

LEGISLATIVE COUNCIL**Tuesday, 27 November 2018**

The **PRESIDENT (Hon. A.L. McLachlan)** took the chair at 14:15 and read prayers.

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

*Bills***TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL***Assent*

His Excellency the Governor assented to the bill.

PUBLIC INTEREST DISCLOSURE BILL*Assent*

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2018*Assent*

His Excellency the Governor assented to the bill.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL*Assent*

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (DISRESPECTFUL CONDUCT IN COURT) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (DRUG OFFENCES) BILL*Assent*

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (BINDING RATE OF RETURN INSTRUMENT) BILL*Assent*

His Excellency the Governor assented to the bill.

OFFICE FOR THE AGEING (ADULT SAFEGUARDING) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Report of the Auditor-General on Battery Storage Procurement, Report No. 9 of 2018

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2017-18—

Australian Children's Education and Care Quality Authority

Courts Administration Authority

Legal Practitioners' Fidelity Fund

South Australian Civil and Administrative Tribunal

Regulations under National Schemes—

Education and Care Services National Law—Miscellaneous

Rules of Court—

Supreme Court—Supreme Court Act 1935—

Civil—Supplementary—Amendment No. 10

Rules under Acts—

South Australian and Administrative Tribunal Act 2013—

South Australian Civil and Administrative Tribunal—Amendment No. 4

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

Reports, 2017-18—

Surveyors Board SA

Regulations under Acts—

National Gas (South Australia) Act 2008—Capacity Trading and Auctions

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

Reports, 2017-18—

South Australian Fire and Emergency Services Commission

Report into the inquest into the death of Rodney Ian Clavell

*Parliamentary Committees***JOINT COMMITTEE ON THE 125TH ANNIVERSARY OF WOMEN'S SUFFRAGE****The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20):** I bring up the interim report of the committee, together with minutes of proceedings and evidence.

Report received.

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

*Question Time***ADELAIDE OVAL PRECINCT**

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking the Treasurer a question in relation to a private hotel at Adelaide Oval.

Leave granted.

The Hon. K.J. MAHER: In his budget speech, the Treasurer said:

This government's reform agenda, reflected in this budget, will help create jobs by lowering the costs of doing business for all businesses in the state, rather than relying on politicians and public servants trying to pick winners and giving handouts to a small number of lucky businesses.

My questions to the Treasurer are:

1. Does the Treasurer completely support the Marshall Liberal government's decision to support the building of a private hotel at Adelaide Oval with a \$42 million state-backed loan?
2. How does that action stand up with his previous comments that his government would not pick winners?
3. Is there any requirement for a minimum number of jobs for this project, and are there clawback provisions if that number of jobs is not met?

The Hon. R.I. LUCAS (Treasurer) (14:31): I completely support every decision the government takes and am happy to do so. That would include this particular decision as well. The essential difference with this particular project is that the asset actually is a government asset; it's on the state's balance sheet. As the Leader of the Opposition would know as a former minister, the assets at Adelaide Oval are on the state's balance sheet. The hotel will be on the state's balance sheet. It's actually quite different to other loan and/or grant arrangements to that extent.

This is the government, the state, adding to the quality of its balance sheet and the quality of its asset. The Premier has been reported as saying that—and I think I have seen him make comment along the following lines—to the extent that the state can invest in its own asset, clearly in association with the partners that comprise the Stadium Management Authority, it ensures an ongoing improvement of the asset base at Adelaide Oval. Hopefully, it ensures protection of the revenue base from the oval because there are existing lease arrangements in relation to Adelaide Oval of which the member would be very familiar.

There are requirements for the Stadium Management Authority to pay money into sinking funds to maintain and upgrade the asset base. There are requirements for the Stadium Management Authority to make payments into something—I can't remember the exact name—a community development-type fund, which supports community-based sporting projects, programs and infrastructure. So it has to generate sufficient funds on an ongoing basis, not just in the short term but in the long term, to sustain the revenues to do that.

It is their view that this is one way to do that, together with the various other projects that they have been involved with: roof climbs, the restaurant, golf. There are various revenue streams that the Stadium Management Authority has looked at. Perhaps when the former government approved whatever it was—\$535 million—to go into the project, it might not have envisaged golf, roof climbs and five or four-star restaurants or, indeed, even a hotel as being part of the project.

Intriguingly, I had a meeting this morning with someone associated with the Sydney Cricket Ground trust—not on that particular issue—and this particular person indicated that they had in the past looked at the issue of a hotel for the Sydney Cricket Ground. They were much more landbound, if I could use that particular phrase—that is, there just wasn't the capacity for them to do it—but they could certainly see the argument why people who do look at stadia around Australia would follow the trend of some other parts of the world.

In relation to the other aspects of the question, I will certainly take them on notice. I am not aware that the arrangements—the minister who's had primary carriage of this has been minister Stephan Knoll, Mr President, but my recollection was there are no clawback job-related aspects to the loan arrangements. If my recollection is not correct, I will come back and clarify that with a further

response. If there are any other aspects of the member's myriad questions that I have not addressed, I will take them on notice and bring back a reply.

ADELAIDE OVAL PRECINCT

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary arising from the answer and, I think, the Treasurer confirming that this hotel will be on the government's balance sheet and essentially be a government-owned hotel competing against the private sector. On that basis, the cost of doing business—what are the comparisons for this hotel and a private sector hotel? For instance, will this hotel have to pay land tax? Council rates? Are there any benefits that this hotel will get that the private sector doesn't enjoy, and how will the cost—

The Hon. J.M.A. Lensink: It's a very long supplementary.

The Hon. K.J. MAHER: —of staying at this hotel be calculated in competition with the private sector?

The Hon. R.I. LUCAS (Treasurer) (14:36): I think the leader's struggling a bit—

The PRESIDENT: Can I just mention, Leader of the Government, that I don't need advice—

The Hon. R.I. LUCAS: I won't advise you—

The PRESIDENT: —from members of your own front bench. The Leader of the Opposition was giving context to a sensible and important question. I give you the call.

The Hon. R.I. LUCAS: Mr President, the leader's question in relation to land tax arrangements and the like—he would well know, because they are exactly the same arrangements as his government entered into when they provided the \$535 million loan.

The Hon. K.J. Maher: But that oval wasn't competing against dozens of private enterprises.

The PRESIDENT: Leader of the Opposition, you have an opportunity for a further supplementary.

The Hon. R.I. LUCAS: Mr President, the leader asked the question, 'What advantages does this particular business have compared to others?' One of the advantages it has is that it has \$535 million of sunk taxpayers' cost into magnificent surroundings at the Oval, which most other competitors won't have.

It has the advantage, Mr President, of \$535 million of taxpayers' money going into the asset, together with an extra \$40 million or so for a bridge across, connecting it to the salubrious highlights of the Casino and other establishments on the other side of the river, which many other businesses don't have as well. As a result of decisions taken by the former government, this particular business of running football, cricket and a stadium, together with roof climbs and golf lessons, or whatever it is—

The Hon. D.W. Ridgway: And a coffee shop.

The Hon. R.I. LUCAS: —and coffee shops and restaurants, has significant advantages because of the decision the former government took, which the now government supported by way of legislation through the parliament, to establish what is now a magnificent Adelaide Oval redevelopment. In and of itself, it clearly has significant advantages in relation to it.

All of the arrangements in relation to taxation of the Adelaide Oval precinct are the same arrangements the former government either inherited or instituted through the legislation that was passed through the parliament. We have not amended the legislation, as is apparent; we have accepted the legislation and all of the existing arrangements.

Indeed, one of the concerns at that particular time, which has already been opined upon by a number of prominent Adelaide identities, is that this hotel, so I'm told, will not intrude any further onto the Adelaide Parklands precinct; it will be wholly self-contained, so I am informed, within the existing footprint of the existing Adelaide Oval.

So I readily acknowledge that this particular business, all encompassing as it is, as a result of decisions taken by the former Labor government, which we eventually supported through

legislation, has significant advantage over many other competing businesses as a result of those particular decisions.

ADELAIDE OVAL PRECINCT

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Supplementary arising from the original answer: has the Treasurer received any complaints from business owners that this will cause a distortion in the market and provide a disincentive for private sector investment in the hotel industry?

The Hon. R.I. LUCAS (Treasurer) (14:40): I have not had a telephone call, a conversation or a meeting with anyone relaying complaints, but I am aware through the media, because a number of people have done media, that there are people in the public complaining about the particular issue along the lines the honourable member has suggested. It is entirely possible that there may be an email or letter being processed by my office that I have not seen.

The Hon. K.J. Maher: Will you take it on notice and check?

The Hon. R.I. LUCAS: I am happy to take it on notice—and I will get them to check the junk box as well, just in case my fellow comrades in the hotel industry are not treated as capriciously as my comrade in the shoppies union.

The Hon. E.S. Bourke: You don't know what else you will find in there. Maybe you will find a Christmas card from Josh.

The Hon. R.I. LUCAS: Your Christmas card has gone into the junk box? I will check the junk box for the Hon Emily Bourke's Christmas card. I would hate for that to suffer the same fate as the email or correspondence from the shoppies union. I am happy to take it on notice.

The simple answer to the question is: no, I have not had a telephone call, I have not had a meeting, I have not had a direct conversation with anyone, but I am obviously aware that there are people who are expressing publicly the concerns the Leader of the Opposition has expressed. If, in and of this particular date, I have received letters or emails in the junk box or otherwise, I am happy to take that on notice.

ADELAIDE OVAL PRECINCT

The Hon. K.J. MAHER (Leader of the Opposition) (14:41): Final supplementary: given the concerns that have been raised, will the Treasurer rule out the government putting on its balance sheet further hotels that will distort the market, so as to provide some certainty in this area?

The Hon. R.I. LUCAS (Treasurer) (14:41): I have no knowledge, no contemplation, no expectation, of any further—

The Hon. K.J. Maher: Rule out?

The Hon. R.I. LUCAS: I am not sure what sort of participatory government the Leader of the Opposition participated in when he was last in government, but decisions are taken by governments and cabinets. I think that if the leader thinks through the import of the particular question he has just put, I cannot imagine that the Stadium Management Authority will be wanting to build another hotel on its existing asset base. I am not aware of any other proposals. I have no expectation of any other proposals for building any further hotels, motels, backpacker hostels, or the like, on government assets. The only other point I would make is that the Adelaide Oval is an unusual asset, which I think the former government will be aware of, in relation to the financial arrangements that were entered into by the former government and have now been modestly extended by the new government.

ADELAIDE OVAL PRECINCT

The Hon. T.A. FRANKS (14:43): Supplementary question: given the need for transparency in communication in government, what administrative arrangements has the Treasurer made to ensure that no emails end up in the junk box, unseen, in the future?

The Hon. R.I. LUCAS (Treasurer) (14:43): I thank the honourable member. I have instituted comprehensive administrative reforms as a result. They are comprehensive and they involve

checking the junk box on a regular basis. I do not know whether you can be any more comprehensive than that. The honourable member has my assurance that there has been a detailed investigation/inquiry, and comprehensive administrative reform involving what I have just indicated has been implemented by my office.

ADELAIDE OVAL PRECINCT

The Hon. C. BONAROS (14:44): Supplementary: can the Treasurer also rule out the provision of gambling facilities on the site of the proposed hotel or, indeed, any discussions regarding gambling facilities associated with the proposal?

The Hon. R.I. LUCAS (Treasurer) (14:44): I am not aware of any proposal for gambling facilities. If the honourable member is referring to, I assume, gaming machines, the honourable member will know that in relation to gaming machines there is quite an onerous test that needs to be complied with, applications, etc. I am not aware of that. My understanding is that there is no proposal for gaming machines as part of that particular proposal. If, upon checking, there is anything different, I will bring back a different reply but certainly my understanding is—

The Hon. T.J. Stephens: Are you going to stop people using their laptops and phones to gamble?

The Hon. R.I. LUCAS: I think my colleague is interjecting, 'Will guests be allowed to online bet on their mobile phones there?' I suspect they will be. I can't categorically rule out the fact that there might not be any online gambling going on in the privacy of the bedrooms at the new hotel, so if the import of the member's question was to cover all forms of gambling then I can't rule out online gambling in the privacy of the bedrooms or the bathrooms of the proposed hotel. I suspect it is to gaming machine licences. My understanding from my knowledge and, as I said, minister Stephan Knoll has carriage of this particular infrastructure development, if there is anything different to what I have indicated I will bring back a different reply, but my understanding and expectation is that there is no proposal for a gaming machine licence application.

ADELAIDE OVAL PRECINCT

The Hon. F. PANGALLO (14:46): Supplementary: can the Treasurer tell us, have there been any expressions of interest or any discussions entered into with commercial operators to run the hotel and, if so, which ones?

The Hon. R.I. LUCAS (Treasurer) (14:46): Again, minister Stephan Knoll has carriage of this but my understanding is that the Stadium Management Authority made it clear that they are going to operate the hotel themselves, and therefore the answer to the question is no. I don't know whether there were ever any discussions but the current proposal is that there would be no commercial operators operating the hotel. Therefore, to answer the question, 'Which ones?' there will be no commercial operators operating the hotel.

