes: to ensure that investigations, when they are required, are done thoroughly and with the cooperation of those within the corrections system.

I note that the chief executive, Mr Brown, gave evidence to the parliamentary select committee on prisons. He noted that the Ethics, Intelligence and Investigation Unit (EIIU) were also undertaking an inquiry. He commented in April 2017 that this process of the EIIU was run parallel to that of the SAPOL investigation. On 6 April 2017, Mr Brown stated to that select committee:

We commence our process in terms of a factual investigation of the incident as soon as practicable after the incident has concluded. In this situation, where we face the tragic circumstances of someone passing away, we also work very closely with SAPOL who are, under the coronial act, charged with preparing a report for the Coroner. Our internal investigation is conducted in a way that supports SAPOL in their investigation in terms of the provision of files and evidence and information that they need, and we then conduct our investigation in parallel.

He went on:

Needless to say, an investigation is a complex process, and we've identified through internal factual investigation in the order of 55 people who are either involved in or witnessed the incident, but that is quite a wideranging scope. My advice is that SAPOL have conducted 35 interviews, and they are the people that SAPOL have sought to interview. The EIIU investigator has interviewed 25 people. Five people have so far been interviewed by both SAPOL and our internal investigator.

My understanding is that all staff who have been identified on that list have been interviewed by either SAPOL or our internal investigation team. I would anticipate that, as the EIIU continue their investigation, it may be and it probably will be that they will seek to interview some further witnesses who have given statements to SAPOL, but we might have some internal procedural process questions that we need to explore with them which may not be specifically relevant to the scope of the SAPOL investigation, so that process is ongoing.

Yet, despite two investigations we still do not have answers, and the Coroner is quite rightly raising concerns that, I think, should be raised in this parliament.

I ask again for the government to explain why the investigative powers of the chief executive of Corrections have not been inserted into this bill. I give notice that I will consult and seek to reintroduce them as an amendment to this bill, and I look forward to that being welcomed by all sides of this council. With those few words, I commend parts of the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2018.)

The Hon. T.A. FRANKS (16:28): I rise on behalf of the Greens to support the Teachers Registration and Standards (Miscellaneous) Amendment Bill 2018. This bill amends the Teachers Registration and Standards Act 2004 to address issues with the ability of the Teachers Registration Board to suspend the registration of a teacher charged with serious offences and to improve administrative arrangements for the appointment of an acting registrar for the board.

This bill also aims to improve the ability of the board to deal with the unprofessional conduct of teachers. It will provide the registrar of the board with the ability to immediately suspend the registration of a teacher or impose or vary conditions of the teacher's registration where the teacher is charged with a prescribed offence.

Current provisions for the suspension of a teacher's registration limit the board's ability to address any immediate concerns in regard to teachers' conduct. We recognise, with those provisions, that the government has acted on concerns raised with the current workings and is seeking to ameliorate them.

However, I ask the government one very simple question with regard to its treatment of teachers and a possible conundrum that may come before a body such as the Teachers Registration Board. Indeed, during the state election, the then Marshall opposition, now government, announced that sniffer dogs would be able to be used on campus at the request of a school leadership or at the direction of SAPOL. Of course, that was part of the Winning the War on Drugs, A Strong Plan for Real Change policy of the Marshall team (now government).

I draw to the attention of members of the government that, in June 2006, the New South Wales Ombudsman, Bruce Barbour, released his eagerly awaited Police Powers (Drug Detection Dogs) Act 2001 review. That document examined 470 drug dog operations over two years, the majority occurring in greater Sydney. Its findings were highly critical of the use of drug detection dogs.

The review found that prohibited drugs were located in only 26 per cent of the recorded positive indications by drug dogs. That is, the drug dogs are likely to get it wrong four out of five times. Of the 10,211 positive indications made, there were only 19 successful prosecutions for drug supply. That is 10,211 positive indications and 19 successful prosecutions, which represents 0.19 per cent of those searched. The New South Wales Ombudsman concluded that:

...the use of drug detection dogs has proven to be an ineffective tool for detecting drug dealers.

The drug dogs do not work, so my question to the minister is: what happens when one of these drug dogs sits down in a school next to a teacher? What will be the process for that teacher to have justice? With those few words, I commend the bill to the council.

The Hon. K.J. MAHER (Leader of the Opposition) (16:32): I rise today to indicate that Labor is supporting this bill. I am pretty sure that the incredible amount of work our teachers do every day will not be news to the honourable members. After all, as I know from my own experience, wrangling three kids is pretty difficult, let alone a whole class of young, willing and eager children. It is a point worth making because what we go through in our school days will stay with us for the rest of our lives, and it is our teachers whom we entrust with shaping those experiences. It is a powerful responsibility, and we in turn have a duty to do everything we can to support them.

That is where the Teachers Registration Board comes in. It serves a vital role in promoting the teaching profession, representing teachers to universities and the government and making sure, overall, that the teachers who are taking care of our students are the best they can possibly be. That is what this bill is about: helping the Teachers Registration Board to carry out those roles to its fullest potential.

Firstly, that means clearing things up and making it as easy as possible for the board to do its job. An obvious obstacle seems to be the lack of provision for when the registrar is unavailable. That means the board would not be able to function at all in that time, which seems a rather large issue, not just for the board but also for the registrar, who then has to be very careful about timing any leave. The first part of this bill will fix that up, allowing for an acting registrar to be appointed when the usual one is unavailable for whatever reason.

