LEGISLATIVE COUNCIL

Thursday, 6 December 2018

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

ROAD TRAFFIC (EVIDENTIARY PROVISIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 December 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (11:02): The opposition was advised late last week of the urgent need for this bill. I know that in second reading speeches and statements that have been made, ministers of the government in the other place have outlined the reasons for the amendments to this act. The opposition, as they did in the House of Assembly, agree with the reasoning of the police and that there is an urgent need to take the measures that are needing to be taken.

The amendment will allow for the presentation of the certificate that was used to test the Lidar devices in court, overcoming the need to have expert witnesses. We also support SAPOL's position that they do not consider that the actual devices are unreliable; rather the evidentiary requirement has proven more complex than anticipated. There is currently a technical loophole in the law and we need to fix that immediately to ensure that SAPOL, the judiciary and the public are reassured.

We support the minister's statements that there is no reason at all to believe that the devices are in any way inaccurate, and the opposition is happy to facilitate the passing of this bill so that the police can get on with the job of keeping our roads safe.

The Hon. F. PANGALLO (11:03): I rise to speak to support the Road Traffic (Evidentiary Provisions) Amendment Bill 2018, albeit with qualification. The Hon. Vickie Chapman on Tuesday commended her government and SAPOL for their timely response in dealing with the serious legal issues arising from this legislation.

These issues were first identified by the courts at least two years ago. Rather than congratulating themselves and blaming the previous government, it would be more accurate to say that the previous government and this government have both sat on their hands regarding this problem.

It is only now that the revenue from speed cameras has dried up because the handheld Lidar speed cameras had to be urgently withdrawn from use that we have had to be presented with these rushed amendments. The bill, rushed through to us as new amendments, looks more like an attempt to get the devices back in operation and restart the revenue stream than a legitimate attempt to fix the problems raised by the Supreme Court. It certainly differs from the one given to me last Friday

and appears to have been watered down following serious concerns I raised earlier this week that it was totally stacked against litigants wanting to defend a prosecution and effectively was closing the door on challenges.

We do not want speeding drivers to think they can game the system and the courts, and get away with speeding. However, the police must take much of the blame for ignoring recommendations in various judgements that clearly spelled out what they needed to do. In July this year, Justice Peek noted in Police v Hanton comments he made in Police v Henderson 2017:

> …[if] the police are going to continue to run the same system and just accept the odd setback in terms of a not guilty trial because the cost of that is less than fixing the system, then I might find it to be my duty to write a definitive judgement on the matter.

Hanton highlighted that it was more economical for SAPOL to react to those few brave persons and their equally courageous lawyers who dared to challenge the prosecution, knowing well in advance that the prosecution would fail, than to deal with the legislative defects.

SAPOL has long been aware that the evidentiary certificate upon which the prosecution sought to rely, did not establish that the Traffic Speed Analyser (TSA) unit was shown by the statutory test to be accurate to a particular indicated extent. In each case, the defendant was able to establish proof to the contrary of the fact certified in the s175(3) (ba) certificate. That is, in all these cases the defendant was able to prove that the test conducted by SAPOL was not a test capable of measuring whether the TSA was accurate to the extent indicated in the certificate.

Justice Peek again:

> …the statutory test must not be impinged upon by SAPOL's internal procedures. The adoption by SAPOL of internal procedures such as the five step test plus calibration check procedure must not be considered, in any way, to be a substitute for the required statutory test in RTA s175(3)(ba). The statutory test must be transparent; the question of whether it does in fact show the TSA to be accurate to the extent indicated in the document must be able to be adjudicated upon by a court.

The problem for us all is that this bill does not address the defects so eloquently articulated in Justice Peek's definitive judgement. Do not just take my word for it; SAPOL officers themselves acknowledged in the briefing they gave myself and the Hon. Mark Parnell this week that these amendments will not address all the defects of the legislation. It deals with inconsistencies in the certificates related to dates, but it does not deal with the issues raised by Justice Peek.

Where is the advice of Crown law or the state's top criminal barristers on the Criminal Law Committee of the Law Society of South Australia? Has this advice been sought and incorporated into the bill before us? If it has, I have certainly not seen it. Going by all the filibustering in the other place this week, I would like to know how many of my parliamentary colleagues in the other place did seek guidance from the legal fraternity before firing off?

The Law Society has expressed serious reservations of what is proposed. In a letter to me this week, Law Society president Tim Mellor said the bill did not address problems raised by the Supreme Court, and the society would have preferred time to consult with its members to make further submissions. He said the testing procedure should be transparent and capable of demonstrating the requisite degree of accuracy.

SA-Best is a strong advocate for road safety and utilising the latest technology and methods to reduce death and injury on our roads, including upgrading our roads and infrastructure and ensuring adequate resourcing of SAPOL to do all we can to improve road safety. However, the Road Traffic Act has long provided for a certificate to be used as an averment of the prosecution's usual burden to prove the case against the accused beyond reasonable doubt; that is, if SAPOL decide to rely on the section 175(3)(ba) certificate they then subject the defendant to the significant disadvantage of a reversal of the onus of proof.

To provide an adequate check and balance to such an averment of the common law to ensure that South Australian citizens' legal rights are properly protected there must be strict adherence to the requirements and limits of the section 175(3)(ba) certificate. At best, this bill closes one loophole but does not begin to address the concerns raised by the Supreme Court of South Australia. We expect much better than the legislation on the run that we have been presented with today.

I must say that I was concerned to hear the police commissioner on radio today indicate that SAPOL is now thinking about revisiting the withdrawn prosecutions and that police could also rely on an officer's estimation of speed. Hazarding a guess? That, in itself, is fraught with apprehension. Given confidence in SAPOL took a hit with these knee-jerk reactions and the promise of more court challenges to come, is it not better to get the amendments right? I would think the police minister would want to look at a review of the act next year to shore up the holes still there.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:11): I thank the Leader of the Opposition for his contribution and his indication of support. I also thank Mr Pangallo for his at least conditional support for the proposed bill. I think most of the issues he has raised are best addressed in committee and I suggest that it would be useful for the council to support the second reading and for us to undertake the committee stage forthwith.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: In terms of certification and testing in South Australia, how do they compare with what is similarly required in other states, particularly New South Wales, in terms of its onerousness? Is it less or more, particularly in terms of what is done in New South Wales on a daily basis?

The Hon. S.G. WADE: I thank the Leader of the Opposition for his question. I cannot give a jurisdiction by jurisdiction overview, but perhaps I can give some observations. This legislation proposes that we reference the Australian standard. Queensland is a jurisdiction that does that. The leader specifically asked about New South Wales, and I am advised that New South Wales refers to statutory rules. In terms of why the government is referencing Australian standards, this is clearly an area where technology develops. My understanding is that the original provisions were inserted into the act in 1964, at which stage I am advised we tested devices by having a car speed past an instrument. Obviously, technology has dramatically developed since then.

One of the reasons why we are in this situation now is that both the processes of the police and the operation of the legislation need to allow for significant development in technology. Whilst it is often not the preference of parliament to reference external documents like Australian standards, in the context of a highly specialised area such as this, the Australian standard at least gives us the opportunity to allow for the rapid development of technology in this area. We do not want to be found in another situation like this when the next model of the device comes out.

The Hon. F. PANGALLO: Will the police rely solely on the Australian standard?

The Hon. S.G. WADE: I am advised that, under this proposed amendment to the legislation, if there is no Australian standard then they will be expected to comply with the manufacturer's specifications but, if there is an Australian standard, it is the Australian standard that they will be required to comply with.

The Hon. F. PANGALLO: The manufacturer's specifications are not an Australian standard.

The Hon. S.G. WADE: Indeed, I take the honourable member's point. That is why they are being used as a fallback. Of course, just as legislation needs to take time to accommodate developments of technology, so do the Australian standards. So what this is trying to do is to make sure, in that period of hiatus between the issuing of a new device, that we can rely on the manufacturer's specifications until a relevant Australian standard is put in place.

The Hon. F. PANGALLO: Are there plans, should this legislation pass, for police to revisit those withdrawn prosecutions?

The Hon. S.G. WADE: The council is well aware that the police commissioner and SAPOL carry independent prosecutorial authority, and whether or not prosecutions of the past are revisited are a matter for the commissioner.

The Hon. F. PANGALLO: Can I ask what the commissioner meant in his comments on radio this morning that another fallback could be making an estimation—that an officer could make an estimation of speed, I gather? How is that done?

The Hon. S.G. WADE: I am advised that there are many ways that an offence can be proven: a reading from a radar gun is only one. I would not dare speak with the authority of the commissioner—it is for him to speak—but I suspect that is what he was referring to.

The Hon. T.J. STEPHENS: Minister, in briefings that I certainly attended—and I would just like to be clear—we were told that there was going to be absolutely no retrospectivity with regard to this legislation that we are rushing through today. Can you please confirm that with me?

The Hon. S.G. WADE: I thank the honourable member for his question. I am advised that the certificates would not be able to be used for past cases, but certificates would be able to be used for cases heard after the legislation is assented to. It has been suggested to me that that would be in the very near future.

The Hon. F. PANGALLO: To make that clear, there is no retrospectivity?