I think I have seen media interviews where they have indicated that, within their body of existing management expertise, they have claimed that they have people either with the ability, experience or otherwise to manage a 128-bed hotel, or they will add that or augment their existing staffing to ensure they can operate a commercial hotel premises as part of their business. So the answer to the question is no, but if upon consultation with minister Knoll there is anything different to the answer, I will bring back a different response.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (14:47): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding length of stay reductions?

Leave granted.

The Hon. K.J. MAHER: The KordaMentha second report on the bottom of page 33 says that there is to be a saving of \$130 million, and I quote, 'from freeing up approximately 65 occupied bed days per annum'. I am advised a cut of 65,000 bed days per annum equates to about 178 hospital beds. My question to the minister is: does the minister think hospitals can survive with almost 180 fewer hospital beds?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I thank the Leader of the Opposition for his question. If I might note, the fact that he can reference a report demonstrates the openness and transparency of this government. We made it clear to the people of South Australia that we would provide both the diagnostic report and the implementation plan publicly. It reminds me of 2015 when, after the Transforming Health budget disaster was announced, the government belligerently refused to release the business case until six or eight weeks after the launch. They weren't willing to let their data be tested; we are.

In terms of beds—the honourable member's question relates to the issue of beds—the Marshall Liberal government will not close any bed that is needed. The recovery plan is clear that we will free up bed capacity as we reduce unnecessarily long stays. We will be able to build in breathing space into the hospitals. We will be able to manage the growth in demand with the same number of beds. Our hospitals cannot operate effectively if they are constantly full of patients. It is a recipe—

Members interjecting:

The PRESIDENT: Order! Let the minister answer.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Let the minister respond to your question.

Members interjecting:

The PRESIDENT: Order! Minister, go on.

The Hon. S.G. WADE: The fact of the matter is, every hospital needs to have flex capacity. It is a recipe for overcrowded emergency departments and for ongoing ambulance ramping if you plan to have the hospital full at all times. Every hospital needs breathing space. Every hospital needs the capacity to deal with seasonal factors. Every hospital needs to be able to cope with unexpected surges. The Labor Party, in one breath, criticises us for not addressing ramping, then in the very next breath says that creating surge capacity is cutting beds. They are a joke.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): Supplementary: the fact of the matter is that hospitals are there to serve patients.

The PRESIDENT: Leader of the Opposition, we don't need a statement. Just ask the question.

The Hon. K.J. MAHER: Can the minister rule out the closure of any wards at the Royal Adelaide Hospital or The Queen Elizabeth Hospital as a result of the cutting of about 180 beds to make these savings? If he is contemplating cuts of wards, which ones are they?

The PRESIDENT: Leader of the Opposition, that's the first supplementary, I assume. You can ask the second one in a minute.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): As I have already stated, the government has committed that we will not close any bed that is needed. It is very important to get these hospitals operating effectively. Key stakeholders have repeatedly said to us that it is important to have patient flow, to make sure that there is capacity in the hospital to receive incoming patients. The problem with the new Royal Adelaide Hospital, passed on to us from the former Labor government, is that it doesn't flow effectively and we therefore have backing up in the emergency department and backing up on the ambulance ramp.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (14:51): Further supplementary: given the desire to free up approximately 65,000 occupied bed dates per annum, has the minister been given any advice about the number of beds at CALHN that this would equate to under the KordaMentha plan?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52): The fact of the matter is that the plan does not have bed targets. The plan is all about driving efficiencies. This plan doesn't involve cuts. After all, the honourable Treasurer invested eight—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, he is actually answering your question.

The Hon. I.K. Hunter: Not very well.

The PRESIDENT: The Hon. Mr Hunter, I don't need advice. Allow the minister to answer your own question—your own question. I can't even hear the minister.

The Hon. S.G. WADE: I think the opposition needs to understand the difference between budgets and financial statements. The budget for the Central Adelaide Local Health Network in the last year of their government was overspent by more than \$260 million, and coming into this current financial year—the year that we are in now—the Central Adelaide Local Health Network is facing a budget overspend of \$300 million. That is about how they are delivering on their budget.

The Central Adelaide Local Health Network, and all health networks, benefited from the reinvestment in health by the Marshall Liberal government in the last budget. In the last budget, the Marshall Liberal government invested \$800 million more in health than the former Labor government budgeted. We want that money to be invested in services, not waste. It is important that hospitals operate efficiently. They need to live within their budgets.

If the Labor Party wants to suggest that they are going to put down budgets and let everybody ignore them, as they did for the last 16 years, we will continue to go into the hole that we have in the Central Adelaide Local Health Network and across the health network that I have inherited. We are determined to eliminate the budget overspend through addressing inefficiencies. Basically, households have to live within their budgets; so do hospitals.

Let's remember what the former Labor government did. The former Labor government, faced with a budget conundrum—

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister. Minister.

The Hon. S.G. WADE: The former Labor government, faced with a budget dilemma like I have, implemented Transforming Health. What was Transforming Health's response? It was to close three hospitals; it was to downgrade three more. What we now know is that in 2002 they were given an SA Health report that highlighted the budget disaster that was the Central Adelaide Local Health Network (CALHN). So going into 2014, faced with a prospect of driving efficiencies in a very inefficient health network, CALHN, or closing three hospitals and downgrading three more, guess what they chose? They chose to let the inefficiencies flow. Let's not try to get health bureaucrats and health management and clinicians to work within a budget; we will let them spend with gay abandon.

Members interjecting:

The PRESIDENT: Order! Minister.

The Hon. S.G. WADE: We are actively undoing the damage of Transforming Health. We are actively undoing the damage, unlike the former Labor government which thought a good budget strategy was closing three hospitals. We are actually reinvesting in health with an \$800 million investment and we are opening more services. Rather than closing hospitals, we are opening services. We have multiday surgery at Modbury. We have 24/7 cardiac at TQEH. We have put 20 beds in at the Repat and we have committed to renew that precinct.

I am very proud of the fact that this government is going to continue in a workmanlike way to make sure that our health services are efficient and effective and to make sure that they are available when South Australians need them.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (14:55): A very simple final supplementary question: is the minister telling us he has received no advice on the number of hospital beds that 65,000 occupied bed days per annum being cut would equate to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): The fact of the matter is, this recovery plan does not have bed targets as the honourable member is suggesting. It's all about driving efficiencies, and driving efficiencies can actually see more services and fewer beds.

The Hon. K.J. Maher: Have you received any advice? It's a yes or no answer, Steve.

The PRESIDENT: Order! Leader of the Opposition, you know you cannot put words in a minister's mouth. Minister, please go on.

The Hon. S.G. WADE: It's okay, Mr President. I didn't hear them, so it didn't affect me. The fact of the matter is that this government will continue to drive efficiencies in our health services because the longer we tolerate inefficiencies in our health system, the less our capacity to deliver health services that South Australians need.

The PRESIDENT: The Hon. Mr Pangallo, a supplementary?

The Hon. F. PANGALLO: Yes, it is, Mr President.

Members interjecting:

The PRESIDENT: Order! I cannot hear the Hon. Mr Pangallo. The Hon. Mr Pangallo.

HEALTH AND HOSPITAL CARE

The Hon. F. PANGALLO (14:57): Can the health and wellbeing minister expand on his comment on radio this morning that the Royal Adelaide Hospital wanted to get more from private patients, and is he indicating that preference or priority will now be given to those patients with private health cover ahead of public?

Members interjecting:

The PRESIDENT: A portion of the question arises out of the original answer which was broad ranging. I'm going to allow the Hon. Mr Pangallo to ask it. Minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I would make a couple of points in that regard. First of all, in the last couple of years under the atrocious management of the former Labor government, we had a significant reduction in private patient revenue coming into the Royal Adelaide Hospital. It's my view that restoring budget stability to the Central Adelaide Local Health Network involves both maximising revenue and reducing expenditure.

In relation to private patient revenue, just like every other public hospital in Australia, the South Australian public health system will continue to provide South Australian patients with the right that they have under the Medicare agreement, and that is to be treated at a public hospital as a public patient or to be treated at a public hospital as a private patient. When they choose to present as a private patient, then we will get revenue. In terms of whether we are trying to change the face of the South Australian public-private mix, let me make it clear. The budget that the honourable Treasurer tabled in September this year has exactly the same target for private patient revenue that the former Labor government had in their budget.

The other point I would make is that one of the things the KordaMentha report highlights is that the former Labor government let coding administration slip. The significance of coding administration, in my understanding—and if I need to provide the member with more information I will do so—but my understanding is that there are three impacts of that. First of all, if you don't code your activity, if you don't recognise what has been in the wards and submit that into a patient administration system or whatever relevant management tool, you don't actually have a handle on what is going through your unit. You can't plan it properly. Clinicians need proper coding so that they know what activity is there and they can manage it.

The second and third consequences, in my understanding, is revenue implications. You have to code a procedure for Medicare to fund it, and then, secondly, you need to code a procedure to be able to basically invoice a private health provider. The former Labor government's mismanagement of coding at the Royal Adelaide Hospital, highlighted in the KordaMentha report, had an impact both on activity management, the capacity for the hospital to manage itself, and it also had an impact on revenue, both private patient revenue and revenue through Medicare.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding cuts to hospital services.

Leave granted.

The Hon. K.J. MAHER: At the top of page 34 of KordaMentha liquidators' report, it states in the first dot point that management estimates that inpatient activity was 18,000 NWAU above the cap in financial year 2018. The report recommends cutting these 18,000 national weighted activity units over the commissioned levels. This is equivalent, I am informed, of cutting about 4½ thousand hip operations or 3½ thousand coronary bypasses each year. My question to the minister is: given the Liberals went to the election saying they would reduce waiting times, why is he and his government cutting the equivalent of 4½ thousand hip operations or 3½ thousand coronary bypasses each year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): First of all, I emphatically refute the use of the word 'cuts'. This recovery plan is all about addressing inefficiencies we inherited from the previous government so that we can deliver services more efficiently. Living within its budget will mean that CALHN, the central hospitals, will need to deliver services within funded levels. I'm advised that, through innovative care pathways, patients will still receive care but in a different and more effective way.

Many of these improved care pathways are already in use in other networks across Australia, with a strong evidence base to support them. Improved management of the NRAH activity that we are referring to will be an important part of the organisational and financial recovery. However, this does not mean that patients will be turned away or that services will not be provided. These improvements will be achieved through, firstly, providing patient pathways that ensure services are delivered in the most clinically appropriate way. For example, the development of community-based care options involving patient care at home or in the community will enable the avoidance in many cases of a hospital admission.

Secondly, there will be improved assessment of surgical patients. For example, some patients may benefit from presurgical physiotherapy or other alternative care pathways that enable the patient to avoid some forms of elective surgery. For example, I was at the Royal Adelaide Hospital this morning and I was discussing with a clinician the fact that a patient might present at the ED and, rather than them being referred to a clinic for orthopaedic surgery, they might be referred to a physiotherapist for rehabilitation that might well avoid that surgery.

I would like to note the fact that in some areas of elective surgery South Australia rates well above interstate. There is real interest, in the orthopaedic and other surgical disciplines, in looking at care pathways which make sure that patients get the service they need, not necessarily in a surgical form. Thirdly, the NRAH issue will be addressed by reducing the average length of stay in hospitals because doing so reduces the risk of complications. Reduced admissions will assist in reducing activity due to avoidable interventions.

The Hon. K.J. MAHER: Cuts—reducing means cuts, Stephen.

The Hon. S.G. WADE: So if the honourable member is suggesting that reducing hospital infections and then, when people don't actually get infected, 'Oh, what a shame; they're not getting admitted to hospital,' I'm sorry; healthy people don't need a hospital bed.

Fourthly, we'll be improving efficiency to ensure that CALHN is operating at or below the national efficient price, enabling additional activity at a lower price. This means that additional activity can be undertaken within funded levels. My next point refers back to the question of the Hon. Frank

Pangallo. It is also the view of the government that improved coding of current patient activity will demonstrate the true complexity of patients that are seen within CALHN, and therefore that means that CALHN will then receive appropriate levels of funding for these complex patients and be able to again maintain services.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (15:05): Supplementary: has the minister been given any advice on the actual number of elective surgery operations at CALHN that may be cut under the KordaMentha plan? If he has received any such advice, what did it say?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): I'd just reiterate the answer which I've already given, which is that the KordaMentha plan and that particular aspect of it is not about reducing services; it's about delivering services more effectively. But if I may be given the indulgence to just mention to the member that the Treasurer in his latest budget made clear that the government was going to deliver on its commitment to invest \$45 million in elective surgery over the next two years.

So if the honourable member is asking me whether he thinks there is any hope that that the government will be able to reduce the elective surgery backlog, which has increased tenfold in the last year of the Labor government, my answer to him would be yes. I am very confident that with a better, more efficient health system operating, with a very sizeable investment from the Marshall Liberal government, South Australians will continue to see better access to health services, including elective surgery.

KORDAMENTHA REPORT

The Hon. K.J. MAHER (Leader of the Opposition) (15:06): Supplementary: has the minister received any advice on the number of elective surgeries that may be impacted on alternative or innovative pathways?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I thought I might reiterate my previous answer, which is that my advice is that the 18,000 NWAUs, as part of the KordaMentha plan, will be delivered more effectively. This is not about reducing services. It's about delivering services more effectively.