The bill also clarifies the process for registering a teacher and the rules regarding who can be given teaching work. That is no big change but is something that should make things a bit clearer for everyone. The second part of the bill is more serious. The great responsibility teachers hold means that they must be held to the highest possible standards. While the vast majority of teachers go out of their way to meet that standard on a daily basis, sadly, there will always be a small minority who do not.

In these cases the bill recognises that it is not enough to wait for a formal charge to be handed down or to rely on a single school to spread the word about the potential dangers because it is always possible for the teacher to travel somewhere else where people might not know who they are. That is why this bill allows for the board to cancel or alter a teacher's registration preventing

them from working at all until it is restored, and serving as a vital warning system for any other potential employers. It is important to note that this is temporary. Any changes can be appealed and registration can be restored over time.

The point is not to go after teachers, if you like, but simply to act as a precaution in the case that a serious accusation is made until things can be cleared up or sorted out. It is sad that we need to be discussing these things. Almost every teacher currently working out there will never have to worry about their registration but we have a duty to protect some of the most vulnerable members of our community by all means necessary. With this bill we can do just that, and make things a bit easier for all the honest and good teachers working so hard in our community. With those words, I commend the bill and indicate that the Labor opposition will be supporting it.

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

SENTENCING (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:36): I move:

That this bill be now read a second time.

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

Leave granted.

Today, I introduce a Bill to amend the Sentencing Act 2017.

The *Sentencing Act 2017* commenced on 30 April 2018. It repealed and replaced the *Criminal Law (Sentencing) Act 1988*.

The Bill contains amendments to address minor issues that have been identified by key stakeholders while implementing the new *Sentencing Act*. Such issues have arisen as a result of drafting oversight or are matters that would otherwise benefit from clarification. The government will continue to work with the profession and the judiciary on their broader concerns.

In summary, the minor amendments include:

- clarification of the application of the definition of 'intervention program manager';
- amending terminology in a provision relating to sentencing reductions, to ensure it is not interpreted in a way that allows a defendant to adjourn their arraignment hearing purely to preserve the maximum sentencing reduction;
- excluding 'attempts' to commit serious and organised crime offences from the home detention regime;
- clarification of the maximum length of a sentence of imprisonment applicable for an intensive correction order;
- amending a reference to a 'case manager' to instead refer to a 'community corrections officer' in the provision relating to the conditions that may be imposed on bonds; and
- deletion of an obsolete reference relating to the term of bonds.

The current definition of 'intervention program manager' in section 5 specifically refers to programs provided by the Courts Administration Authority. However, the Courts Administration Authority is only responsible for programs run under sections 29 and 30 of the Act. All other (post-sentence) programs are the responsibility of the Department of Correctional Services. The definition has been modified to clarify this.

Section 40 of the *Sentencing Act* sets out the sentencing reductions available when a defendant pleads guilty to certain offences. A concern has been raised that the phrase '*the period commencing immediately after the defendant's arraignment appearance*' in section 40(3)(d) and (e) leaves it open for the defence to seek to adjourn the arraignment in order to preserve the 15% or 10% reduction for longer. The proposed amendment to include the wording '*...the first date fixed for the arraignment of the defendant*' avoids the potential for defendants to seek to adjourn matters simply to preserve a sentencing reduction for a greater period of time than was intended.

The rights of defendants whose arraignment is adjourned due to circumstances outside of their control will continue to be adequately protected by the considerations set out in section 40(4) of the Act.

It is proposed to exclude 'attempts' to commit serious and organised crime offences from the home detention regime in the same way that 'attempts' to commit serious sexual offences are already precluded from that regime.

The issue in relation to Intensive Corrections Orders is an apparent anomaly between s79(1)(a) and s81(1)(a). Section 79(1)(a) suggests that a period of imprisonment of 12 months is the threshold at which consideration of an Intensive Corrections Order can apply; while section 81(1)(a) indicates that an Intensive Corrections Order can be for a maximum of 2 years. The ambiguity will be clarified by amending s79(1)(a) to read '2 years' to marry up with section 81(1)(a).

The current reference to a 'case manager' in section 98(7)(b) should refer to a 'community corrections officer' to ensure consistency with the terminology term used elsewhere in the section.

Finally, a previous upper limit of 3 years as the maximum term of a bond has been removed from the *Sentencing Act*. However, section 103(2) continues to include a reference to the 3 year maximum. This was a drafting oversight that is rectified by the Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Sentencing Act 2017*

4—Amendment of section 5—Interpretation

A definition of *intervention program manager* is inserted for the purposes of the measure.

5—Amendment of section 40—Reduction of sentences for guilty pleas in other case

Technical amendments are made to section 40.

6—Amendment of section 71—Home detention orders

These amendments include an attempt to commit a serious and organised crime offence as a serious and organised crime offence for the purposes of section 71.

7—Amendment of section 79—Purpose of intensive correction order

A technical amendment is made to section 79.

8—Amendment of section 98—Conditions of bonds under this Act

The term 'case manager' is substituted with 'community corrections officer' in section 98, as the latter is the more appropriate term in the context of the provision.

9—Amendment of section 103—Variation or discharge of bond

A technical amendment is made to section 103.

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

At 16:37 the council adjourned until Tuesday 6 November 2018 at 14:15.