The Hon. S.G. WADE: It is a matter of how you define it, but no past cases would be able to be reopened as a result. Let me seek advice on the best way of expressing that. As I said, it depends on how broadly you want to read that phrase. My advice is that it would not be retrospective in the sense that a certificate cannot be used in relation to previous cases, but if somebody was caught speeding last week and their certificate is going to be in court next week it will be able to be used, if this legislation is passed and once it is assented to.

The Hon. F. PANGALLO: For the sake of clarity, can the minister tell us how these devices are going to be tested, firstly, on the annual basis, and whether they are going to be tested on a daily basis?

The Hon. S.G. WADE: For the sake of clarity, I want to preface my remarks by saying that if this legislation is passed, the laboratory test—the annual test—will be the one that has legal authority. SAPOL will continue to do the five-step test, but that is not the one that has legal authority. I might need to check that. I think it might be better to say that the certificate relates to the annual test and not to the daily test.

If I may sketch both of those for you, the annual test is in the South Australian police force laboratory, but that laboratory is accredited by NATA. The annual test involves a series of scientific tests, which are laid down in the Australian standard. In terms of the operational checks, they are also in the Australian standard, and I will enumerate them for the benefit of the council.

Firstly, there is a physical check. The device should be inspected and not used until any physical damage, which may affect its operation, has been assessed. All seals should be intact, and the certificate needs to be current. Secondly, there is an internal circuit test. The operator shall monitor the device as it performs its circuit test and interpret the result in accordance with the manufacturer's instructions.

Thirdly, there is a display test. The operator shall conduct a display test and ensure that all segments and features of the display are working before using the device. Fourthly, there is sight alignment. The operator shall perform a sight alignment check to verify the vertical and horizontal alignment of the sight with the laser. Finally, there is a range check. A range measurement, taken to a suitable target over a known distance clear of obstructions, shall be within the required accuracy, as stated in AS469.1.

I am advised that it is standard SAPOL practice for those operational checks to take place at least twice a day and, if there is more than one operator, there may be even more tests within one day.

The Hon. F. PANGALLO: Considering the Law Society is saying that this amendment does not address the problems raised by Justice Peek, can I draw a hypothetical: if I was to challenge a speeding fine in court, what would be the requirement from police to produce evidence that this device was tested? What would the police be able to present to show that this device was appropriately tested?

The Hon. S.G. WADE: I am advised that Justice Peek's judgements related to the five-step test. This bill would mean that the certificate would relate to the annual test. To prove accuracy of a device, SAPOL will be able to rely on the certificate, and that certificate would be valid for up to a year. The certificate will relate for a period up to a year but, of course, it can be used beyond a year.

The Hon. F. PANGALLO: So, essentially, there is that statutory test for one year, and you may or may not be able to access information about how the daily testing was done—twice a day. How do we know that that equipment has not been damaged, has not been dropped in that interim period after that statutory certificate was issued?

The Hon. S.G. WADE: I might go back to a previous answer I gave which made the point that the five-step test is taken at the beginning of the day and at the end of the day. It is the current practice of SAPOL that if the second five-step test on the day shows a flaw, then all of the recordings for that day are put aside. So there is no prospect of getting to a situation where somebody is in court having to ask themselves, 'How many times did it pass the five-step process in the previous year?' Obviously, if the test failure is at the beginning of the day, the device would also be put aside and would not relate to any readings that are taken forward for prosecution. So SAPOL's practice will not change, and that can provide, if you like, a double assurance of the accuracy of the device.

The Hon. F. PANGALLO: Could the commissioner or his representative decide that it is not cost effective to adopt all of the manufacturer's recommendations and skip some of the calibration steps?

The Hon. S.G. WADE: No, it would not then be covered by the legislation. It has to meet either the manufacturer's specifications or the Australian standard.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 November 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (11:43): I rise to speak to the bill and indicate that I will be the lead speaker for the opposition on this bill. I can indicate that when in government, under the then health minister—the now member for Croydon, Peter Malinauskas—Labor was committed to a trial of two-week mandatory treatment orders for drug-addicted adults. As health minister, the now Leader of the Opposition made it clear that we were willing and remain open to exploring options when it comes to tackling the prevalence of drug abuse and the devastating impact it has on South Australian families.

Although we do support measures aimed at combatting the prevalence of illicit drugs in the community, we have some concerns regarding the bill as it currently stands. In particular, it is glaringly apparent that the government has not done its homework on this bill. The bill is extremely light on detail for its heavy subject matter—the introduction of a mandatory treatment regime—and leaves many questions unanswered. Last Thursday, the government decided to file an amendment that allows them to look like they are still passing some sort of reform, when in fact, at the start of this bill, it will only apply to children who are already in training centres. The government has quietly filed this major change to the bill, hoping nobody would notice that they are desperately trying to avoid implementing their own policy.

The reason the government has done that is that they have not worked out in any way, shape or form how this policy will actually work in practice: no costings, no plans, no model of care. Sadly, it has been a trend of this government to introduce bills in an attempt to appear as if they are meeting election commitments, yet failing to do any of the necessary groundwork and consultation required to responsibly implement what their legislation enables.

Once again, we see the re-emergence of amendments within this bill to skirt the maximum two-year enactment rule for this legislation, and that in itself raises serious questions. Why would a government introduce a bill and ask parliament to consider a policy proposal, yet proactively allow over two years to implement the policy? It is beyond understanding and it shows that it has not been thought out and that there is not much commitment to the actual policy.

The opposition has received a large degree of feedback from organisations and community groups with concerns about the legislation. We have carefully considered this feedback and have filed numerous amendments in attempts to vastly improve the legislation and provide some clarity around what these orders will entail. The opposition does not oppose this bill as a measure aimed at tackling the problem of drugs in the community, but we remain concerned about the lack of detail and the potential failure of these policies due to this government's incompetence.

The opposition is looking broadly to establish a more outcome-focused approach to these orders, an approach aimed at breaking the cycle of illicit drug use and ensuring these young people re-enter the community with as great a chance as possible of positively contributing to society. If we are serious about stopping the scourge of ice and other illicit substances in our communities, then we need to break the cycle of drug abuse for these young people.

I take the opportunity to run through several key concerns that were consistently raised by stakeholders during consultation on this bill and the direction of the opposition's amendments arising out of these concerns. Firstly, to resourcing and costs. The submissions we received clearly evidenced strong concern for the lack of resourcing and the lack of suitability within existing treatment facilities for these orders. Stakeholders are extremely concerned about the lack of clarity from the government on what additional resourcing will be provided to support this new treatment regime.

The Australian Medical Association (AMA) SA said that this treatment program, even though conceived as a last resort, would be expensive and, unless additional funds are provided, it is concerned that it will result in a displacement of voluntary clients from the treatment system. The Law Society said:

> It is evident from that consultation that there is a lack of affordable treatment and support services currently available…

The South Australian Network of Drug and Alcohol Services said:

> Currently the sector cannot meet the demand for place by voluntary clients. Research shows that involuntary clients require greater resources in terms of time and staffing to provide effective treatment.

The opposition has, on numerous occasions, sought information from the government on costings and plans on resourcing the proposed treatment orders regime. We keep hearing that this is a problem to be dealt with later, but if the government is willing to put this legislation before us now then it is incumbent on it to answer these questions now.

The appropriate infrastructure to deliver youth treatment orders cannot be developed as an afterthought. Sadly, the most clarity we received from the government was correspondence from the minister following a verbal briefing, which stated, and I quote, 'The assessment and treatment services to be provided under the bill are expected at this stage to be government funded pursuant to an appropriate budget allocation.' Further, 'The government has not yet made a decision on whether, or to what extent, privately-funded services will be involved in the scheme.'

These are, in the highest order, *Yes Minister* type responses. At this stage it is to be funded pursuant to an appropriate government budget allocation. As the health minister has been known for over recent weeks, this is something you could take straight from *Yes Minister.* The funding will be appropriate. What is appropriate? It is appropriate funding. Well, what sort of funding does it need? The appropriate level. It is a circular argument that gives no clarity or no assurance as to how this might work. The fact of the matter is that the complete lack of detail is far from adequate when the

amount of funding and type of facilities involved are clearly among the biggest factors when envisaging how these treatment orders would work in practice.

Another area that has been raised is legal representation or rights. There has also been a great deal of concern around the rights of young people and the lack of legal representation made available to young people in the court process for granting these orders. As the Aboriginal Health Council has pointed out, 'The bill and its accompanying explanatory material make no mention of resourcing for the representation of respondents who are likely to face significant impediments to properly presenting themselves to a court.'

The bill is silent on the young person's right to appeal against or challenge orders and on the responsibility of the court to review orders on a regular basis. The Law Society put forward several suggestions on how the bill could be amended to provide clarity on the rights of the young person throughout this process. I note that the government has now introduced a number of amendments that go some way towards the society's concerns. The opposition does, however, remain of the view that the government has not gone far enough, and we will be continuing with our amendments in this respect.

In relation to medical opinion and involvement, stakeholders have also emphasised the primacy of clinical expertise and involvement in the treatment order process in the granting of orders, in treating individuals subject to orders, and in regular oversight of orders. We have also filed amendments to make legal representation available to the young person in the treatment order process. Many of our amendments focus on enshrining into legislation the standards of medical treatment available to young people subject to detention orders as well as the responsibility to plan for the young person's treatment following any detention orders. We note the amendments filed by Advance SA, SA-Best and the government and intend to consider these amendments in greater detail during the committee stage of this bill.