DOMESTIC AND FAMILY VIOLENCE

The Hon. J.S. LEE (15:07): My question is to the Minister for Human Services and is about the government's 2018 budget commitment for domestic violence prevention. Can the minister please provide an update to the council about the delivery of important initiatives to address domestic violence through the recent state budget?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I thank the honourable member for her question and for her interest in this area. Indeed, I think she attended recently one of the many great organisations that we have in South Australia that assists CALD women, who clearly are one of the cohorts that we are interested in protecting against the scourge of domestic violence.

The state government, through its 2018-19 budget, committed \$11.9 million over four years for a range of measures in South Australia to support women and children at risk and to deliver on our pre-election commitments. In particular, we have had two of those initiatives that have recently gone live: first of all, the personal protection app; and the 24/7 Domestic Violence Crisis Line went live as of yesterday.

The Domestic Violence Crisis Line has been operating in South Australia for—I think it is—29 years. The after-hours service has been until now diverted to the generic Homelessness Gateway where clearly we have excellent staffing but in terms of the gateway they don't necessarily have the same expertise as the specialist hotline. So we are very pleased in South Australia that anybody who needs assistance through that domestic violence hotline is able to get assistance 24/7. That particular funding commitment was some \$1.66 million.

The Women's Safety Services South Australia is responsible for operating that service. The budget obviously was delivered in September, and it took some time to recruit and train the staff, but we are very pleased that they have managed to do that in a short space of a couple of months. We also have the domestic violence app which is able to link at-risk women to it. That is through funding of \$155,000. We implemented an existing app that has been tested as a safety tool for people in these situations. The funding in itself means that women who contact the DVD Crisis Line will have access to the app as part of a safety plan developed with clients by the service.

We have also provided funding through our other initiatives for the coalition of women's Domestic and Aboriginal Family Violence Services, which is \$624,000 over four years. We are working through the locations for the new crisis accommodation, the interest-free loans, and also the Domestic Violence Disclosure Scheme which started in early October, and that has had a number of applications as well. We are very proud of this range of initiatives in this space and continue to roll them out in close consultation with the sector and people with lived experience, and I look forward to reporting back to the parliament on other initiatives as they roll out.

AUSTRALIAN EMBASSY, ISRAEL

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before asking the Minister for Trade a question about the trade implications for the possible relocation of the Australian Embassy in Israel.

Leave granted.

The Hon. T.A. FRANKS: A few weeks prior to the Wentworth by-election poll date, the newly-minted Prime Minister, Mr Morrison, made what appears to be a captain's call: that the Israeli Embassy should be moved from Tel Aviv to Jerusalem. I note that the man who made his fortune in the tourism industry as the creator of 'Where the bloody hell are you?' became the 'Where the bloody hell did that come from?' prime minister. It has been further revealed in Senate estimates that not one government official was consulted about the new Prime Minister's captain's call of a major foreign policy shift.

That concern was also echoed by the National Farmers' Federation, former deputy prime minister Barnaby Joyce and, indeed, federal trade minister Simon Birmingham has gone on record most recently stating that the Australian government will now carefully consider both the security and economic implications before taking any final decision. As they should, these concerns are well-founded. Exporters across Australia are worried that the dispute over the Prime Minister's decision and captain's call has delayed a new trade deal with Indonesia. As the minister will well know, that trade deal endangers the wheat and beef business with Australia which is worth some \$16.5 billion a year.

At the East Asia Summit in the past month Indonesia's President Widodo raised the issue with Prime Minister Morrison during his talks, reiterating the Indonesian argument against the embassy move, with the Indonesian government issuing a statement that emphasised a two-state solution between Israel and Palestine. Indeed, Indonesian foreign minister Marsudi has also stressed that, 'If Australia insists on moving its embassy to Jerusalem, the signing will be delayed.' The Indonesian trade minister therefore sharpened the dispute over the trade deal by saying that the timing of that agreement is now linked to Australia's decision on Israel. My questions to the Minister for Trade are:

1. Was he consulted either before or after the Prime Minister's captain's call on moving the Israeli embassy?
2. What will he do as Minister for Trade to ensure that no more such captain's calls are made endangering our trade relations with other countries?
3. What assurances has he given South Australian exporters that this captain's call, made seemingly with the Wentworth by-election result in mind, will not further endanger their ability to trade?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:14): I thank the honourable member for her ongoing interest in this particular issue, and a whole range of other issues. As proud as I am to be a member of the South Australian parliament, I don't know whether

the Prime Minister or any federal member or minister actually consults on announcements like that. I would have loved to have been consulted but, clearly, I wasn't consulted. Maybe if we had a Greens prime minister that is the way that they would operate—I'm not quite sure—but I wasn't consulted.

It's interesting: I haven't been contacted at my office by a single South Australian exporter—not to say that the department hasn't, but not one has raised this particular issue with me as threatening their exports and viability. Maybe they will come. I have checked my junk box for emails today and there is nothing in it, but that was in relation to earlier questions.

The Hon. T.A. Franks: What about when you met with the delegation from West Java, or did you not meet with them?

The Hon. D.W. RIDGWAY: I don't recall when they came most recently.

The Hon. T.A. Franks: They were here in the last six weeks.

The Hon. D.W. RIDGWAY: I did meet with some—it was not raised. It has not been raised with me in any forum that I can recall. It's a bit like the tensions that we see internationally between the national government of China and the national government of Australia: when I'm in China doing business state to state, there is no mention of it. They just want to get on and do business; they want to buy our food and our wine. To this point, I don't believe it has impacted directly on any current arrangements with any South Australian exporters.

Sure, we are aware that the Indonesians are stalling a little with the negotiations around the free trade agreement, which is something that the federal government conducts on our behalf. I wish them all the very best in it. We are benefiting from the free trade agreements that have been signed with the US, China, Korea, Japan and a whole range of other places, which give us some great opportunities. Clearly, trade arrangements will start to go into place for the United Kingdom and for Europe. The federal government will continue to pursue them. Indonesia is an important market. We export a significant amount of our products there, but the rest of the world is also hungry for South Australia's produce.

AUSTRALIAN EMBASSY, ISRAEL

The Hon. T.A. FRANKS (15:16): Supplementary: did the minister, as trade minister, not feel the need to communicate anything to the Prime Minister with regard to this announcement?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:17): As I said, I have not experienced any questions or comments from any exporter. In my experience, when we have tensions in the South China Sea and other tensions with China, we deal at a state level, a subnational level. There has been no request of me to make any representations to the Prime Minister in relation to the embassy that the honourable member has spoken about. We just get on with business. We talk to the people who are buying the products and try to make sure that good deals are done to benefit South Australian exporters and grow our economy.

KORDAMENTHA REPORT

The Hon. C.M. SCRIVEN (15:17): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding bed closures.

Leave granted.

The Hon. C.M. SCRIVEN: The KordaMentha diagnostic report refers to an interim strategy of CALHN that includes:

Flex down 90 beds by June 2019, commencing with 40 winter beds. Target Benefit \$7.9 million.

My question to the minister is: when will the government close these 90 hospital beds in the next seven months, including specifically the immediate closure of 40 winter beds, as stated in corporate liquidator KordaMentha's diagnostic report to government?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:18): I will certainly take it on notice to confirm this point, but my understanding of what KordaMentha is reporting on there is interim plans that CALHN had developed before KordaMentha was engaged. The Central Adelaide

Local Health Network engaged KordaMentha, as I recall, in August. The diagnostic report was provided to government and then the implementation plan.

It's worth noting that this government is eight months into our term. We inherited a financial and organisational mess in the Central Adelaide Local Health Network and, to be frank, right across the health system. So what did we do? We decided that we could not tolerate a \$300 million budget overspend in a hospital. We wanted to make sure that South Australian patients get the health services they need and that the money is not wasted on inefficiencies. I must say I am delighted with the positive response that the organisational financial recovery plan has received. Only—

The Hon. R.I. Lucas: What did the nurses say?

The Hon. S.G. WADE: Sorry?

The Hon. R.I. Lucas: What did the nurses say?

The Hon. S.G. WADE: Oh yes, I'll get to that. Only the Labor Party, who ignored the problem of budget overspends, would criticise us for addressing those budget overspends and inefficiencies. Only the Labor Party, who ignored that problem, would call reining in a budget overrun a cut. Only the Labor Party, who ignored the problem, would call creating surge capacity in our hospitals a cut to beds. In one breath they criticise us for not addressing ramping, and in the next they criticise us when we create surge capacity.

Yesterday, there was only one group saying no to this plan: it was Labor. The unions provided cautious optimism, and I thank them for that. I'm getting repeated positive reports from a forum at the Royal Adelaide Hospital yesterday afternoon, where both in person and online more than 800 staff attended a staff forum. There was, I'm told, a palpable appetite for change.

This morning when I visited the Royal Adelaide Hospital, including visiting the emergency department and a number of wards, a clinician said to me that, following the forum, they had never felt so motivated to get back to work, and it was the best news in the network that he'd heard for 10 years. The only people who are saying no to this plan are the Labor Party. They can keep saying no, but there is an appetite for change. This government will continue to work with clinicians and unions and management to make sure that we deliver better services for South Australians.

Staff want change, unions want change and, most importantly, the people of South Australia want change. We will deliver that change and improve the health care being provided in this state. We know we will continue to get the carping of the arsonist—the person who lit the fire and then wants to get in the way while we try to fix it—but we were elected to do a job and we will do it.

KORDAMENTHA REPORT

The Hon. C.M. SCRIVEN (15:22): A supplementary: when will these 90 beds close? At what hospitals will they close, including the 40 winter beds slated for immediate closure?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22): As I said, I believe that's an interim plan. The fact of the matter is that I've given an undertaking to give the member further advice.

KORDAMENTHA REPORT

The Hon. C.M. SCRIVEN (15:22): A further supplementary: is the minister saying we don't need those 40 winter beds, given the demand on hospitals last night was still at Code White, and ramping is, according to our clinicians, 'worse than it has ever been before'—ever been before!

The PRESIDENT: I take the first part of the question, rather than commentary, as a supplementary. Minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22): I'm not sure what part was left, but let's be clear about this: we need more capacity in our hospitals. We cannot afford to run our hospitals full, because when you run them full, as soon as you have a seasonal influx—as soon as you have a surge capacity—you are not able to deal with that within the EDs and you have ambulance ramping.

What we have heard consistently from clinicians and from management, including at the hospital demand discussions in recent months, is that we need to have patient flow. We need to make sure that we've got beds available; we can't afford to run full. That's why reducing length of stays that are unnecessary is in the interests of the individual patient, and it's also in the interests of the health system.

Let me reiterate some of the reasons why reducing length of stay is actually in the interests of the person receiving the care. Longer stays can increase infections, they can lead to a loss of muscle strength and muscle mass, and they can lead to decline in cognitive functioning. The Hon. Michelle Lensink, who I respect as a clinician in her own right, would be aware of the negative consequences of a lack of movement.

What I am told is that if a patient spends 10 days of bed rest in a hospital, it can actually age the muscle up to 10 years. That can be an absolutely fundamental issue, particularly for older South Australians. If they are experiencing an unnecessary length of stay, they are experiencing muscle deconditioning and their capacity to move to residential aged care or to move home could be significantly undermined. The fact of the matter is that we need to make sure we avoid unnecessary length of stays, both for the efficiency of the health system and also for delivering the best possible patient outcomes.

KORDAMENTHA REPORT

The Hon. C.M. SCRIVEN (15:24): A further supplementary: is the minister saying that we don't need these 40 winter beds?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25): The honourable member persists in referring to what I think is a reference to an interim plan, a plan that was developed by CALHN in the past, and I have undertaken to take that on notice.

HEALTH AND HOSPITAL CARE

The Hon. C.M. SCRIVEN (15:25): A further supplementary: which patients will the minister be turning away to ensure that his hospitals are not full of patients?

The PRESIDENT: It's not really a supplementary but, minister, do you wish to answer it? You are putting a proposition, but does the minister want to respond?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25): The question indicates that the honourable member didn't even show the courtesy to the house to listen to the early proceedings. I have made it very clear that no patient will be turned away.

The PRESIDENT: The Hon. Mr Ngo, a supplementary?

The Hon. T.T. NGO: Yes, a supplementary.

Members interjecting:

The Hon. T.T. NGO: Thank you. Great journalist.

The PRESIDENT: The Hon. Mr Ngo, don't try my patience, get it out.

Members interjecting:

The PRESIDENT: Don't respond to the barbs of the government.

KORDAMENTHA

The Hon. T.T. NGO (15:26): Will the minister rule out further using KordaMentha or another corporate liquidator to undertake a similar exercise with other local health networks, like Country Health and northern and southern?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26): Far be it from me to reflect on whether or not that was a supplementary within order.

The PRESIDENT: It was a broad-ranging answer, minister.

The Hon. S.G. WADE: All I would say is that I need to keep my answers less broad ranging.

The PRESIDENT: A comprehensive answer, minister.

The Hon. S.G. WADE: The honourable member's question and the rebuke from the President actually encourages me to give a broad-ranging answer. The honourable member is saying, as I understood it: do I as minister think that it would be a good idea to use KordaMentha elsewhere? Let's put it this way: KordaMentha is a strong financial team, and they are experienced in providing financial and organisational recovery. I suspect there would be a goodly number of people in Whyalla who would be quite pleased that we are using such a strong team to try to clean up the mess here in our hospitals, because they have done some good work in Whyalla.