In summary, the opposition does not oppose the bill or what it is trying to do, as we believe in taking additional measures to prevent the scourge of drugs in our community. However, we are unsatisfied with the level of detail in this bill as it currently stands, and we remain deeply concerned as to how these treatment orders would work in practice under this government. I look forward to working through these concerns in much greater detail when this bill reaches committee stage.

The Hon. M.C. PARNELL (11:53): I have added myself fairly late in the piece to the speaking list for this bill, because it is such an important matter that this parliament does need to seriously consider the direction in which it is heading. I note that the portfolio holder for the Greens in relation to this matter is my colleague the Hon. Tammy Franks. She spoke at the second reading on 15 November, and I associate myself fully with her remarks. However, since then there have been a number of developments, and I wanted to take the opportunity to put them on the record.

Let me say at the outset that this is one of the most flawed and ill-conceived pieces of legislation that I have ever come across. If you are looking for an indication as to why that might be, you only have to look at the fact that every single professional body even vaguely associated with this subject matter has written to us telling us to oppose it. All of them have written to us saying that the bill is the wrong way to go, it will not achieve what it intends to achieve and it will have consequences that result in negative impacts on young people. In fact, I have not seen one submission that suggests that this bill has any redeeming features whatsoever.

The position of the Greens has always been that our preference would be to knock this bill off at the second reading and then we can get back, as a parliament, to debating sensible measures that do advance the welfare of the people of South Australia. It looks as if the bill has enough support to get through the second reading stage but that does not mean that we should then quickly proceed into committee and pass this bill before Christmas.

It is so flawed and there is so much more work to do that the Greens believe that a more sensible option is to pause for breath, and that means not proceeding through all the stages today, sending it off to a committee where it can be properly scrutinised and where different stakeholder groups, whether they be medical groups, the Youth Affairs Council, the Law Society or the charity sector through SACOSS—that we get all of these people to come in and explain to MPs in detail what is wrong with this bill and whether in fact it is at all redeemable.

I am just getting some advice on how such a process might work but in the meantime I think it is important for me to put on the record some of the most recent correspondence that has been received. I think all members would have just this morning received an email from the Australian Medical Association (South Australia) Incorporated. It is a letter addressed to all members of parliament. It is a page and a half in length but I think I need to put it on the record because it certainly sums up the concerns that the Greens have had since this bill was introduced. The letter is under the hand of Joe Hooper, Chief Executive, Australian Medical Association (South Australia). It states:

Dear Members of Parliament,

The AMA(SA) asks all Members of Parliament to reject the government's deeply flawed proposal for mandatory treatment measures for young people grappling with drug issues.

The Controlled Substances (Youth treatment Orders) Bill is not only fundamentally flawed, it is potentially dangerous. It is based on a flawed premise; lacks important protections; has no medical substance; it is legally and morally questionable; and confuses medicine and social issues in its approach. Multiple groups have raised major issues with what the government has proposed and the Bill itself.

Setting aside the thoroughly problematic premise of the Bill, major questions remain unanswered. Members of Parliament may wish to attempt to improve the Bill with amendments. With respect this will not and cannot have a satisfactory outcome.

Simply rushing through unsuitable legislation and attempting to work out a model of care after the event is not an acceptable process. The Government has not addressed major questions and concerns raised about the Bill.

Models of care and the facilities for detention (outside of the juvenile justice system) are simply non-existent or undeveloped. This is legislation before treatment models, which is not defensible. We are perplexed by the approach of tasking stakeholders with helping to develop a model of care established under poor legislation. If these very parties do not support the Bill, and in fact have deep concerns about it, how are they to be tasked with making flawed legislation work, contrary to medical evidence?

If the government is seeking a 'clinically robust Model of Care' we can advise that we are aware of no such model for such a proposal as this. Mandatory measures altogether are not supported by evidence. The lack of evidence for mandatory measures, in general, was explicitly indicated in the consultation paper produced by SA Health in January 2018 in relation to a previous, much less restrictive proposal for a trial of mandatory measures, for adults, for a maximum duration of two weeks.

It has been said that full implementation of the Bill will not be achieved until the model of care and resources are developed. If this is the case, why are Members of Parliament being asked to make the Bill law? It is under-developed, not evidence based, and has no resources or budget information attached.

The diversion of resources into making this flawed Bill operational (and it won't yield results in a value for investment analysis) will only add further pressure to the funding of existing voluntary services. On the issue of 'voluntary services', our state is significantly under-resourced for drug and alcohol services and treatment centres.

So why is the government willing to detain young people with drug issues whilst not providing clear access and multiple services for those wanting voluntary treatment? We are also concerned about the lifelong impact on a young person having been detained. Also, what happens if they do not cooperate? Concerningly, this Bill is also not consistent with the recommendations of the major state inquiries, the Nyland Report, Mullighan Report and the Layton Review.

The patient group envisaged would be very complex, characterised by high rates of psychiatric co-morbidity. There would be a high number of young people in this group who have had exposure to significant adverse childhood events that would be unmasked and require a therapeutic response. Without the person's active cooperation there is unlikely to be an accurate assessment, engagement and effective treatment. The Bill also has concerning ramifications for the doctor-patient relationship, trust, and the stigmatizing of people with mental health and drug-related conditions.

The harms from this proposal have simply not been thought through. These include from combining users together, some of whom would be extremely vulnerable; stigma creation; the opportunity cost of driving people away from seeking treatment themselves voluntarily; re-traumatisation of those with trauma backgrounds forced to do things against their will; and others we can discuss.

Developing state of the art interventions for young people grappling with drug related issues is a welcome and worthy proposal if approached scientifically and with an evidence-informed approach, evaluation and published outcomes. Rushing into involuntary or custodial treatment when we do not know what benefits there will be, and what potential harms can be caused, is unacceptable, and for the above reasons the AMA(SA) strongly opposes this Bill.

I do not think I have read a more scathing assessment of a piece of legislation by a recognised medical body as that letter that I have just put on the *Hansard* record. It is not exaggerating to say that the bill has no redeeming features according to the AMA, and they are not alone in their criticism.

When my colleague the Hon. Tammy Franks spoke on 11 October, she put on the record the concerns of some other organisations. The Youth Affairs Council and other groups had weighed in.

In the time since my colleague made her contribution, we have received other communications from stakeholder groups. I do not propose to read all those onto the record, but I think it is important that all members of parliament know how universally criticised this legislation is. For example, this Monday 3 December, the South Australian Council of Social Service wrote to the Premier. They cc'd the Minister for Health and made copies available to other members of parliament.

SACOSS was not writing just on their own behalf: they were writing as part of a coalition that had formed around opposition to this bill. The letter is co-signed by Ross Womersley, South Australian Council of Social Service; Penny Wright, the Guardian for Children and Young People; Michael White, the South Australian Network of Drug and Alcohol Services; Simon Schrapel, Uniting Communities; and Melissa Clarke, Aboriginal Legal Rights Movement. In very similar terms, although less focused on the medical side, the submission urges the government:

> …to withdraw the Bill and bring on a proper consultation to ensure we get an effective model for young people who need treatment. The government must consult with the treatment sector and our colleagues with expertise in youth mental health, family relationships, child welfare and wellbeing, and education, to design a system that meets the needs of young people, families and communities this legislation is intended to help.

The letter concludes:

> We and the wider drug treatment services and other stakeholders, including families and users of current treatment services, are ready to help in designing a fit-for-purpose and more effective response to the issues faced by young people and their families.

The ideal response to these submissions being received as recently as this week is for the government to withdraw the bill and say, 'We have listened to what the stakeholders are saying. We will pause for breath, reconsider and come back with something else next year after we have consulted with the people in the sector.'

I have had no indication that the government is interested in doing that, so the next best thing is for this council to do the job that the government should have done over the last several months. If the only way that we are going to get that proper consultation is for this bill to be sent off to a committee, where all of the stakeholders can be called in to give direct evidence, then that is, I think, what we need to do.

There is support for that approach. Again, as I have said, there was a flurry of activity in the last week, and another piece of correspondence from yesterday, from Michael White, the executive officer of the South Australian Network of Drug and Alcohol Services, or SANDAS, basically supports the idea of a proper investigation and that a parliamentary committee might be the way to do that. I do not think any of these groups are pulling their punches. Their preference is for the bill to be scrapped and for the government to go back to the drawing board. But if we are not going to be able to achieve that, then we do need to make sure that we properly scrutinise the legislation.

In some ways, this is yet another example of something that I have been banging on about for many years; that is, that the way this parliament deals with complex social legislation with multiple stakeholders is very poor. If all we do—and in most cases this is all we do—is read, as I have done, lengthy submissions onto the *Hansard*, and the committee of the whole is basically a bit of a question and answer session with the minister, who takes advice, that is a flawed way of processing complex legislation.

A far better approach would be for many more of these bills to go to committees, where the stakeholders can be called into the room, they can be quizzed directly, and we can ask them not only what they like or do not like about a piece of legislation but what alternative measures they think might be appropriate. I guess that is what makes this so disappointing—that the health department did undertake some consultation at the start of this year on a related provision, and apparently all of the learnings from that process have been lost.