In terms of whether or not we will use them in other networks, it is far too early to say. All I can say is that their financial and organisational recovery plan, which was developed in consultation with clinicians right across the network and beyond, has received resounding—resounding might be overstating it—very strong resonance with the staff of the Central Adelaide Local Health Network. The reason is that, not only do they know that with a proper focus they can improve both patient outcomes and the financials, but perhaps even more importantly they know how much organisational reform is required in their network.

I am told that at the staff forum yesterday a particular clinician stood up and made a positive comment about the commitment from the Central Adelaide Local Health Network, the board, the CEO and KordaMentha to address bullying within that network. You can't have a network that thrives when poor performance is not challenged and when good performance is not authorised.

In terms of so far so good, I am very pleased that, in spite of the pejorative statements of the opposition diminishing them as mere liquidators, their report demonstrates that they have a capacity to see the organisation as a whole. This is a whole-of-organisation recovery plan, it will need a whole-of-organisation commitment, and I would also take the opportunity to highlight the breadth of the government's investment in the capacity of the network to deliver on this plan.

This plan is so important for the future of the network and the hospitals within it that the government is making sure that this network has all the support it needs to deliver a positive outcome. The first thing we did, in terms of what we have done in the last week, was last Thursday we announced a new board. The board, as previously announced, will be chaired by Raymond Spencer and deputy chair, Mick Reid. Of course, Raymond Spencer is a respected businessman in this city. Mick Reid is less well known but one of the most illustrious health administrators in the nation. He was formerly director general of New South Wales Health and formerly director general of Queensland Health. I would say he knows a bit about health.

On Thursday, His Excellency the Governor was kind enough to approve the remaining members of the board. They include two health professionals, Dr Alex Cockram, who is a psychiatrist, and Professor Justin Beilby, who is a general practitioner. I have already mentioned the health administration skills of Mick Reid, but he will be joined by Professor Judith Dwyer AC; Kim Morey, a public health expert; and Naomi James, a legal person. I thank the parliament for endorsing board governance in the legislation that came earlier this year, and we took the opportunity to bring forward the appointment of that board so that on day zero, yesterday, there would be a governance board in place to oversee the project.

The second thing that we have done this week is to welcome the new CEO of Central Adelaide Local Health Network, Lesley Dwyer. Lesley suffers the same affliction I do: she is a Victorian, but she has worked in South Australia before. In her most recent appointment, she has been the chair of Medway trust in the United Kingdom, and reportedly has turned around that trust, with the help, obviously, of many others. But her leadership was, I am told, exceptional there, and we are looking forward to welcoming her back to Australian soil, as we did yesterday, to be part of this recovery team.

I would stress to the house that we are convinced that the Central Adelaide Local Health Network needs both a financial and an organisational recovery, and that is why we have put in place a broad-based governance framework with a board overseeing a CEO, who oversees both the clinical and the financial streams, and KordaMentha supporting the financial stream. So we believe that we have given the network the best chance of success, and we look forward to this plan rolling

out and the people of the Central Adelaide Local Health Network and, to be frank, all South Australians who rely on that network getting the best possible care.

Personal Explanation

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL

The Hon. K.J. MAHER (Leader of the Opposition) (15:33): I seek leave to make a personal explanation.

Leave granted.

The Hon. K.J. MAHER: During my contribution on the Statutes Amendment and Repeal (Budget Measures) Bill, I tabled a letter regarding the repeal of the Commissioner for Kangaroo Island Act. I stated in my contribution that the letter was from the commissioner. It was, in fact, from the Chairman of the Kangaroo Island Industry and Brand Alliance. I wish to correct the record in that respect. I also tabled legal advice in my contribution on the budget bill. One page of legal advice was inadvertently missing a page. I now seek leave to table that full advice.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:34): I rise today to indicate that Labor has, some time ago, filed an amendment to this bill, and we will obviously be prosecuting that amendment and supporting the amended bill. The intent of the bill, as it stands, is to prevent prisoners who have committed a serious offence and are serving a sentence of three years or more from voting at South Australian elections.

According to the Electoral Commissioner's website, it is currently compulsory for South Australian prisoners to vote in state elections and keep their enrolments up to date. As outlined in the Electoral Commission's prisoner enrolment form, for South Australian elections prisoners must enrol at the address that was their principal place of residence immediately before the commencement of their imprisonment or the address of a new place of residence acquired during their imprisonment by them or a parent, spouse, domestic partner or child who they resided with immediately before the commencement of their imprisonment and at which they intend to reside on release from prison, or, if the two options above do not apply and the prisoner has been in prison for more than two years, the address at which the person is imprisoned.

A similar bill to the one we are facing in the chamber today was introduced, I believe, by the member for Stuart in 2016. At that time, the then member for Colton, the Hon. Paul Caica, pointed out:

...in 1976, the South Australian parliament passed legislation with bipartisan support, I might add, to remove the restrictions on prisoner voting that were in the South Australian Constitution Act 1934. There seems to be no strong policy rationale for shifting from the bipartisan position adopted back then. Introducing restrictions on prisoner voting rights does not correspond with other policy priorities of the Attorney-General's Department which focus on restoring and rebuilding community connections.

They were points well made then and much of that still applies. In their submission on this bill, the Law Society has made similar points. I think there is value in putting on the record some of the comments from the Law Society. They refer to rehabilitation. I will quote from the Law Society's submission:

In 2006, the Federal Government passed an amendment bill that revoked the right to vote for any person serving a sentence of imprisonment at a federal election. However, in 2007 the High Court in *Roach v Electoral Commissioner* [2007] HCA 43 found the law was unconstitutional.

The submission from the Law Society goes on to note some comments from justices Gummow and Kirby. The Law Society goes on to note that disqualifying a person from voting while serving a sentence of imprisonment may lead to them not holding a proper respect for elected government. It does not promote rehabilitation or their full participation in society on release. The Law Society notes that they question whether a prisoner already punished under the law should have to incur the additional penalty of the loss of the right to vote. Such restrictions amount to additional punishment that does not contribute towards a prisoner's rehabilitation or reintegration into society.

The Law Society goes on to consider various human rights considerations. I know many honourable members have the benefit of the Law Society's views in relation to that, so I will not talk at length about those. One further point the Law Society makes is that removing someone's right to vote for serving a sentence of imprisonment as low as the ones that are being suggested in this bill has no evidence to back it in terms of a deterrent effect to committing a crime. There is no evidence to suggest that someone serving three years or more for a crime would be deterred from committing that crime if they knew that they were going to have their ability to vote removed.

The opposition has lodged an amendment to this bill that in effect limits the operation of this not to those serving three years or more but to prisoners who are serving life sentences. We feel that is a much more sensible limitation than punishing every prisoner who is in prison serving a sentence of three years or more. It confines the punishment to those who are serving life sentences who are, of course, much less likely to be released in the time frames of those serving sentences of much shorter duration, for whom rehabilitation and reintegration into the community is an important part of not reoffending and reducing recidivism. With that, I commend the Labor amendment to this bill to the chamber and look forward to the committee stage.

The Hon. J.A. DARLEY (15:39): I rise to speak on the Electoral (Prisoner Voting) Amendment Bill. Under this bill, a person who is serving a sentence of three years or more will be ineligible to vote. The bill will also capture high-risk offenders and those who are unwilling or unable to control their sexual instincts. It will mirror federal legislation and other states where prisoners are excluded from voting. However, the sentencing periods vary from state to state. South Australia is currently the only state which does not impose restrictions on prisoners voting, with the ACT being the only other jurisdiction in Australia which does not have similar provisions.

I note that the Law Society has objected to the bill, including those serving home detention, and that, federally, those serving a home detention sentence longer than the stipulated period are not excluded from voting. The government has addressed this in their second reading and explained that home detention is a form of incarceration and that if the justification for the bill is accepted, serious offenders who break the law should not be able to decide who makes the laws, and home detention should be included. I understand that there was some concern that the bill would mean that people would need to re-enrol once they are eligible in order to go back onto the roll. However, I understand a person's right to vote is reinstated automatically once they are eligible.

One matter that I raised at my briefing on this bill was the manner in which voting is conducted in prisons. To me, it makes sense that voting would be undertaken by way of utilising postal votes rather than focusing resources into having to have the votes done in person. The briefing was held by the Attorney-General's office, rather than the Electoral Commission, so no answer was forthcoming. However, I am sure there are reasons why postal votes are not used. If it could be done, it would be worthwhile for the government to consider this as a means of streamlining voting in prisons.

The Hon. C. BONAROS (15:41): I rise to speak on the Electoral (Prisoner Voting) Amendment Bill 2018. The current position in South Australia, as we know, is that all prisoners can vote in South Australian state elections. What the bill seeks to do is to disqualify a person who is in custody at the close of rolls and is serving a sentence of imprisonment of three years or more, including a sentence which is ordered to be served on home detention, from voting at a South Australian state election. At the conclusion of a prisoner's sentence, or home detainee's sentence, they would be able to vote again under this bill.

A number of other jurisdictions, including the commonwealth, already have varying restrictions on prisoner voting, and it is true that the passage of this bill would bring South Australia in line with those jurisdictions to an extent. However, it is important to note that the right to vote underpins our democracy. A healthy democracy is one that protects all members of the community having equal access to the political process. The justification proffered by the government for the bill is the approximate alignment with the commonwealth legislation. However, as we know, this bill departs from the commonwealth legislation to include those serving a sentence of home detention of three years or more.

Curiously, the government has stated that the purpose of the bill is to remove the incongruity of being out of step with the commonwealth legislation whereby a prisoner in South Australia serving a three-year or greater sentence can vote in South Australian elections but cannot vote in federal elections. However, by departing from the commonwealth legislation to extend the prohibition on voting to those serving sentences of three years or more on home detention similarly creates an anomaly whereby those serving three years or more on home detention will not be able to vote in South Australian elections but will be able to vote in federal elections.

I am certainly keen to hear from the Treasurer during the committee stage of the bill as to why, in an effort to solve one anomaly, the government has created another with this bill. Taking part in voting is fundamental to civic and community engagement. An increased voter turnout in the United States earlier this month may well have played a significant part in the outcome of the midterm elections. Approximately 114 million votes were cast this year, well above the 83 million votes cast in 2014 and the 91 million ballots cast in 2010. At the same time, voters in Florida approved amendment No. 4 which restored voting rights to 1.5 million felons who previously had to wait at least five years after completing their sentence before they could file a request with the Governor and cabinet. Progress!

The Law Society has provided a submission in relation to the bill, and I thank president Tim Mellor for doing so. That submission touches on the issue of prohibition from voting for those serving a sentence of home detention of three years or more and makes the following salient point, and I quote:

It is relevant to consider the underlying objectives of home detention, which are to promote rehabilitation and prevent exposure to the environment of a correctional institution by allowing the person to maintain ties to the community, enhance opportunities for treatment and counselling, and to reintegrate into society at an earlier stage in their sentence...

I am certainly keen to hear from the government and the Treasurer again as to why the government does not think the proposed amendment to include prisoners serving a sentence of imprisonment does not run contrary to the home detention scheme.

In addition, the Law Society has raised a number of concerns about the disproportionate effect the measures in the bill will have on Indigenous South Australians, who are clearly over-represented in our criminal justice system. It is a sad indictment on the state that we have the ignominy of having the third highest rate of Aboriginal incarceration in Australia. For the record, and certainly from a personal point of view, it is the over-representation of our Indigenous community in the criminal justice system in the context of this bill that I am most concerned about.

In 2017, Aboriginal and Torres Strait Islanders comprised 23 per cent of the adult prisoner population, just under one-quarter of all prisoners. This is despite only comprising, as we know, approximately 2 per cent of the Australian adult population. I am also keen to hear from the government what consultation they undertook in relation to the bill and what consideration was made by the government of the impact the measures in the bill would have on the Aboriginal and Torres Strait Islander peoples.

The Law Society has also raised a number of human rights implications of the bill and has asked that the government consider and address those concerns in the committee stage of the bill, which I think is only fair. It is clear that the bill as drafted raises a number of concerns which the government must address. I think it is also very important to address the perception of voting as a sense of entitlement. Voting is not a luxury, and I do not think it is helpful to explain it in that context in this bill or otherwise. It is a right, a right that millions of people around the world have died trying to attain, a right that we in this country should be particularly grateful for. If that right is to be removed,

then it should be done in instances involving the most heinous types of offending and limited to that most heinous type of offending.

I absolutely support the notion that some individuals deserve to be locked away and forgotten about, as harsh as that may seem, because their offending is so reprehensible and they are beyond rehabilitation. However, the vast majority of individuals in gaols do not fall into that basket. Most individuals will, in a relatively short period of time, be released back into the community and be expected to comply with the laws of our state and commonwealth, including these laws that require them to exercise their right to vote.

Removing a person's right to vote does not assist with that process. By disenfranchising those people, I am concerned that we are doing little more than setting them up for further failure. Most of us would agree that our community expects that a term of imprisonment should serve at least four purposes, and these are four that I just picked off the top of my head when I was considering this issue. First and foremost, it should serve to protect the community; secondly, it should act as a punishment; thirdly, it should act as a deterrent; and, finally and importantly, it should afford an opportunity for rehabilitation. It is perhaps this last purpose with which we struggle the most.

I accept that you can lead a horse to water but you cannot make it drink—in a lot of cases. What I struggle with, however, is the complete lack of emphasis we place on the need for adequate rehabilitation, especially when it comes to issues such as drug addiction. It is often the system that is to blame for the lack of appropriate rehabilitation services rather than anything else. I have to question how further marginalising individuals is conducive to their effective rehabilitation.

I think it is fair to say, from SA-Best's point of view, that it has been difficult to come to a middle ground that is perhaps more suitable than what has been proposed by the opposition. We know the opposition has filed amendments to the bill which would seek to restrict the prohibition on voting rights for prisoners to those serving life sentences. Given the issues I have highlighted in my speech and the issues that have been raised by organisations, including the Law Society, I certainly see merit in those amendments and look forward to hearing more from the opposition with respect to those amendments during the committee stage of the debate. With those words, I support the second reading of the bill on behalf of SA-Best.

The Hon. I. PNEVMATIKOS (15:50): Today, I rise to speak on the Electoral (Prisoner Voting) Amendment Bill 2018, which seeks to amend the Electoral Act 1985. The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules—and I am not going to go through all the rules, but just a snippet—state that, 'The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it.' That is from rule 88.

As part of their tough on crime approach, the government's electoral amendment bill wishes to reinforce this by disallowing a person serving three or more years, including those on home detention and youth in training centres, from being able to vote in state elections. Even on a superficial level, as a state that currently does not restrict voting rights of prisoners or persons in custody, it is evident that this bill runs contrary to the UN Minimum Rules for the Treatment of Prisoners.

Sadly, the real implications lie much deeper. The penitentiary system is in place for a number of reasons but also in order to aid reformation and social rehabilitation. Denying a prisoner the right to vote diminishes any social and community responsibility they have as citizens. Further, the exclusion will be an additional penalty that will apply and will be an unintended effect of the sentencing court at the time of sentencing.

We know that in our penitentiary system Indigenous Australians are already disproportionately represented. Whilst they account for 2 per cent of our population in this state, they represent almost 25 per cent of our prison population. It is important that we recognise our Aboriginal and Torres Strait Islanders and highly value their rich history and their role and contribution in our communities and our country. Removing further rights will only act to alienate people and lead to establishing a system of tiers and classes of people when it comes to citizenship. In this situation prisoners would not have a role or say in our society and would be perceived as being outside of our society.

Our prison population numbers are rising. If our system of punishment and gaol is also to play a rehabilitative and reforming role, what benefit will be achieved by removing people's rights to vote? The right to have a say and a vote is an inalienable right of each and every citizen in our society. Denying prisoners the right to vote by introducing this bill can only be under consideration for political pointscoring or because prisoners are somehow perceived as less than human and therefore without a voice or rights. Their internment in gaol is penalty enough for their misdeeds as citizens. Let us not take away their dignity and our humanity also.

If there is to be any denial of citizenship rights, it should only apply to those who have committed the most serious of crimes, which, for example, can be identified based on the degree of their sentence. Prisoners who fall under that category have clearly displayed that they have chosen to opt out of our society and our community.

I remind the council that currently prisoners do not fit the eligible criteria to be able to cast their vote via the post despite clearly being unable to attend a polling booth. There is no appropriation plan for prisoners to invoke their right to vote. It is almost impossible for a prisoner to cast their vote. This bill is not a disincentive for someone to create a crime; rather it facilitates a choice for people to opt out from participating in society. By denying the right to be a part of the community you are stating that the rules will no longer apply.

What does the government hope to achieve other than a potential headline in the daily news cycle? I would like to remind the council that the purpose of a youth centre is to focus on the education and rehabilitation of young men and women aged between 10 and 18 who are on remand and detention warrants. Home detention is a measure which provides an increased opportunity to successfully rehabilitate an offender into the law-abiding community.

Serious consideration needs to be given regarding the impression this bill will portray, especially to those who are in home detention and the youth who are in training centres. As I have stated previously, it is important that all citizens, irrespective of where they may be housed, are recognised members of our society and are afforded their rights as citizens under our legal system and in accordance with international human rights law.

This bill requires all perspectives and issues to be regarded when debating in this chamber. Under no circumstances should we be creating further divisions in society and preventing individuals from participating in our society and community to the fullest. To be selective about which groups of people are and are not supported to vote strikes at the very core of what so many before us have strived tirelessly to change. It is a basic democratic right which we all value in our society. We must carefully consider the harm that can arise from suppressing the voice of over 3,000 South Australians by removing their right to vote. I strongly encourage the council to consider the amendments that we may propose.

The Hon. R.I. LUCAS (Treasurer) (15:56): I thank honourable members for their contribution on this debate. The Electoral (Prisoner Voting) Amendment Bill was an election commitment from the government to ensure that those people who have committed a crime and been sentenced to more than three years in prison are not eligible to vote in state elections. This is not a new policy. The South Australian model proposed here today specifically mirrors that of the commonwealth. I note amendments have been filed by the opposition to limit the group of people who may not vote to those people only serving life sentences. This is a significant shift from what is proposed by the government bill.

In terms of the impact of the bill, the government bill will impact on about 1,400 people, or 45 per cent of the prisoner population. The opposition amendments, if passed, would mean that the bill would only impact on the voting rights of 196 people, or 6 per cent of the total prisoner population, so this is a significant change from what is proposed in the bill. Clearly, the government will not be supporting the opposition amendments.

One of the matters raised in the debate on the bill relates to the fact that the bill will not apply to a person who is detained under part 8A of the Criminal Law Consolidation Act. A person may be detained under part 8A where they are mentally unfit to stand trial or have been found to have been mentally incompetent to commit the relevant offence. The Hon. Mr Parnell noted that the bill will mean that the person who is mentally unable to know the difference between right and wrong can

vote but the person who well knew the difference or should have known the difference between right and wrong and has been convicted cannot.

That may indeed be the outcome. It results from the policy position that this bill is about restricting the voting rights of people who have been found guilty of a criminal offence or offences and sentenced to a term of imprisonment greater than three years. The government wanted to be very clear that the bill does not apply to a person who has not been found guilty of a criminal offence. Whether or not, at a particular election or generally, that person is capable of voting is a different question. There are provisions elsewhere in the Electoral Act that relate to people who are of unsound mind.

The government stands by its position that the bill applies to people who have been found guilty of criminal conduct and sentenced to imprisonment for three years or more. This does not include people who are unfit to stand trial or who have been found to be mentally incompetent to commit the relevant offence. Again, I thank members for their contributions to the second reading of the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: During the second reading debate, I raised a couple of points in relation to the inconsistency that this bill was trying to address and the anomaly that was created. Can the Treasurer provide some explanation as to how we have come to this position where we have now created a further anomaly in trying to address the first one that the government says needs to be resolved to bring this in line with commonwealth legislation? This is in relation to the home detention issue.

The Hon. R.I. LUCAS: My advice is that the Hon. Ms Bonaros has accurately reflected the government's position. We have reflected the policy position in relation to the three-year provision of the commonwealth, but the Hon. Ms Bonaros is correct to say that the government's policy decision in relation to home detention is different to the position of the commonwealth. The consistency with the commonwealth essentially refers to the three-year provision. As the Hon. Ms Bonaros has identified, the state government has adopted a different policy position in relation to the application to home detention. The state government's position in this legislation reflects the fact that, if you are under home detention, the legislation will apply to you. That is different, I am advised, to the commonwealth.

The Hon. C. BONAROS: So you confirm then that, in those instances, we will not be able to vote in South Australia but we will be able to vote in federal elections. So that is the inconsistency that we have in fact created.

The Hon. R.I. LUCAS: I think the honourable member has answered her own question, that is, there is a difference and it will be as outlined by the honourable member.

The Hon. M.C. PARNELL: I will raise one issue at clause 1. I do not think I raised this in my second reading contribution. It relates to a report that came out a couple of years ago that was reported on the ABC news site. The issue was the great lengths the Electoral Commission went to in making sure that prisoners were enrolled and able to vote, and the flip side of that story was the great lengths that Corrections went to in making sure that so few of them did. It seems that very few prisoners voted.

Is the minister aware of any particular attitude of the South Australian Electoral Commission and the South Australian department of corrections in relation to prisoner voting? To date, has Corrections facilitated the ability for prisoners to vote? Another supplementary is: does the minister have any statistics on how many prisoners, as a percentage, have actually voted at previous elections? He may have given that already, but I do not recall.

The Hon. R.I. LUCAS: I am not aware whether it was put on the record in the Legislative Council debate, but it was evidentially raised in the House of Assembly debate and I am happy to

share the information we have. There are mobile voting booths that apply to prisoner facilities. At the last state election, 41 people voted at the Adelaide Women's Prison, and 199 voted in that bastion of democracy, Mount Gambier Prison, which is run by the private sector—maybe they have a more encouraging view of encouraging people to vote.

In Mobilong Prison, there were 83 voters; Cadel, 80; Port Lincoln Prison, 93; and Adelaide Pre-Release Centre, 22. In total, 518—so around 500. To the obvious question: what about Yatala? Yatala is high security, so evidently postal voting was used. There were 141 postal vote applications received but only 14 were accepted by the Electoral Commission. Only 40 were returned, so the rejection rate was not as high as it might appear. Whilst 141 applications were evidentially received, only 40 were returned; of those, 26 were rejected and 14 were accepted. So it is a relatively small percentage.

In relation to the attitudes of correctional officers, I obviously cannot give the honourable member an answer to that. I am sure there would not be a policy approved by the correctional services department and endorsed by management that says, 'Thou shalt go out and discourage people from voting.' However, I cannot put anything on the public record in relation to the individual attitudes of some correctional services officers.

The Hon. M.C. PARNELL: I thank the minister for his answer; I had not seen the statistics from the lower house. I raise this because of a freedom of information application that the ABC was part of in 2017. It showed that, in New South Wales, 10,600 electoral enrolment packs were provided to prisoners to complete their postal votes ahead of the 2013 election. Apparently, the rate of return was 1 per cent. Questions obviously arise from that.

Obviously, there are issues of illiteracy; that is part of it. There is the issue of people who feel disempowered and believe their vote does not count. It explains a lot, but I do not know whether it explains that 99 per cent. The clear imputation in this article was that in New South Wales—I should emphasise that it was not in South Australia—Corrections are going out of their way to make sure that prisoners do not exercise their right to vote.

I just make the observation that, depending on the final form that this bill takes—if, for example, the opposition's amendment gets up and only lifers are precluded from voting, it would be disappointing to see participation rates drop further, given the relatively small number of those people. But I do thank the minister for his earlier answer.

The Hon. C. BONAROS: In relation to those statistics, in recent years we have seen the Electoral Commission at a state level pursue those people who do not vote, in terms of penalties, more vigorously than they have in the past.

The Hon. R.I. Lucas: Put them in gaol.

The Hon. C. BONAROS: That might be a bit heavy-handed. Do we have any statistics on the number of fines issued to those prisoners who failed to vote?

The Hon. R.I. LUCAS: No, we do not. That question might be addressed to the Electoral Commissioner at some stage. I suspect the answer is probably zero or none, but I do not know. If the fine is automatically generated, it might be the case, but the honest answer is that we do not have any information on it.

The Hon. C. BONAROS: In relation to the over-representation that a number of members have now addressed in relation to Aboriginal and Torres Strait Islander people who are in prison, did the government consult at all with any relevant stakeholder groups in relation to that particular cohort of people serving terms of imprisonment and, if so, can the Treasurer identify who those stakeholders were?

The Hon. R.I. LUCAS: Because this bill was based on a policy commitment given by the government at the election, it was processed on the basis of its being an election commitment and needing to be delivered (I do not think it was one of the 100-day commitments, but an election commitment the government took to the election to be implemented). The formal consultation was only with the Electoral Commission and the Department for Correctional Services. My advice is that

there was no formal consultation with groups that represent Aboriginal prisoners or Aboriginal communities generally.

The Hon. C. BONAROS: I appreciate that it is not a high proportion of the population that we are talking about, but were the costs associated with prisoner voting taken into account in formulating this policy position?

The Hon. R.I. LUCAS: No, the policy was essentially a matter of principle; it was adopted by the then opposition, the Liberal Party in opposition. It was a policy position that was adopted. There may have been some discussion in broad terms, but the opposition was not in a position to do a detailed business case analysis of what the costs might or might not have been with the various options. It was essentially a policy position discussed in opposition, which we took as an election commitment and we are now implementing in government.

The Hon. C. BONAROS: In relation to the issues of rehabilitation that have been raised—I know I have raised them, and other members have raised the same concerns, and certainly the Law Society has raised concerns around rehabilitation goals, and also the International Covenant on Civil and Political Rights and how that fits with what the government is proposing in the context of rehabilitation—can the Treasurer provide the position of the government in relation to how this fits with our responsibilities in terms of rehabilitation of people in prison?

The Hon. R.I. LUCAS: The government's advice on this in response to a similar question, 'Is this bill inconsistent with human rights?', which is sort of pretty close to the question that the member is asking—the government's position regarding these concerns raised by the Law Society is that in *Roach v Electoral Commissioner* [2007] HCA 43 the High Court held that the commonwealth legislation that disqualified prisoners serving a sentence of three years or more was valid. So the issue has been tested and the High Court has held that the commonwealth legislation, upon which our legislation is based, was valid.