With those brief words, the Greens' position is that we do not support the second reading of the bill, but we do support the idea of a committee. I will say that I know colleagues can be nervous about committees. Certainly, the Greens' intention would be that this would not be a committee that

languished. July of next year would appear to be a very reasonable time frame for any committee to report. We showed that we could do it with the ICAC legislation. A very strict time line was imposed, and I will acknowledge the Hon. Dennis Hood; he cracked the whip and made sure that that committee did not languish and that it reported very quickly. There is no reason why a committee looking at this bill could not do exactly the same.

The Hon. T.J. STEPHENS (12:07): I move:

That the debate be adjourned.

The council divided on the motion:

Ayes 10
Noes..... 11
Majority..... 1

AYES

Bonaros, C.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J. (teller)
Wade, S.G.		

NOES

Bourke, E.S.	Darley, J.A.	Franks, T.A. (teller)
Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Parnell, M.C.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

Motion thus negatived.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (12:12): The government has received a range of feedback on the bill from a number of stakeholders, and I acknowledge that there are significant concerns. A number of those were addressed by the amendments that the government tabled at the end of last week and was seeking to address today. Measures, such as those in the bill, are not proposed lightly by the government. The bill and the proposed amendments attempt to strike the correct balance between respecting the rights and autonomy of children and our special obligation of care to protect children.

As I indicated when introducing the bill, the effective implementation of this legislative reform will require close consultation with and collaboration between health, child protection and justice sector agencies in the private and public sector. The government proposes that these stakeholders will participate in and be consulted in the development of a model of care for these services.

I make the following comments to respond to aspects of the Hon. Tammy Franks' second reading contribution. It is clear that the measures that the bill proposes are a health intervention to a serious health problem amongst our young people. These are not punitive criminalising measures. There are no offences created in the proposed legislation. Decisions are made by the Youth Court on the basis of reports from accredited drug assessment services and treatment, and it is provided to the child by accredited drug treatment services.

While a child may need to be detained to receive treatment, that is not without precedent. It is clear from the Mental Health Act 2009 and the Guardianship and Administration Act 1993 that sometimes adults and children have to be detained in their best interests to receive appropriate medical care. The Youth Court is also the appropriate jurisdiction to make these orders, given its expertise with matters concerning children, especially in its child protection jurisdiction. I can assure the Hon. Tammy Franks that there are provisions for the revocation or termination of orders in proposed section 54E of the bill, and also for appeals against the court's orders.

Proposed section 54E of the bill provides that the Youth Court may vary or revoke an assessment, treatment or detention order of its own motion if there are proceedings before the court involving the child or young person, or an application by a person referred to in section 54B. This includes persons authorised by the Director of Public Prosecutions, the Commissioner of Police, the Chief Executive of the Department for Child Protection, the Public Advocate, a medical practitioner who is providing treatment to the child or young person in relation to their drug use, a family member or a person who satisfies the court that he or she has a proper interest.

Proposed section 54E also provides that the child or young person may apply for variation or revocation of an order but only with the permission of the Youth Court. The bill specifies that this permission is only to be granted if the Youth Court is satisfied that there has been substantial change in the relevant circumstances since the order was made or last varied. Also, the orders of the Youth Court can be appealed to the Supreme Court. If the order is made by the judge of the court, the appeal is made to the Full Court of the Supreme Court. If the order is made by another judicial officer of the Youth Court, such as a magistrate or judicial registrar, the appeal is to the Supreme Court constituted of a single judge. These appeal provisions are in section 22 of the Youth Court Act 1993 and do not need to be in this bill.

I take this opportunity to also address issues raised in the contribution of the Hon. Connie Bonaros. I welcome SA-Best's support for the government's proposed initiative; however, we will not be supporting their amendments to extend these proposed laws to adults. The government's commitment is to protect children and provide families with a legal option to support their children who are experiencing drug dependency. Depriving a child of their liberty to protect them and others from the harms of drug use should only be used as a last resort, and the government does not take this responsibility lightly.

We are committing to a three-year review in terms of the progress of the legislation and evaluating the outcomes. Only then can we see what is working and consider what may need to change. I note that the Hon. Mr Darley has made an amendment to remove cannabis from the list of drugs upon which an application can be based. The government argues that that should be a matter left to the court, with input from relevant assessment services and medical evidence on whether a child should be subject to orders in respect of any particular controlled drug.

Finally, in relation to the amendments filed by the Leader of the Opposition I would say that, whilst we support the intention of the majority of the changes, the government prefers its own approach. This includes the range of increased protections that the government will be proposing to ensure that the best interests of children, who may be the subject of the legislation, is the paramount consideration of our commitment. I also take this opportunity to thank parliamentary counsel, the staff from Legislative Services within the Attorney-General's Department, and the staff of DASSA.

I understand that there is interest in the council for this matter to be referred to a select committee. Before members consider taking that step, I would like to remind them of the context. This bill was tabled on 21 June 2018, which is five months ago. There has been plenty of time to scrutinise, yet on the last day it has been suggested that it should be referred to a committee. The government has a strong mandate for this bill. We took a clear policy to the election. We have actively defended the policy from attacks from stakeholders before and after the election. South Australian voters voted for this government, with all stakeholders' perspectives laid down.

A recent *Sunday Mail* poll showed that 97.5 per cent of respondents supported mandatory drug assessment and treatment, and 80 per cent supported mandatory treatment. The reason for that is that South Australians are extremely concerned about the negative effect that drugs are having on our society. For many people who are addicted to drugs, they seem to be unable to realise the magnitude of the risk at which they are placing themselves and others.

From time to time people need a circuit-breaker. That is exactly the phrase that Belinda Valentine used when she supported this legislation. She said that detention can provide a circuit-breaker to dangerous behaviour, and that it is just what her daughter may well have benefited from. The head of the Parole Board, Frances Nelson, said she also supported the legislation and that:

…removing drug affected people from bad influences gave them a chance to work through their issues. Most people don't want to acknowledge that they have a problem with drugs so they are not going to go voluntarily.

The Youth Court judge has also indicated her support for the legislation, stating that it would be a useful order available to the court. The government is committed to protecting young people from the scourge of drugs. It is what drug-dependent children need, and it is what parents have been asking for. We have a particular responsibility for children and young people. They are more vulnerable, they have less insight, and they are in the very situation where early intervention is so important.

The evidence shows that if a young person becomes involved with illicit drugs, their risk of becoming involved in substance abuse at deeper levels later in age and the impact on their mental health is increased. I also want to make clear that, in spite of the demonisation of this bill, the legislation is about a range of tools. It is about assessment, treatment and detention. I believe the focus by stakeholders on the detention aspect fundamentally avoids the choice that the government is really asking the parliament to consider; that is, whether or not the state parliament is willing to authorise involuntary treatment, assessment or detention.

We have already made that decision in relation to other legislation. We have made it in relation to child protection. In recent years, the courts have been able to order an assessment of parents and their drug dependence in the context of considering the safety of children. So let's not be morally pure saying that we will never consider mandatory assessment, treatment or detention—we are already doing it. The government does accept that there are significant concerns with stakeholders but much of that concern is based on misconceptions of the proposal that we believe need to be worked through as an evidence-based, clinically robust model of care is developed.

I believe the proposal to take it to a select committee is just an attempt by the stakeholders and their parliamentary support to undermine the issue of mandatory assessment, treatment and detention by putting up Frankenstein models that no rational government would put forward. This government is committed to taking the time to develop an evidence-based, robust model of care, but there is no point in doing that if we do not have the support of this parliament for mandatory assessment, treatment and detention.

For example, if this parliament was to amend this legislation today, to give the government the legislative authority to proceed with a model of care that only provided for mandatory assessment and treatment, then that would be a decision of the parliament and the government would craft its model of care within those limitations. Of course it makes sense to get the legislative mandate for the scope of the model of care and then to do the model of care. That is what this legislation proposes, and that is what the government is putting forward.

Those members who support this being deferred and, in my view, sabotaged by a select committee, need to ask themselves: are they really wanting to take off the table involuntary treatment, assessment or detention for South Australia going forward? Because that is exactly the choice that you are faced with. This vote is not about a select committee or not; it is about whether or not this state is willing to take some hard decisions.

If the parliament is not willing to make the hard decision today, I do not have any hope that it will be able to make the hard decision in July. The people of South Australia will be watching this vote today to see which political groups are willing to keep trying with the same old tools that have failed us decade after decade, and which political parties are willing to try something new.

Let's look at some of the people who are trying something new. Currently, there are four Australian jurisdictions that have mandatory assessment, treatment or detention provisions. In recent weeks, the Western Australian Labor government committed to a mandatory detention program for adults. Some members might say, 'That's for adults not for children.' What about New South Wales Labor? In the last couple of weeks, New South Wales Labor has put out a policy that provides for mandatory treatment for children.

That means there are four jurisdictions that currently have such schemes, including New South Wales and Victoria. Western Australia is about to join them. What is the South Australian parliament saying? In spite of an overwhelming consensus of Australian jurisdictions that, in the context of the battery of tools that we need to deal with the scourge of drugs, from time to time we

need involuntary assessment, treatment or detention, South Australia says, 'No, no. We're going fine, thanks. Drugs are not a problem here.' Well, drugs are a problem here. This is focused on illicit drugs. It is focused on the best interests of children, and you are seeking to sabotage it at its first hurdle. You will be held accountable for that.