The parliament has the power to make laws about elections, who can enrol, who can vote and how that happens. In other jurisdictions, other than the Australian Capital Territory, there are restrictions on prisoner voting. South Australia will now have similar restrictions. The government takes the position that where offending is so serious or so protracted that the person is imprisoned for three years or more, they should not be eligible to vote.

The Hon. M.C. PARNELL: I cannot help myself, Mr Chairman. I make the obvious point: the High Court was not assessing the law against international human rights instruments, they were assessing it against Australian law. So just to make the point that, as we know, international instruments do not become something that an Australian court will take into account until they have been enacted in domestic legislation, and we have not enacted most of our human rights obligations. I am just making that observation.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

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

Amendment No 1 [Maher-1]—

Page 3, lines 11 to 41 [clause 6(2), inserted subsection (5)]—

Delete subsection (5) and substitute:

- (5) For the purposes of this section, a person is a *designated person* if the person is in custody serving 1 or more sentences of life imprisonment for 1 or more offences against a law of this State, the Commonwealth or another State or Territory.

As has been characterised by other contributions, this has the effect of limiting the operation of the bill to lifers; that is, prisoners serving a life sentence rather than those imprisoned for three years or more. We do this for a number of reasons, which have been well canvassed in second reading contributions. I will very briefly summarise why we think this is appropriate. Firstly, the bill purports to fix an anomaly to bring us into line with commonwealth legislation. In doing so, it creates further

anomalies in relation to how it works in its application to home detention. It does not fix anomalies in the sense that it creates even more anomalies, so that is not a particular justification for this.

Secondly, I note that the Treasurer's contribution did not talk about good policy, did not talk about improved outcomes, did not talk about evidence that it will produce a better or safer community, but talked about the rationale for the introduction of this bill as an election commitment. We do not think that is a particularly good rationale per se. If there were evidence that it would produce a better or safer community that would be a different case but, in fact, some of the submissions that have been made on this bill are to the contrary. I will not go through it again but the Law Society does make points about how this could impact on rehabilitation, which may have the opposite effect of a better or safer community. For those reasons, I commend the opposition amendment to the chamber.

The Hon. C. BONAROS: SA-Best is inclined to support the opposition's amendment and we do so because of the reasons that have been canvassed, particularly in relation to the anomaly that we have created but also in relation to the issue of rehabilitation and what purpose this will be serving in terms of disqualifying a person from voting while they are serving a sentence of imprisonment that is not a substantial sentence.

During my second reading contribution, I made the point that we think there are people who ought to be locked up and the key thrown away because their actions have been reprehensible and they are beyond rehabilitation. But that is certainly not the case for the vast majority of people who are in prison, and the vast majority of people who are in prison could benefit from appropriate and effective rehabilitation programs, which we know are very lacking in our criminal justice system. That remains one of our key concerns.

I would like to note, given the Treasurer pointed to the decision of *Roach v Electoral Commissioner*, the findings of justices Gummow, Kirby and Crennan, which were highlighted in the Law Society's submission. Those comments are that:

Prisoners who are citizens and members of the Australian community remain so. Their interest in, and duty to, their society and its governance survives incarceration. Indeed, upon one view, the Constitution envisages their ongoing obligations to the body politic to which, in due course, the overwhelming majority of them will be returned following completion of their sentence.

I think that is the key point here, that most of the people we are talking about will have to return to their communities once their sentence is served, and we are not doing anything to assist that process. If anything, we are hindering that process by marginalising and disenfranchising those individuals further, and unnecessarily so.

This is not a decision we have come to lightly. It is one that we have debated within our own party at length. We have had lots of deliberations over this for some time now, but on balance I think there is merit in supporting the position of the opposition in relation to this. If there were a further middle ground that could have been explored, we certainly would have done so, but we could not land on a more suitable middle ground. On balance, we do believe that the opposition's position strikes an appropriate balance, and as such we will be supporting that amendment.

The Hon. R.I. LUCAS: As I indicated in the close to the second reading, the government opposes this amendment and will be opposing it very strongly. If we lose it on the voices, I indicate to members that we will be dividing because we see this as a fundamental difference between the government and the former Labor government, the now opposition.

Put simply, what the Labor Party is asking this parliament to accept is that paedophiles, rapists, drug traffickers, arsonists and a whole variety of other very serious offenders should be entitled to keep their vote. I am stunned that the Hon. Mr Pangallo—and he has not spoken yet—would support a position that would allow paedophiles, drug traffickers, sex offenders, rapists, arsonists, robbers, people committing very serious offences like that, to have the right to vote. That is what the Labor Party is asking this parliament to support.

Can I say on behalf of the government that we trenchantly oppose this particular amendment from the Labor Party. It is symptomatic of everything that was wrong with the former Labor government and the Labor Party. It is a stark difference between the attitude struck by the former government over 16 years and the new government that was elected on a new platform where we

made it quite clear. This was not a policy that was hidden away; this was a policy that was quite clearly enunciated prior to the election. We made it quite clear prior to the election, and this bill seeks to implement that particular policy.

I indicate to members that we strongly oppose this. We will publicly campaign against it, and if we lose it on the voices, we will be dividing, so that everybody's vote will be there, self-evident to everybody, as to whether or not they take the view that paedophiles, rapists, drug traffickers, child pornographers, robbers, arsonists and the like should be entitled to continue to vote in South Australia.

This government takes a different view. The former government, the now opposition, sticks to the position they have adopted for 16 years. I urge members of the crossbench to think again in relation to their indication as to whether they are prepared to support the position the Labor Party is asking the parliament to adopt.

The Hon. M.C. PARNELL: I agree with the Treasurer that this amendment undoes the intent of the government's bill, and the Greens say, 'Thank goodness', because the government's bill was unacceptable. We are supporting the opposition amendment because it makes a bad bill more acceptable. We reserve the right to vote against the entire package, even if it looks as if the bill will pass in a much better form than it was before.

The Leader of the Opposition pointed out that none of the government's rationale was based in keeping the community safe, based in rehabilitation or based in any of the recognised purposes of our incarceration system. It is purely to add a further level of punishment, but the primary rationale, as the leader pointed out, was that it was a promise. Well, the Greens are all for holding the government to their good promises, but we are happy to let you off the hook when it comes to the bad ones. We are happy for you not even to move them, not even to bring them to parliament. We are happy to say that they misspoke before the election. We would not have criticised you for not bringing this one to us. You have brought it to us. We are going to vote it down.

I think the Leader of the Government is making a cheap political point when he emphasises the range of things that people have done that see them end up in gaol. It is almost as if by supporting the opposition's amendment we are somehow supporting paedophiles and rapists and arsonists; we are making their life easier, we are rewarding them by keeping some of their rights intact. As we know, the reality is that people who have done things, who are being punished for them, are incarcerated and removed from society. Society is protected from their influence. But unless they die in gaol, they are coming back to us.

Do we want them to come back to us better or do we want them to come back to us worse? Do we want them to come back to us with some semblance of connection with the world that has locked them up for five, 10, 20 years, or whatever it is? I say we want them to come back in some shape that they have every chance of rehabilitating. Keeping that however slim cord or thin bit of cotton between them and society by being able to vote, I think, is an important symbolic statement that we as the community make to these prisoners to say, 'You are in gaol. You have done something very bad but you are eventually going to come out and we want you to come out better than you went in.' I think that is really at the heart of this.

The opposition's amendment, by limiting the application of this bill to those serving a life sentence, as the Treasurer said, will—and I cannot remember the exact number but it is a fraction of those who would have been affected otherwise. We also have to remember, though, and whilst the Greens are going to be supporting this amendment, whilst we are still not entirely happy, we know that people who are sentenced to life sentences do not always serve for the remainder of their natural life. They might do 20 years or 15 years—good behaviour, who knows?—and they are coming back. So we would keep the status quo as our preferred option. The opposition amendment vastly improves this bill and the Greens will be supporting the amendment.

The Hon. J.A. DARLEY: For the record, I will be supporting the government's position on this.

The Hon. C. BONAROS: I think it is only fair that I address some of the comments just made by the Treasurer who says he is stunned by our position and that of the Hon. Frank Pangallo. What stuns me about this is the government's approach to rehabilitation, or lack thereof, the lack of

appropriate funding for rehabilitation services for people with drug addictions and the like. I think we have made it abundantly clear in this chamber, I think I have made it abundantly clear in this chamber, what our position is in relation to people who offend in categories of child pornography, sexual assault, rape, murder. I think we have made it abundantly clear that we think those offenders ought to be locked up and ought to be locked up for a long time.

If anything, what else stuns me is that we can let those prisoners off with lighter sentences of incarceration than they perhaps deserve but we are still willing to take away their vote. Perhaps the emphasis ought to be on ensuring that those who are child pornographers, rapists, killers or sexual offenders receive appropriate sentences that are in line with their disgusting and heinous offending rather than suggesting that by protecting a person's vote we are somehow saying that that behaviour is acceptable.

If I can place on the record in the strongest terms, we do not support that behaviour. We do not support those people being free on our streets, in our communities, raping our women, our children, and offending against our communities. So perhaps that is where the attention ought to be rather than this issue of taking away someone's right to vote—not an entitlement to vote but a right to vote.

The Hon. R.I. LUCAS: Let me respond on behalf of the government. Let us make it quite clear that anyone supporting this particular amendment is saying that they are quite happy for paedophiles, child pornographers and others to be making decisions as to who is going to represent them in the parliament. The government's position is that we do not want paedophiles, child pornographers, rapists and people of that ilk making decisions as to who should represent them in the parliament. That is a fundamental policy difference between the government and the opposition.

Sure, everyone accepts the point the Hon. Ms Bonaros makes to punish these people appropriately. However, what we are saying is: should a paedophile, a child pornographer or a rapist, in essence, be making a decision as to who should be in the parliament making laws and making decisions that govern our society? That is a pretty clear distinction. The government says, 'No, if you're a paedophile, if you're a rapist, if you're a child pornographer, if you've committed one of those heinous acts, you have forfeited the right for a period of time until you have served your sentence and you come back into society.'

The Labor government, the former government, and those who might want to be fellow travellers with them say, 'No, whilst paedophiles, rapists, child pornographers and drug traffickers are serving their sentence they are perfectly entitled to have an equal vote with everybody else out in society and to decide who should be their duly elected members of parliament and who should govern the state.' It is a pretty clear policy difference.

We furiously agree with the Hon. Ms Bonaros that there should be appropriate levels of penalty, but in and of itself that is not enough. There is a clear difference, which we took to the election and fought. I acknowledge the cuteness of the Hon. Mr Parnell's position, which is that he will hold us to account for all the policy commitments we have given that he agrees with and he wants us to break all the policy commitments that he disagrees with. Perhaps the Hon. Mr Parnell better give us a list of the ones he has approved and the ones he has disapproved so that we know which ones we can break and which ones we cannot break so that we have a ready reckoner as we come before the parliament.

There is a clear difference. I am not going to prolong the debate. I just urge the Legislative Council to support the government's position.

The Hon. K.J. MAHER: I will address a couple of points that have been made. I suspect there are some people in the category that the Hon. Rob Lucas mentioned who would not be liable to serve three years or more, in all of the different people that he mentioned. There are probably some he has talked about who, even under the Liberal's bill, would still retain a vote.

The suggestion that, in any way, shape or fashion, the people who commit the types of offences the member outlined are being supported by those who vote for this amendment is, quite frankly, outrageous. We have seen a couple of times already the Labor Party introduce private members' bills that will make the community safer in relation to child sex offenders. We saw that with

Colin Humphrys. Unfortunately, in that case the Liberal government copied our bill so that those serving indefinite detention who were not willing or able to control their sexual urges had to show that something had changed, that they were willing and able to control their sexual urges. We introduced that bill because we did not think that was appropriate, and we are glad the Liberal Party followed us.

We introduced a private members' bill just in the last couple of weeks to not allow those serving a sentence for child sex offences to be eligible for front-end home detention, when a potential child sex offender was to be released on such front-end home detention in Pasadena. The Liberal government has not supported that bill, so any suggestion that in some way this Labor opposition or any members of this chamber—members who, I might add, passed the laws that stopped Colin Humphrys getting out—are soft on these sorts of things is complete and utter rubbish. If anything, it is the Liberal government that is soft on these sorts of things.

The Hon. F. PANGALLO: The Treasurer has thrown me into the pool with a bunch of assorted criminals—rapists, paedophiles, killers; I find that totally offensive, to be quite honest. It gives me no greater pleasure than to see these worst-of-the-worst offenders being given the sentences they deserve. They go to gaol and pay the penalty. We have often seen how our justice system tends to also give slaps on the wrist to some of these people, and I am probably one of the first that would take to the public forum and oppose and complain about the types of sentences that are handed out.

In saying that, these people are also human beings who deserve an opportunity to be able to rehabilitate themselves. I will give you an example. A few months ago I received a letter from behind bars. It ended up that this bloke was a killer, but he wrote a letter to me asking me for some assistance, because he was a voter and he wanted some help from an elected member of parliament, because the government or Corrections had taken away a basic right from this man. He simply wanted access to magazines that he enjoyed reading. I thought to myself, 'Well, I better first find out what these magazines are, because you don't want him accessing the type of material that wouldn't lead to his rehabilitation but would in fact be a lot worse on his character.'

The Hon. R.I. Lucas: Was it *Women's Weekly* or something?

The Hon. F. PANGALLO: No, not quite, but close. There were some cooking magazines he wanted, some fishing magazines—nothing that was out of the ordinary or that you, I, the Leader of the Opposition or the Hon. Treasurer would not read. I wrote back to him and said, 'Look, I'll take it up for you,' and he responded with a kind letter back saying, 'Well, thank you very much, because I've written to just about every other member of parliament, and everyone ignored me.'

So that gives you an indication about some members in this parliament in terms of their attitude towards people who are locked behind bars: 'Just ignore them; they do not exist.' The way the Treasurer was talking, one day do you want to bring back the death penalty, perhaps? Is that something that you would want to aspire to—to bring that back?

Quite frankly, I really did not know why we even bothered to bring this bill up, but it is there and I am happy to support the opposition's amendment to it. Probably my sympathies are more with what the Greens are proposing. Nonetheless, I still think that while offenders are behind bars they do deserve some kind of human rights, and to strip them of everything I think can be quite cruel and not lend towards their eventual rehabilitation. In saying that, as my honourable colleague has pointed out, we will be supporting the opposition.

The committee divided on the amendment:

Ayes 11
Noes 8
Majority 3

AYES

Bonaros, C.
Hanson, J.E.
Ngo, T.T.

Bourke, E.S.
Hunter, I.K.
Pangallo, F.

Franks, T.A.
Maher, K.J. (teller)
Parnell, M.C.

AYES

Pnevmatikos, I.

Wortley, R.P.

NOES

Darley, J.A.

Dawkins, J.S.L.

Hood, D.G.E.

Lee, J.S.

Lucas, R.I. (teller)

Ridgway, D.W.

Stephens, T.J.

Wade, S.G.

PAIRS

Scriven, C.M.

Lensink, J.M.A.

Amendment thus carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONSTRUCTION INDUSTRY TRAINING FUND (BOARD) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 15 November 2018.)

The Hon. T.A. FRANKS (16:45): I rise to continue my remarks on this bill. As both I and the government have covered in previous contributions, this bill seeks to change the workings, structure and composition of the Construction Industry Training Board, and in doing so I assume also the allocation of the money that board manages. The particular sticking point that I would like to reflect on concerns removing the veto voting provisions, which seems to be a centrepiece of this bill.

It is purported that this veto must be removed to make sure that decisions are based on merits, not necessarily reflecting a consensus approach but reflecting the majority view. The reality at the moment is that the Construction Industry Training Board has not comprised equal numbers of employees and employers, so the veto or consensus provision is quite rightly there to ensure that all parts of the construction industry work together. It is not about numbers at the moment. If the government were serious about this, they would put equal numbers of employees and employers on the board, and democracy would prevail.

I note that there are high levels of satisfaction at the moment with the Construction Industry Training Board. Of the 5,240 construction apprentices and trainees who undertook an apprenticeship in the 2016-17 year, 85 per cent were CITB supported. That is quite an impact on the sector. Were there great levels of dissatisfaction with those trainees and apprentices? No. Indeed, 75 per cent of employers agreed that the CITB apprentice support fund positively influences their employment decisions.

There is no remedy needed when there is satisfaction with the way the industry is operating with regard to these apprenticeships. I note that the Marshall government often say that they are not in the business of picking winners. Here, they are picking their own team. They are stacking the numbers, and the contributions made in the other place certainly echo that sentiment. I note that the

member for Hammond referred to the time he had to join the Australian Workers' Union as the darkest three months of his life.

I am sorry, but joining a union for three months being the darkest three months of your life means that you probably had a pretty fortunate life, if that is the worst thing you can point to. What it does point to are the motivations behind this bill: this is an attack on the unions. This is an attack on those employee representatives who represent the voice of the workers in this sector, a vital part of the conversation to ensure that we have a democracy.

The final point I would like to take up with regard to the motivations behind this bill is that I have expressed concern about the most recent appointment from the government being somebody who seems to have quite close connections with the minister and certainly seems to have quite close connections with the Unley community but seems to have no connections with the construction industry. So I reiterate my question to the minister and ask that he provides the rationale and reasoning for his appointment to the Construction Industry Training Board.

I note that the results of the board's employer and apprentice survey of 2017, completed by 400 apprentices and a further 400 employers of apprentices, emphasised the importance and value of the apprenticeship system for the industry. The employers surveyed stated that they take on apprentices primarily to meet their business needs, and 80 per cent stated that they had no difficulty sourcing apprentices. According to the survey, four out of five employers—some 80 per cent—stated that they would employ another apprentice in the future. The good news from the Construction Industry Training Board Apprentice Report continues as it goes on.

So what is the malady being remedied by the government? I think it is a deeply held old-school grudge that goes to class warfare and attacks the unions. If one were to play a game of bingo in this place in order to assess the true motivations of some members of the new Marshall government, they would note that the Treasurer has used the term 'fiscal' 15 times since the 2018 state election, yet has used the term 'union' 119 times. 'Union bosses' has been used 40 times, yet the term for actual bosses, 'employers', has only been used 30 times. I think this goes some way to explaining the priorities of some members of the new Marshall government.

These priorities are laid bare in this bill. There has been poor consultation on this bill, carried out with impure motives, seeking to pick a side—and it is certainly not on the side of unions. It will undo the very good work on building consensus in this state's construction industry, which has served us well. We are not back in the 1980s; we have evolved beyond class warfare and the union-attacking rhetoric spouted by some in this place, including the minister who has sponsored this bill.

I think this parliament needs to step up and call it what it is: an attack on unions to strip them of their so-called power. Actually, when there is a veto provision and there are already fewer employee representatives on this board, this power is very limited. It is simply to be one of the people at the table, having a conversation on an issue before it becomes a conflict.

This bill is ill thought out and badly consulted, and will do irreparable damage to this state. It will create division and dissent that we need not see. With those few words, as I have stated before, the Greens vehemently oppose this bill. It is not constructive, it is not helpful, and we believe it will do great damage into the future.

The Hon. D.G.E. HOOD (16:53): I rise to speak in support of this bill, which seeks to make what I consider to be very logical changes to the procedure in which appointments to the Construction Industry Training Board are made, as well as to the board's voting provisions. The proposed reforms are indeed long overdue in our view, given amendments have not been made to the act since its inception in 1993. This is despite the fact that recommendations to modernise the relevant processes were made in an independent review over 14 years ago.

The Marshall Liberal government is intent on ensuring best practice when it comes to the manner in which decisions are reached concerning the allocation of resources from the Construction Industry Training Fund, and recognises its responsibility to ensure the board is comprised of the most suitable representatives and operates in a manner that enables determinations to be made efficiently and effectively.

The Minister for Industry and Skills has of course consulted with various industry groups in relation to these amendments, include the Master Builders Association, the Property Council of Australia and the Civil Contractors Federation SA, as well as the chief executive officer of the Construction Industry Training Board.

The current appointment process for the Construction Industry Training Board under our existing laws is considered amongst the most prescriptive in our nation. The government's proposed changes will bring the act into line with equivalent legislation in other states and territories and that which governs the appointment of boards in our state's education and training sector, by enabling the appointment of members based on merit and their requisite skills.

Following a public expression of interest, the responsible minister will have the opportunity to nominate worthy candidates who demonstrate the knowledge of or expertise and experience in the building and construction industry for appointment by the Governor. A presiding member from four to eight industry representatives, plus two independent members, will constitute the board under the new provisions.

It is important to note that, as it stands, the minister is currently obliged to recommend nominations for the board membership to the Governor that are received from prescribed employer and employee associations, regardless of the nominees' understanding of or experience in the building and construction industry. The veto voting provisions will also be removed to enable resolutions of the board to reflect a majority position, with the presiding member being entitled to vote in proceedings, including providing a casting vote where required. I am advised that there have been occasions recently where veto powers have been engaged to prevent the implementation of initiatives that otherwise received the support of the majority of the other board members.

This board is charged with the responsibility of managing and expending funds raised through the construction industry training levy, created to assist in improving the quality and coordination of training in this sector. The levy is payable in respect of building or construction work that is valued at \$40,000 or greater at the rate of 0.25 per cent of a project's estimated worth, and concerns a whole range of activity, including the development of new apartment blocks, the demolition of buildings, new office fit-outs, extensions and the construction of new homes as well.

As the minister stated in the other place, these finances belong to all South Australians, and I therefore believe that the best minds in the building and construction industry are required to ensure the public's money is being appropriately reinvested to enhance support and develop its skill base through high-quality, innovative training and development.

I am confident these reforms will result in the formation of boards with the insight and foresight required to respond to the Marshall Liberal government's election commitments, particularly its Skilling South Australia strategy, which pledges to support an additional 20,800 apprenticeships and traineeships over the first term of this government. I am certainly pleased it is taking steps towards ensuring measures are in place to guarantee that all forms of capital are distributed with careful consideration and in the proper manner to achieve the right outcomes throughout its time in office and beyond. I support the bill.

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

STATUTES AMENDMENT (DOMESTIC VIOLENCE) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2018.)

The Hon. M.C. PARNELL (16:58): All of us should have the right to live our lives free from violence and free from the threat or fear of violence. Most of us take that for granted but, sadly, that is not the reality for many people in our community, and it is particularly not the reality for many women in our community. All of us have heard terrible stories in relation to domestic violence. We have heard of the situations that women have found themselves in, we have heard about violence and we have heard about manipulation and emotional abuse. It is something that is now out of the shadows, and it is in the public consciousness.

I think that the awarding of the Australian of the Year to someone like Rosie Batty has helped bring it to the forefront of public thinking. Also, thinking about domestic violence, I note that our kids at school these days have a far more enlightened education than their grandparents did. They are taught self-respect, they are encouraged to be resilient and, most importantly, they are taught respect for others. That is not to say those values were non-existent in their grandparents' time, but I think the emphasis now is far more on children learning what it means to be in a society and what it means to be a citizen.

Like many of us, over the years I have attended many events, commemorations, seminars, demonstrations, church services, public meetings and workshops on the scourge of domestic violence. However, in spite of all that talk and in spite of all the progress that we know we are making, the statistics around domestic violence and the death of women at the hands of intimate partners remain truly shocking. It is now generally accepted that on average one woman per week is killed in Australia at the hands of a current or former domestic partner.

A number of people have commented that, if this was the death toll from terrorism in Australia, then we would have seen a more urgent response. If one person per week was bashed, shot, knifed or run down by a terrorist then all of the power and the resources of the state would have been applied to address the situation and it would have been regarded as a national crisis. I think that is a point well made. Most domestic violence occurs behind closed doors, so whilst the violence, deaths and the injury are not publicly visible, we do know that the toll is far greater. Domestic violence is a national crisis and our collective response has been lacking.

However, as appalling as the statistics around domestic violence deaths might be, we know it is only the tip of the iceberg. Surveys from a range of credible sources reveal that around one in three women have experienced at least one incident of violence from a current or former partner since the age of 15. Between 2014 and 2015, 2,800 women were hospitalised after being assaulted by a spouse or partner. Between 2014 and 2016, a quarter of a million domestic violence incidents were reported and recorded. However, the Bureau of Statistics data reveals that 80 per cent of women and, even more, 95 per cent of men who had experienced violence from a current partner never contacted the police. When you put those two things together, the real statistics for domestic violence victims in Australia are in the millions. The most common reasons cited for not reporting incidents to the police are fear of revenge or further violence from the current partner.

There are many more statistics, but the bottom line is that the response must include the whole community and that means parliament as well. Parliament is in a particular position of authority in being able to pass laws that help keep people safe and that appropriately punish those who breach community standards. This bill seeks to clarify the type of behaviour that is unacceptable and it imposes appropriate punishment for offenders. The bill specifically focuses on acts of choking and strangulation because these are some of the most common assaults, particularly against women, and also because they are a clear precursor to further violence, including acts that result in death.

Other aspects of the bill cover the admissibility of evidence in prosecutions and also expanding the range of relationships that are covered by domestic violence offences. Importantly, not only are a wider range of family relationships covered, such as siblings and grandparents, but also recognition is given to particular Aboriginal kinship relationships. We know that domestic violence knows no bounds in relation to race, class or economic circumstances; however, there are particular challenges around Indigenous communities, which is why I want to give a special shout-out to a couple of organisations that work in that space.

The first organisation is Kornar Winmil Yunti, known as KWY, but also known as the Aboriginal and Torres Strait Islander Family Services. KWY assists Aboriginal families with child protection and domestic violence concerns. As they say on their mission statement, 'The safety of women and children is at the heart of everything we do.' Next week, KWY is hosting the 2018 National Child Protection Summit in Adelaide and, next Thursday, I will be pleased to attend the KWY awards night and gala dinner. The aim of that event is to highlight the accomplishments of hardworking women and men in the sectors of domestic and family violence, child protection and homelessness.

The acronym that they use for this event is an awkward one, but bear with me. It is FOCUS, and that stands for 'Flame of Change Unifying Support'. Whilst it might sound a bit unwieldy, it is important, because the flame is regarded as an integral symbol for the KWY organisation. It

symbolises the candlelight vigils that support victims, survivors and families of domestic and Aboriginal family violence. Many of us have been to those vigils.