I believe it is a totally false dichotomy to talk about whether it is voluntary or involuntary. Therapists tell me that most people engage in therapy due to some form of coercion. It might be the demands of their partner. It might be the threats of child protection action. It is exactly the sort of coercion we use that makes the court diversion system work. The fact of the matter is that we need to have involuntary tools—treatment, assessment and detention—that can complement the voluntary tools. People go on different journeys, and to say that the voluntary pathway is the only pathway I think fails to deal with the complexity of individual journeys.

The suggestion by some stakeholders is that this reform is not supported by the evidence. The fact of the matter is that you have to look at what the model of care will be. There are incredibly diverse models of care operating around the world in this regard. I refer honourable members to the Churchill Fellowship work by Victorian magistrate Jennifer Bowles, who in 2014 went to a range of treatment facilities around the world.

There are facilities in Sweden, Scotland, England and New Zealand. Fundamentally, they are therapeutic communities. They are not custodial facilities, but they are an important opportunity for young people to have a circuit-breaker so that they can deal with their drug addiction. If this parliament is going to refer this to a select committee, let's be clear, this parliament is saying, 'We are not even willing to cross the Rubicon. We are not even willing to consider involuntary treatment, and we don't even want you to look at models of care that might work. We just want to take that tool off the table.'

You can dress it up all you like, but this government will be clear. We will be pursuing our election mandate, and we will be holding the parliamentary groups that support any reference to a select committee accountable for a timidity in not accepting the mandate of the government, the clear will of the South Australian people. They do not even want to give models of care a chance.

The council divided on the second reading:

Ayes 18
Noes 3
Majority 15

AYES

Bonaros, C.	Bourke, E.S.	Dawkins, J.S.L.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Maher, K.J.	Ngo, T.T.	Pangallo, F.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G. (teller)	Wortley, R.P.

NOES

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

While the division was being held:

The PRESIDENT: Member of the gallery, it is not appropriate to take photographs of people seated.

Second reading thus carried.

Standing Orders Suspension

The Hon. T.A. FRANKS (12:34): I move:

That standing orders be so far suspended as to enable the bill to be referred to a select committee.

The council divided on the motion:

Ayes 11
Noes..... 10
Majority..... 1

AYES

Bourke, E.S.	Darley, J.A.	Franks, T.A. (teller)
Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Parnell, M.C.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

NOES

Bonaros, C.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

The PRESIDENT: There being 11 ayes and 10 noes, there being no absolute majority for the ayes, it passes in the negative. The standing orders will not be suspended.

Motion thus negatived.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: It will come as no surprise that the Greens are disappointed that the government is afraid of a select committee on this bill and is afraid to put their proposition before what they called the stakeholders at one point, and fly in the face of particularly the AMA and the South Australian Network of Drug and Alcohol Services. My first question to the minister on this bill is: has he met with the AMA of South Australia, who called for this bill to be referred to a select committee, and understood their concerns?

Has he met with the South Australian Network of Drug and Alcohol Services, the very people who will be required largely to implement this bill with regard to their concerns, because certainly he did not want to have a select committee to have a proper debate on this bill? Can he please inform us of what conversations he has had with those groups and what measures he has undertaken to address their significant, substantial and serious concerns?

The Hon. S.G. WADE: I have certainly met with both SANDAS and the AMA. After all, this legislation was tabled in June and I have met with both of them a number of times since. We both understand our positions. The government is committed to getting the legislated authority reflecting its electoral mandate, and the model of care will be developed, including with those stakeholders and others. I believe their concerns will be assuaged as we develop a model of care that keeps the focus on the best interests of the child in a therapeutic model.

The Hon. I. PNEVMATIKOS: Many commentators in relation to this bill are concerned about the lack of medical or scientific evidence to support the proposals in the bill and that it may lead to harm. To what extent has the government taken those factors into account in terms of the risks of harm?

The Hon. S.G. WADE: There is certainly a range of academic evidence which goes both ways. I think many stakeholders have lacked honesty in the way that they have presented the academic research. There is academic research which supports both perspectives and they are the

issues that we would work through in the models of care, involving the stakeholders, involving government officers and a whole range of government agencies.

The Hon. I. PNEVMATIKOS: The bill does not appear to include or specify any treatment to address trauma or underlying medical health issues which may have led to the drug or alcohol use. Why were they not included?

The Hon. S.G. WADE: SA Health and DASSA continue to provide services on a trauma-informed basis, and that will ensure that any treatment includes assessment of the underlying trauma that may be related to drug or substance abuse.

The Hon. T.A. FRANKS: A supplementary for the minister: how equipped are the people who will undertake this treatment, under this quite harsh scheme, to deal with child sexual abuse? What skills will they have in that area? What if the child sexual abuse has been undertaken within the very family that refers the child and the child is self-medicating to deal with that sexual abuse? What measures will that child have for some recourse, some respite and some respect?

The Hon. S.G. WADE: The staff of DASSA, the government agency related to drugs and alcohol, are well trained in trauma-informed care. In relation to child sexual abuse and the potential applicant being the family, I would stress that the applicants are not the family alone: the orders are made by the Youth Court. In government amendments that we will consider shortly, the best interest of the child is made the paramount consideration.

Again, the stakeholders in opposition to this bill have tried to cast it as a punitive measure: it is not. It is a therapeutic approach, and decisions will be made by the Youth Court. They may well be considering matters in the youth justice framework at the same time, but any assessment, treatment or detention order made under this act will not relate to punitive matters. It will only deal with therapeutic matters.

The Hon. T.A. FRANKS: As of this week, can the minister inform the council just how many rehab beds are currently available for children, and what is the level of unmet need, the demand that is not able to be met, with those particular beds?

The Hon. S.G. WADE: I am advised that there are currently six residential beds dedicated to children. They are operated by Centacare as a statewide service, and we are not aware of a significant waiting list in relation to that service.

The Hon. T.A. FRANKS: How are those waiting lists kept?

The Hon. S.G. WADE: The service provider manages the waiting list, but they are expected to advise DASSA of any operational issues that arise.

The Hon. I. PNEVMATIKOS: The reality is that currently the availability of voluntary treatment services in South Australia for children and young people who are alcohol or drug dependent is seriously inadequate. There is no discussion or plans, certainly in the bill, to improve access to these services. Will there be government investment in this area?

The Hon. S.G. WADE: This is the false dichotomy that I was referring to earlier. What the Labor Party is suggesting here is that we should not provide any involuntary treatment options until we have—

The Hon. I. Pnevmatikos: The Labor Party is not suggesting anything. I just asked a question.

The Hon. S.G. WADE: Excuse me, I would like to answer the question. The Labor Party's position here—

The Hon. T.A. FRANKS: Point of order, Mr Chair: the speaker was imputing a motive to another member. That is contrary to our standing orders, so she had every right to interject, I believe.

The Hon. S.G. WADE: I have every right to make clear that the Labor Party—

The Hon. T.A. FRANKS: You do not have a right to impute a motive to another member of this council.

The CHAIR: The Hon. Ms Franks, I take the point. Minister, be careful with your language.

The Hon. S.G. WADE: The reference was to the Labor Party, and the Labor Party clearly continues to oppose involuntary treatment. They voted down a similar bill in opposition, and they are continuing their campaign even though this government has a mandate. Let me address the false dichotomy that the Labor Party continues to put forward, that somehow you cannot provide involuntary options—

The Hon. T.A. FRANKS: Point of order: I am not sure that the Labor Party asked a question. I do know that there are 22 members of this council, none of whom are called 'the Hon. Labor Party'.

The PRESIDENT: The point, the Hon. Ms Franks, is the minister is making every effort to refer to the Labor Party as a collective.

The Hon. S.G. WADE: It was the Labor Party that voted out a very similar bill to this in the last parliament, and they are continuing their campaign. That is plain for the South Australian community to see, and they can defend that in the public space, as will the Greens, as will the Hon. Mr Darley, who even voted against this bill at the second reading—quite extraordinary.

The false dichotomy being put forward is that you cannot have voluntary treatment and involuntary treatment available in the same space, that you cannot fund an involuntary service until all voluntary services are fully subscribed, until you have met all demand in every context. What people need to understand is—

The Hon. I. PNEVMATIKOS: Point of order: I do not understand the relevance of the answer. All I am asking is: is the government intending to invest in a program that assists in treatment? That is all I am asking.

The PRESIDENT: The Hon. Ms Pnevmatikos, we are in committee, so it is a slightly different way we proceed. You can make the point, but it is not technically a point of order. The minister can respond as he chooses, and you can continue to ask the questions. So we are much more flexible. The trade-off is that the minister gets to have his say, but you can continue to ask the question and tease out further answers—we are more flexible here, which is the nature of the debate—and I encourage you to do so.

The Hon. S.G. WADE: Year after year the Labor Party is trying to promote this false dichotomy in opposing these treatment orders and any form of treatment orders. In this regard the government will continue to develop services, continue to fund services, but we are going to have a blend of voluntary and involuntary services.