The 'C' in the acronym stands for 'Change', and change is particularly required in the attitudes of men regarding gendered violence. 'Unifying Support', the 'U' and the 'S' in the acronym, recognises all the organisations that are working towards the same goal, namely, to ensure the safety of women and children in this country. I am pleased to note that this year's special guest at the FOCUS awards is 2015 Australian of the Year, domestic violence campaigner Rosie Batty.

The second organisation I want to acknowledge is White Ribbon Australia. Last Sunday, 25 November, was the United Nations recognised International Day for the Elimination of Violence against Women. In Australia, it is more commonly known as White Ribbon Day and it is commemorated on or around this time every year. In Adelaide, there was a march on Saturday and a huge White Ribbon breakfast on Friday morning, attended by the Governor, the police commissioner and many members of parliament, from across the political divide.

The origins of that day go back to two separate events, 29 years apart. One was on 25 November and the other on 6 December. The first was the assassination of the three Mirabel sisters in the Dominican Republic in 1960, but the more commonly known event was in 1989, what has become known as the Montréal massacre. On the afternoon of 6 December 1989, Marc Lépine, a student of the Ecole Polytechnique de l'Université de Montréal, massacred 14 of his fellow students, all of them women. His victims were 12 female engineering students, one nursing student and one university employee. He also seriously injured 10 other women before killing himself. He described himself as an antifeminist.

Marc Lépine's actions traumatised the Canadian people and brought the issue of violence against women to the forefront of their collective consciousness. In response, a group of men in Toronto—Jack Layton, Ron Slusser and Michael Kaufman—decided to speak out and work to stop men's violence against women. Michael Kaufman has visited Adelaide, and many of us have heard him speak. In 1991, they initiated a male-led movement known as White Ribbon, with an annual awareness raising event (White Ribbon Day) to be held between 25 November and 6 December. White Ribbon is now an international effort in over 57 countries of men and boys working to end violence against women.

The Greens are pleased to support the second reading of this bill, which represents an important legislative advance, which now needs to be backed up by the injection of more resources into the wide range of services and programs that help keep women safe and support them when they fall victim to domestic violence.

That means better housing services and it means better health services, particularly mental health. On top of the criminal sanctions, we also need much more attention paid to the rehabilitation of the perpetrators of domestic violence, to help them understand the unacceptable nature of their behaviour and to equip them with skills to better manage their anger and other inappropriate behaviours. Again, the health services have a key role to play in relation to mental health, as well as drug and alcohol services. I look forward to the swift passage of this bill and to the introduction of further measures that help reduce the scourge of domestic violence.

The Hon. J.A. DARLEY (17:08): I rise to speak on the Statutes Amendment (Domestic Violence) Bill. The bill introduces a new offence of choking, suffocation or strangulation and a presumption against bail if an individual is charged with this offence and in other circumstances relating to domestic abuse situations. The bill allows for evidence to be given by way of a recorded statement in some circumstances, and makes changes to intervention orders to expand cases where intervention orders can be issued. Penalties for repeated breaches of an intervention order are also increased under the bill.

I commend the government on moving this bill, which tackles an issue that is so prevalent in our community. Domestic abuse is an epidemic in this country. This year there have been more women who have been killed due to violence than motor vehicle fatalities in our state. On average, a woman a week is murdered by her current or former partner.

It is very fitting that we are speaking about this today as it is the third day of the United Nations' 16 days of activism against gender-based violence which began on 25 November, also White Ribbon Day. Whilst it is commendable that this bill goes some way to tackle some of the issues relating to domestic abuse and domestic violence, the conversation needs to be had as to what more we can do to tackle the issue. For example, I know of constituents who have intervention orders against their partner or former partner. The intervention orders usually apply, not only to themselves but also to their children and are sometimes put in place as a result of the victim experiencing violence against them.

These violent incidents include incidents where the victim is nearly killed and where the children have witnessed these actions. However, I understand that in the Family Court access to children takes precedence and victims are forced to interact with those who have perpetrated violence against them. Notwithstanding intervention orders where the perpetrators are not allowed contact with the children, the Family Court can make rulings where access is granted and the perpetrators are allowed visits, sometimes unsupervised, with children even though they have exhibited very violent behaviour in the past. This is certainly an area of concern which should be investigated further.

Similarly, the nature of domestic abuse is not just about isolated incidents. The vast majority of domestic abuse cases occur with a pattern of behaviour. Victims are exposed to behaviour which most would categorise as unacceptable in a lot of cases. This behaviour gets worse over time. However, because of the prolonged exposure and psychological manipulation, victims often do not see the behaviour for what it is. In many cases, they are made to feel stupid for questioning the matter and often justify the actions within the relationship. As such, there may be scope to look at domestic abuse holistically rather than individual, isolated incidents of assault. Doing so would acknowledge that domestic abuse is different to other cases of assault.

As part of this, on behalf of Advance SA, I introduced a bill last month to have controlling and coercive behaviour recognised as a criminal offence, as controlling and coercive behaviour is often a precursor to physical violence and the effects of the nonviolent behaviour can linger much longer after the physical injuries have healed. I thank all members who have been in contact with me and my office on this bill and am heartened by the interest. I advise that I am continuing consultation and envisage I will not be progressing with the bill until next year. With that, I support the passage of this bill.

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

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 November 2018.)

The Hon. J.A. DARLEY (17:13): I rise to speak on the Controlled Substances (Youth Treatment Orders) Amendment Bill. This bill will allow concerned parents or guardians to apply to the court to have a young person committed to undertake mandatory treatment if they have a drug dependency. Prosecutors, youth correction and child protection officers and medical practitioners will also be allowed to make application for mandatory treatment. I understand this bill is in response to frustrated parents who have not been able to do anything about their drug addicted children who are out of control and posing a danger, not only to the community but, more importantly, to themselves.

Children, teenagers especially, often think they know everything. They think they are invincible and often do not see the damage they are causing to themselves and their loved ones. Developmentally, they do not have the ability to fully recognise the effects of their behaviour and the choices they are making. I can understand why there are supporters of mandatory treatment. However, with matters such as substance dependency, early intervention measures are often much more effective.

As the saying goes, it is better to have a fence at the top of the cliff rather than an ambulance at the bottom. By intervening early, issues can be identified before they escalate. I believe it would be a good use of money if funding were given to provide these types of services. Outcomes are more

successful and ultimately it costs less. With regard to treatment for substance dependency, often outcomes are better if a holistic approach is adopted. This is especially the case for children where so many other factors are impacting upon their life, many factors which are completely out of their control. Looking at the reasons why a person turned to drugs and addressing this issue is vital, instead of just focusing on the dependence itself. If the underlying issue is not resolved, it is likely that substance abuse will continue regardless of how many times rehabilitation treatment is undertaken.

I have been contacted by a number of stakeholders, including the Office of the Guardian for Children and Young People, SANDAS, the AMA and SACOSS, who have all expressed deep concerns over this bill. The underlying theme of these concerns is that neither the bill or the minister has been able to outline the model of care that would be utilised should this bill pass. Concerns about the lack of protections for young people have also been raised, as has the fact that there is little evidence to support that mandatory rehabilitation of minors is effective.

As a result of these concerns, I have contacted the minister's office to request further information on how the treatment would be administered. I understand the demand for voluntary treatment is not being met due to the lack of available services, so there is very real concern as to where and how mandatory treatment will be undertaken. There has been some suggestion that treatment may have to be administered in training centres because there are no other facilities available. This is unacceptable, and I want an assurance that this will not happen. However, I am yet to receive any information from the minister.

Whilst I support the second reading, I will reserve my position on the bill to allow more time for information to be forthcoming. Notwithstanding the above and my final position on the bill, I have filed amendments which will remove cannabis from the list of drugs that an application can be based on. Cannabis is treated differently in the Controlled Substances Act in terms of the severity of the penalty, and there is a worldwide movement in the change in attitude towards cannabis. As such, a young person should not be forced to undertake mandatory rehabilitation if their only dependence is upon cannabis.

I have also moved an amendment so that if someone successfully completes treatment, upon agreement of completion by an authorised person the treatment or detention order is automatically lifted. This is to prevent the circumstance where a young person has completed treatment within eight months yet the treatment or detention order continues to be enforced until such time that a court revokes it. With that, I support the second reading of the bill.

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

SENTENCING (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2018.)

The Hon. R.I. LUCAS (Treasurer) (17:19): I thank all honourable members for their wonderful contributions to the second reading debate, if they made them, and look forward to the speedy passage of the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Final Stages

The House of Assembly agreed to the bill without any amendment.

**HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT
BILL**

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 17:24 the council adjourned until Wednesday 28 November 2018 at 14:15.

*Answers to Questions***SOUTH AUSTRALIAN INTEGRATED LAND INFORMATION SERVICE**

In reply to **the Hon. F. PANGALLO** (20 September 2018).

The Hon. R.I. LUCAS (Treasurer): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

In June 2018, Land Services SA (LSSA) advised the Office of the Registrar-General (ORG) that an unusually high amount of requests had been made using the free historical search facility on the SAI LIS system. Tracing on the IP addresses indicated that computers located in India were being used to undertake the search routine. LSSA originally blocked IP addresses, but later on the same week the decision was taken by LSSA and ORG to shut down the ability for guest accounts to access the free historical search capability.

Over the following week over a million attempts were made to access the historical search but these attempts were blocked by the action already taken.

LSSA then implemented a CAPTCHA feature on this facility in order to prevent similar attacks and to allow the guest accounts to again be made available. This measure was immediately successful in reducing the number of searches being undertaken to pre-existing levels of activity.

Continued availability of free historical searches was guaranteed by the former government as part of the Lands Titles Office commercialisation process.

On 4 September 2018, LSSA contacted ORG to advise that an unusual amount of requests had again been made using the historical searches, many of them successful despite the implementation of the CAPTCHA. The search technique being used had been adapted to overcome the CAPTCHA, but only on a partial basis. Tracing of IP addresses being used indicated that the computer servers were located in Australia and the United States of America.

Access to the guest search facility was again removed on 5 September 2018 and the bulletin referred to by the honourable member was issued by the Registrar-General and the CEO of LSSA to all clients.

Historical searches contain a significant amount of information but this is consistent with the lands titles register being an open register pursuant to section 65 of the Real Property Act 1886:

Subject to this section, any person may have access to the register book, and to all instruments lodged or deposited in the Lands Titles Registration Office, for the purpose of inspection during the hours, and on the days, appointed for search.

These searches have been available in the same way through guest user accounts for many years.

I am advised that guest account access was nevertheless removed 'out of an abundance of caution' as the Registrar-General and the CEO of LSSA were of the view that although the access was not illegal, the access was outside of the circumstances that the product should genuinely be available for.

I am further advised however that there has been no access to personal financial data as this information is not available through an historical information search.

Section 65 of the Real Property Act requires that the register book is publicly available, and in this case I am advised there has been no access to personal information that is not legitimately available through either a free search or through one of the paid search products that are available to the general public via LSSA.

The Registrar-General is in ongoing discussion with LSSA and security experts in relation to this issue.

ANXIOUS BAY ABALONE FARM

In reply to **the Hon. J.A. DARLEY** (7 November 2018).

The Hon. R.I. LUCAS (Treasurer): I thank the honourable member for his question. \$1,500,344. PIRSA will pursue proceedings to recover the costs.

ADELAIDE ENGAGE WORK EXPERIENCE NETWORK

In reply to **the Hon. C.M. SCRIVEN** (13 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. The agreement with Intersective Pty Ltd (now known as Practera) to deliver Adelaide Engage commenced on 28 February 2018.

2. The following organisations and businesses participated in the project:

- Angelakis Brothers
- Bank SA
- Barossa Fine Foods
- BUPA

- Chooks SA
- Insider Guides
- Penley Estate Pty Ltd
- Royal Park Dental
- SA Water
- Trajan Scientific and Medical
- Laughter Yoga SA
- Wellworks
- Department for Trade, Tourism and Investment
- Committee for Adelaide
- Somos21
- Community Centres SA
- Live in Adelaide
- Uniting Communities
- Scopeglobal
- ANCOM on Murray Inc
- Immigration SA
- Department for Education
- Talent Academy
- Flinders University
- The University of South Australia
- The University of Adelaide
- PeopleQ
- Australian Trade and Investment Commission
- PHOA Creative
- Torrens University
- Westpac Group
- Ryderwear Pty Ltd
- SA Health; and
- KOJO.

SOUTH AUSTRALIAN TOURISM COMMISSION

In reply to **the Hon. C.M. SCRIVEN** (13 November 2018).

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

Since taking office, I have approved or considered five Treasurer's Instruction 8 briefings from the South Australian Tourism Commission.

SHANGHAI TRADE OFFICE

In reply to **the Hon. C.M. SCRIVEN** (14 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

The following private businesses from South Australia attended the opening of the Shanghai Trade and Investment Office:

- Treasury Wines
- Detmold Packaging
- Thomas Food International

- Thomas Cappo Seafoods
- Port Adelaide Football Club; and
- Beston Pure Foods.

Along with other Australian attendees from the Australian Department for Foreign Affairs and Trade, the Australian Trade and Investment Commission, China-Australia Chamber of Commerce in Shanghai, Food South Australia and the University of Adelaide and Chinese companies.