The former Labor government was forced to amend the child protection legislation to provide for involuntary assessment in relation to child protection; they are now continuing their fight by opposing it in relation to general drug use, but we assert that every person is different. Some people need a circuit-breaker, and for many, I suspect most, the circuit-breaker will not be the more significant orders, they will be orders like assessment.

Often, a young person who lacks insight into their own situation, who is vulnerable because of perhaps a range of circumstances and who, to be frank, is less mature than an adult by definition, will need a circuit-breaker. For many it may just be an assessment. It may be that being sent off to an assessment service might be the circuit-breaker they need to realise how much risk they are under and to be given the opportunity to stop and think.

If that is not enough, the Youth Court may well have to consider treatment options and detention options, but the demonisation of this bill by the opposition and by stakeholders misrepresents it. This is a bill that is, as a matter of law, focused on the best interests of the child and the therapeutic model. All of the stakeholders, even those that oppose this bill, will be invited to be part of a discussion about: if this bill is supported by the parliament, what tools, what models, what services would best be used in South Australia to add to the range of services that are currently available to provide the best possible outcome for South Australian children and young people at risk?

The Hon. I. PNEVMATIKOS: Minister, if you could please address the issue of what sort of additional investment is being allocated for both voluntary and the proposed mandatory treatment services for children and young people?

The Hon. S.G. WADE: I will be shortly going into another budget round within the cabinet process for funding for the next financial year. If this legislation was passed today, it would obviously then need to be considered by the House of Assembly next year and the model of care developed. It will take time to develop the model of care and for the level of funding required, but the government will continue to invest in both voluntary and involuntary services to make sure that there is an appropriate blend of services and that within the constraints of the state's fiscal situation we invest as we are able in care for young people. In that regard, the most recent budget included funding for community-based rehabilitation services in the Riverland and we will continue to look at new services as we are able.

The Hon. K.J. MAHER: I thank the minister for the sort of answers to some of the questions and note that he has assured the council that this is being considered in the next budget round. Obviously, if it is being considered in the next budget round, there has been some preliminary work done on costings. The minister really ought to let the chamber know what the actual costings are, but I might ask initially some of the basis of how you could even work out the costings and if the government even has a basic idea about how you might work out the costings. My first question is: what is an estimate or at least a range of the number of children the government anticipates will be covered by these orders?

The Hon. S.G. WADE: With all due respect to the leader, my comments about the next budget round were in relation to voluntary services. The legislation will not be able to be passed by the House of Assembly until at least February. Obviously, it will not have time to lay on the table to have consideration by that house. Then, we are intending that the legislation, having had the legislative mandate, would form the basis of an interagency working group engaging a range of stakeholders to develop the model of care. As I mentioned earlier, the models used internationally are very much like a home-like environment. We are not talking about building another youth training centre. This is about assessment, treatment and detention if required in an appropriate therapeutic environment.

The Hon. K.J. MAHER: Again, this is legislation the minister is bringing to this chamber. Is the minister trying to tell us he has no clue whatsoever initially, and then when it applies to children who are not already detained, how many children may be covered by these orders? Is he saying his department has done absolutely no modelling whatsoever and they have absolutely no idea the numbers that might be involved? Is that really what he is telling us?

The Hon. S.G. WADE: Before I address some health data, I would just like to quote from an email in relation to this, where I am advised that the Youth Court judge, Penny Eldridge, said:

> Whilst I do not anticipate many youth treatment orders being made, it would be beneficial having the power to make such orders.

In their latest report, the Australian Institute of Health and Welfare identified that 1,579 episodes of care were provided to young people aged 10 to 19 in South Australia during the 2016-17 financial year. I want to clarify for the council that that is 1,579 episodes of care. It is not clear from that how many individuals we are referring to. Considering that we have six residential rehab beds, we are talking about this being a last resort where people are at significant risk of harm. In regard to the numbers of children, as the Youth Court judge indicated, we do not anticipate there will be many treatment orders, and in particular many youth detention orders.

The Hon. K.J. MAHER: I thank the minister for informing us that they have no idea not just how the bill will actually work in practice, but how many it might apply to—which is an extraordinary thing—but what is the estimated cost per treatment order under the bill that the government has arrived at?

The Hon. S.G. WADE: The Leader of the Opposition is trying to construct a straw person, putting the cart before the horse. The bill is about the parliament giving the government authorisation to develop models of care that deal with child and youth assessment, treatment and detention.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2017-18—
- Alexandrina Council
- Clare and Gilbert Valleys Council
- District Council of Cleve
- Coorong District Council
- Town of Gawler
- District Council of Karoonda East Murray
- Rural City of Murray Bridge
- City of Port Adelaide Enfield
- City of Unley
- Town of Walkerville
- City of West Torrens

By the Treasurer (Hon. R.I. Lucas)—

South Australian Employment Tribunal—Report, 2017-18

Remuneration Tribunal Report No. 10 of 2018: 2018 Review of Electorate Allowances for Members of the Parliament of South Australia

Remuneration Tribunal Determination No. 10 of 2018: Electorate Allowances for Members of the Parliament of South Australia

Remuneration Tribunal Report No. 11 of 2018: 2018 Review of the Common Allowance for Members of the Parliament of South Australia

Remuneration Tribunal Determination No. 11 of 2018: Common Allowance for Members of the Parliament of South Australia

Remuneration Tribunal Report No. 12 of 2018: 2018 Review of Accommodation and Meal Allowances for Ministers of the Crown and Officers and Members of Parliament

Remuneration Tribunal Determination No. 12 of 2018: Accommodation and Meal Allowances for Ministers of the Crown and Officers and Members of Parliament

Rules of Court—
- District Court Act 1991—Civil Supplementary Rules 2014—Amendment No. 8

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

Report on the Operation of the Climate Change and Greenhouse Emissions Reduction Act 2007 dated November 2018

Report on the Review of the Climate Change and Greenhouse Emissions Reduction Act 2007 dated November 2018

Parliamentary Committees

PRINTING COMMITTEE

The Hon. D.G.E. HOOD (14:16): I bring up the first report of the committee.

Report received.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about KordaMentha.

Leave granted.

The Hon. K.J. MAHER: In a briefing held with the member for Kaurna and the member for Lee in their roles as shadow health minister and shadow treasurer on 27 November this year, the Chief Executive of SA Health, Dr Chris McGowan, said that the two corporate liquidators from KordaMentha, Mr Chris Martin and Mr Mark Mentha, would be appointed as executives within the Public Service as part of their administration. On Tuesday, the minister told the chamber in relation to the corporate liquidators, Mr Martin and Mr Mentha, of KordaMentha that:

> The two gentlemen being referred to operate under a contract. They are not public servants.

My question is: can the minister clear up once and for all whether Mr Martin and Mr Mentha are being appointed to the Public Service or will they remain strictly and solely as external consultants or contractors?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I thank the honourable member for his question and advise the council that Mr Mark Mentha and Mr Chris Martin are part of the KordaMentha team which has been engaged to partner with the Central Adelaide Local Health Network in the implementation of its organisational and financial recovery plan.

Through a competitive tender process, KordaMentha has been awarded a one-year contract to deliver the first phase of the turnaround plan. As part of this partnership, I am advised that Mr Mentha and Mr Martin are being employed via executive contracts in the role of administrators. CALHN is currently working through the final details of these executive contracts, which are public sector appointments within the SA Executive Service bandwidth. These are 12-month appointments.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary for clarification: is the minister now saying they are public sector appointments for these two gentlemen?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): The fact of the matter is that these people are not currently public sector employees. My understanding and the advice I have been given is the executive contracts are yet to be finalised, but it is the intention of CALHN that Mr Mentha and Mr Martin will be employed via executive contracts. The advice I am given is that the final details are being worked through and, I take it from that, those executive contracts have not been executed yet.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary: who approves the appointment of public servants, including Mr Martin and Mr Mentha?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I am happy to take that on notice but my understanding is that all of the 40,000, approximately, employees in SA Health and its networks are technically appointed by Chris McGowan, the Chief Executive of SA Health. If that is not the case, I will advise, but my understanding is that delegations below that level are by delegation, if you like, from his role.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary arising from the answer: were these two appointments made via some sort of merit-based process?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): I am not sure if the Leader of the Opposition has trouble with tenses, but these appointments have not been made yet. My understanding of the advice I have been given, which is that the executive contracts have not been finalised, is that they won't be public sector appointments until those executive contracts are finalised, but if I have misunderstood the advice I will provide further advice to the council.

The PRESIDENT: Leader of the Opposition, a supplementary.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): As I understand it, the minister is saying they haven't, but they will be, appointed as public sector employees. What was the merit-based process that has been engaged in for their imminent appointment?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): KordaMentha was appointed as a result of a competitive tender process. They have been selected to be the partner for the organisational and financial recovery plan in CALHN. My understanding of the advice I have been given is that CALHN considers that it would be useful for them to have an executive contract, and that is being facilitated at the moment.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary: was there any requirement under the contract signed with KordaMentha that these positions be appointed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I will take that on notice.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Final supplementary: is it the minister's understanding then that when these two individuals are appointed to public sector positions, as he has foreshadowed, as distinct from what he foreshadowed on Tuesday, they will be subject to all public sector requirements, including the State Records Act, use of government email accounts, and all policies and procedures that public servants need to follow? Is that his understanding of what those two will be subject to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): As SA Health employees on executive contracts, Mr Martin and Mr Mentha would be employed under, and in accordance with, the Health Care Act 2008 and the Public Sector Act 2009, and be subject to all relevant legislative requirements.

KORDAMENTHA

The Hon. C.M. SCRIVEN (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding KordaMentha.

Leave granted.

The Hon. C.M. SCRIVEN: Yesterday, in the House of Assembly, the Premier was asked if corporate liquidators KordaMentha would have access to patient records, and he did not provide an answer to that question. My question to the minister is: will the Minister for Health rule out that corporate liquidators KordaMentha will have access to patient records?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): The KordaMentha team will not have access to patient files.

KORDAMENTHA

The Hon. C.M. SCRIVEN (14:28): Supplementary question: will the corporate liquidators KordaMentha have access to patient information systems?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): My understanding was that the advice I have been given that KordaMentha will not have access to any patient files was advice in relation to electronic or paper. The advice I have been given is that KordaMentha will not have any access to patient files.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary: will, upon their appointment, Mr Chris Martin or Mr Mark Mentha have access to any patient files?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): The advice I have been given is that KordaMentha won't have access to any patient files, and I take it that that also applies to Mr Mentha and Mr Martin.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Supplementary: I think the minister is very confused. He told the chamber on Tuesday that those two gentlemen would definitely be consultants and not public sector employees. He has come back today with a completely different answer to say that they will be public sector employees.

The PRESIDENT: Leader of the Opposition, ask the supplementary.

The Hon. K.J. MAHER: How will they not have access to patient files if they are public sector employees? How does he rule that out?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): The advice I have been given is that the KordaMentha team will not have any access to patient files.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Further supplementary: in relation to the answer to the question about access to patient files, will Mr Mentha and Mr Martin, in their roles as public sector employees, be solely public sector employees or will they also be performing KordaMentha work at the same time, hence KordaMentha may actually have access to patient files?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): The honourable leader looks like a young teenager trying to turn a tennis ball inside out. They will have a range of roles. The public sector roles, particularly those which facilitate the financial enhancement of the Royal Adelaide Hospital and The Queen Elizabeth Hospital, are a key imperative.

Here we have a central health network, central hospitals, which, in the last year of the Labor government, were running a financial budget overspend of almost $300 million. We now know from the report of the Australian Institute of Health and Welfare that the Royal Adelaide Hospital is not only the worst emergency department in the country in terms of turnaround time but also is the worst performing in terms of elective surgery. Yet, the Leader of the Opposition seems to think that the most important thing to do is draft a position description for a public servant.

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Supplementary arising from the answer—this is important in relation to who accesses South Australian patient files—

The PRESIDENT: Ask the question; no commentary.

The Hon. K.J. MAHER: Can the minister confirm that Mr Mark Mentha and Mr Chris Martin, in addition to their imminent appointments as members of the public sector, will carry on other roles in the private sector at the same time?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I do not know if it is orderly to ask for a clarification of a question, but is the honourable member suggesting that these particular gentlemen, in relation to KordaMentha, may well be doing projects other than SA Health-related projects?

KORDAMENTHA

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Supplementary by way—

The PRESIDENT: Just ask the supplementary.

The Hon. K.J. MAHER: —of clarification for him: will Mr Mark Mentha and Mr Chris Martin be full-time public servants exclusively working for SA Health, or will they be working as public servants as well as carrying on other work with KordaMentha for other clients?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): I apologise; I did not find that clarifying at all. What I will try to answer—

The Hon. K.J. Maher: You lied on Tuesday!

The PRESIDENT: That is unparliamentary; I ask you to withdraw. You accused the minister of lying—please withdraw.

The Hon. K.J. MAHER: I withdraw the statement that accused the minister of lying.

The PRESIDENT: Thank you, Leader of the Opposition.

The Hon. K.J. Maher: You didn't tell the truth on Tuesday!

The PRESIDENT: Leader of the Opposition, don't try my patience on the last day.

Members interjecting:

The PRESIDENT: Minister, sit down. This line of questioning is finished. The Hon. Ms Bourke.

The Hon. R.P. Wortley: You got away with that easily.

The PRESIDENT: Don't test my patience, the Hon. Mr Wortley, either.

STRATHMONT POOL

The Hon. E.S. BOURKE (14:32): I seek leave to make a brief explanation before asking the Minister for Human Services a question regarding the Strathmont swimming pool.

Leave granted.

The Hon. E.S. BOURKE: Yesterday, the opposition raised concerns on behalf of the 1,500 swimmers, including a significant number of children with a disability, who use the Strathmont swimming pool. When asked about alternative swimming pools, the minister said, 'They are written on my brief in a "For ministers only" section, so I am not revealing them.' My questions of the minister are:

1. Why is it possible for the member for Schubert in the other place to reveal top secret ministerial advice that the ARC at Campbelltown, as well as the Angle Vale repat, are considered alternative sites?

2. Will the member for Schubert face disciplinary action from the minister for the gross breach of extreme secrecy surrounding the public alternative swimming locations?

3. Will the minister now reveal the alternative swimming locations?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I thank the honourable member for her question. As I have been in this role, it has become quite apparent to me as a minister that organisations that may have dealings with the Labor Party have found themselves in positions where they have been misrepresented on the public record, particularly in relation to, if I can quote examples, the Disability Inclusion Bill debate. There were a number of organisations that were reported as supporting the Labor Party's position, which was factually incorrect.

Members interjecting:

The Hon. K.J. MAHER: Point of order, sir—

The PRESIDENT: Is this relevance? Minister, please attempt to answer the question. I will allow you some latitude for the moment.

Members interjecting:

The Hon. J.M.A. LENSINK: Mr President, I can assure you that I am explaining the reasons why I keep as much information about—

The PRESIDENT: And that is why you are getting some latitude.

The Hon. J.M.A. LENSINK: —organisations as close to being confidential as possible, because I believe I have a duty of care to them not to reveal their information. In the context of the questions yesterday, I had my department report back to me that there was at least one of the organisations, which is a user group of the Strathmont Centre, who specifically did not want to be named in parliament. So I am grateful that my own concern for their wellbeing prevailed, as it will continue to be my practice.

Members interjecting:

The Hon. J.M.A. LENSINK: There is nothing particularly confidential about the naming of a particular pool, but in association with linking user groups to specific sites, which is what the questions were yesterday, I will continue—

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

The Hon. J.M.A. LENSINK: —to take this stance, because I believe I have a duty of care to organisations not to name them. As the Labor Party have already proven, in the context of the important work of the Department of Human Services in trying to find alternative sites for these organisations, the Labor Party has clearly undermined the best interests of the people who use the pool by trying to give them some false hope that there is an opportunity to keep the pool open, rather than for the user groups—

The PRESIDENT: Through me; please don't respond to the interjections.

The Hon. J.M.A. LENSINK: I will not be distracted by the innumerate members opposite. I will continue to take this stance, and I know that it is appreciated by a whole range of community organisations.

STRATHMONT POOL

The Hon. E.S. BOURKE (14:37): Supplementary: if the minister is suggesting that our actions are undermining the safety of clients, therefore wouldn't your own colleague be undermining the safety of clients?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): In the context of what I said, it is undermining the work of the Department of Human Services, which has been working for—

The Hon. E.S. Bourke interjecting:

The Hon. J.M.A. LENSINK: No, what I'm talking about, if I am allowed to answer this—

Members interjecting:

The PRESIDENT: Order! The minister deserves to be heard in silence.

The Hon. J.M.A. LENSINK: My department has been working with the user groups for months and months and months on finding alternatives. Specific members of the Labor Party—I will name them: the member for West Torrens, the member for Hurtle Vale—have undermined the good work of the Department of Human Services.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The best interests of the children and all the people with disabilities who use the Strathmont pool is for those alternatives to be provided, which is what the department has been working towards, and that is my only interest in this debate.

STRATHMONT POOL

The Hon. T.A. FRANKS (14:38): Supplementary: given the minister's new role, has she ever been tempted to do a Wortley and not read the documents in case she might accidentally blurt out the contents therein?

Members interjecting:

The PRESIDENT: Order! Minister, sit down. I am going to rule that question out of order.

Members interjecting:

The PRESIDENT: Could the government benches show some respect? The Leader of the Opposition wishes to ask a further supplementary.

STRATHMONT POOL

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Further supplementary: why did the minister tell this chamber yesterday that she wasn't able to reveal other locations because they were in a ministers' only section of a briefing when, this week in the *Messenger*, she revealed that one of the alternative locations is the ARC Campbelltown centre?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): The ARC Campbelltown Centre would be a pretty obvious place.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The line of questioning from the opposition yesterday—they would love to know who all the user groups are and which pools we have been trying to sort them out with so that they could go to them and undermine them, go to the media and undermine them, and, therefore, I have not been linking specific user groups with specific pools.

STRATHMONT POOL

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Further supplementary: why has the minister been undermining herself and leaking to the *Messenger* about these secret locations?

The PRESIDENT: Minister, do you wish to answer that question? No.

TASTING AUSTRALIA

The Hon. D.G.E. HOOD (14:40): My question is to the Minister for Trade, Tourism and Investment. Will the minister update the council on the many immersive experiences available at next year's Tasting Australia event?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:40): I thank the honourable member for his ongoing interest in our beautiful food and wine offerings in South Australia. This morning I joined Simon Bryant, Jock Zonfrillo and Nick Stock to launch Tasting Australia 2019. From 5 April to 14 April next year Tasting Australia will take to the land, sea, sky and river.

The 2019 Tasting Australia extends beyond eating and drinking to become an experience festival, an epicurean flotilla on the River Murray, a surf safari and seafood feast on Yorke Peninsula and chartered flights to Coffin Bay, Kangaroo Island, Mayura Station, the Barossa and the Flinders Ranges. They are all part of the bold program for Tasting Australia 2019.

The country's pre-eminent eating and drinking festival will bring unprecedented opportunities for food, wine, beer and spirit-lovers to explore and experience South Australia over 10 days. The first program release, on sale today, will feature more than 90 events in Adelaide and the regions.

The festival is expected to attract more than 60,000 people, many from interstate and overseas, who will generate significant economic activity for this great state.

Where else can you cruise on the River Murray, cook your own meal with hampers prepared by Tasting Australia, and dine aboard the 120-year-old paddle-steamer with the original woodfired oven and award-winning chefs at the helm? Or if you prefer something saltier, the Surf Food Safari at Innes National Park will enable guests to explore this untouched piece of paradise whilst refuelling on the world-class foods sourced in the region.

It was great to announce also today Yalumba as the wine partner for the festival, bringing their local talent and premium wine to the event as well as their global network. Some of the highlights of Tasting Australia 2019 are the debut of the Tasting Australia Flotilla, a culinary journey on the River Murray and the Surf Food Safari, an adventure at Innes National Park on Yorke Peninsula. They are just two of the highlights.

Also new is the exciting Surf Food Safari, a three-day, two-night adventure through Innes National Park with personal instructors guiding surfers in steady swell and the chefs Darren Robinson from Three Blue Ducks and Simon Burr from the Olfactory Inn providing delicious fare during—this is interesting, Mr President—the peak crayfish season.

Tasting Australia Airlines, the 2018 hero event, will return. Guests will enjoy charter flights to Coffin Bay for a weekend or a day trip, plus day trips to Kangaroo Island, Mayura Station, the Flinders Ranges and the Barossa by charter plane.

Due Volte, at Yalumba, an Italian feast at Yalumba in the evocative Tank 11 & 12, and a masterclass by Nick Stock and East End Cellars showcasing Champagne Bollinger, 1,000 Years of Wine and blend your own Torbreck Run Rig shiraz and more.

The wonderfully talented and creative Australian team have sought out fresh ideas and the hottest talent to bring Tasting Australia to life. As put by Simon Bryant this morning, Tasting Australia is one of the country's original food and beverage festivals and has always taken on a maverick approach to showcasing quality, provenance and personality without following trends. I agree with him that our state is a great meeting point for an industry due to its established history and a welcoming approach. It is also an oasis for food and drink lovers to retreat to when they want time to explore and unwind.

Some of the top chefs are telling Jock Zonfrillo how excited they are to come to Adelaide and experience South Australia. Alex Atala from D.O.M. in Brazil—number 30 in the world's top 50 restaurants—will be cooking in the Glasshouse Kitchen next year, as will Thai aficionado David Thompson and Peter Gilmore from Gourmet Traveller's Restaurant of the Year, Quay.

Alongside them, there will also be a great line-up of established and emerging talent: Shinobou Namae from L'Effervescence, Tokyo; Manoella Buffara from the restaurant Manu in Brazil; Mat Lindsay from Poly and Ester in Sydney; and O'Tama Carey of Sydney's hottest eatery, Lankan Filling Station. There are also some amazing local ambassadors who do South Australia proud every day: Adam Liston from Shobosho, Jessie Spiby from My Grandma Ben, Emma Shearer from The Lost Loaf, Bethany Finn from the Mayflower Restaurant, Karena Armstrong from The Salopian Inn, Michael Downer from Murdoch Hill, Kate Laurie from Deviation Road, Louisa Rose from Yalumba and Steven Pannell from SC Pannell.

Tasting Australia has been recognised by the global Fodor's Travel as one of the '12 international food festivals worth travelling for'. In 2018, the event generated 41,000 bed nights for local hotels and more than 54,000 visited the hub, Town Square. At its inception in 1997—interesting; a Liberal government initiative—we could not have possibly imagined that this event would involve such a wonderful spectrum of experiences. The first release of the program is now live, with more than 90 events available to buy. Tickets for Tasting Australia, from 5 to 14 April next year, are available at tastingaustralia.com.au, and I encourage every member of the chamber to get along and enjoy the wonderful opportunities.

TASTING AUSTRALIA

The Hon. F. PANGALLO (14:46): I just have a supplementary in relation to the Murray food flotilla. Will this be before, during or after the herpes virus is released on the carp?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:46): An interesting question from the Hon. Mr Frank Pangallo. I suspect it will be before because I am not yet aware that a date has been announced for the herpes virus to be released, unless the Hon. Mr Pangallo has some inside information, or upriver information, on that particular issue. I honestly don't know. I think it will be before because I don't believe that date has been released.

TASTING AUSTRALIA

The Hon. I.K. HUNTER (14:46): A supplementary arising from the original answer: how many Tasting Australia events will the minister be attending, I guess, as complimentaries?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:47): It's an interesting question. I haven't yet looked at my diary to see whether that is during a sitting week. I'm just not certain. Naturally, I am a very enthusiastic supporter of Tasting Australia given it was a Liberal initiative. As members in this chamber would know, I have said dozens of times that I do like prawns, so I'm sure I will be enjoying some of those. The seafood experience in Innes National Park during the peak of the crayfish season will be a highlight, but I don't know how many events I will attend. It will depend on my diary but, certainly, I'm going to try to get to as many as I possibly can.

SHOP TRADING HOURS

The Hon. F. PANGALLO (14:47): I seek leave to make a brief explanation before asking a question of the Treasurer.

Leave granted.

The Hon. F. PANGALLO: When the government's trading hours bill was defeated recently, the Treasurer indicated that his department would enforce regulations on trading space by inspecting supermarket IGA stores around the state. During the debate, he took the opportunity to mention a store in Millicent that he claimed had moved fridges around the floor space to comply with the legislation to enable them to trade the regulated hours. My question to the Treasurer is:

1. How many inspections have SafeWork SA inspectors carried out since the defeat of that bill?

2. What were the results of those inspections—that is, how many were compliant and how many were noncompliant—and has any action been taken against any store?

3. Was the IGA supermarket in Millicent inspected, and what was the result of that inspection?

The Hon. R.I. LUCAS (Treasurer) (14:48): I thank the Hon. Mr Pangallo. I am delighted to receive a question particularly in relation to one of my favourite topics: shop trading hours. No prosecutions or prohibition notices have yet been instituted but, true to the word I gave to this chamber, we have commenced processes to implement the actions that I indicated we would, sadly, be forced to implement.

SafeWork SA are currently going through a process. We are having a look at finalising the legal advice. I will not bore members with the detail again, but there were very interesting legal debates as to whether things like cigarette counters, where some people were arguing because they weren't on display all the time shouldn't be included in the calculation of the floor area of a supermarket, should be counted as part of the 400 square metre calculation or not. So there are a couple of those sorts of legal issues being clarified with Crown law.

Some of the supermarkets which are potentially operating unlawfully are relying on whether or not certain areas within their store are included or not included in the calculation, such as the cigarette counters and some other areas as well. So SafeWork SA are working through a process. I am not aware that they have actually done any further inspections, but I can clarify or check that. Certainly, I have asked them to confirm with those supermarkets, when the inspections were done

back in June or July—whenever that was—whether or not they have complied or not complied since then.

As the honourable member highlighted, some stores, such as the one in Millicent, have been moving fridges and freezers in from the wall in an endeavour to get under the 400 square metre calculation. They are not the only ones, I might say. There are others that have sought to manoeuvre the calculation so that they may or may not technically come under the 400 square metre calculation. So it would be unfair just to single out one store; there are a number of stores that we understand might have been engaging in similar practices.

SafeWork SA has been asked to confirm for those that were perhaps right on the margin whether or not they are still just above or just below. There are clearly a number of stores which are significantly below, so there is no issue there. There are a number of stores which are significantly above; therefore, it is quite clear that they are potentially operating unlawfully. There are a number that are right on the margin, depending on whether cigarette counters and others are counted in or out or whether they have moved their fridges and freezers in or out from the wall—as to whether or not they technically comply with the current silly laws that we have at the moment.

The honourable member can rest assured, true to my word that I gave to the chamber and to him personally, we are following through with that action, but at this stage no prohibition notices or charges have been laid yet. But the process is commencing in terms of, sadly, having to enforce the silly, outdated, antiquated laws that we currently have.

SHOP TRADING HOURS

The Hon. C.M. SCRIVEN (14:52): Supplementary: will the Treasurer guarantee that the legal advice or guidelines that he is referring to will be provided to the relevant stores before any SafeWork inspections occur? If so, when will that information be provided to retailers of our state?

The Hon. R.I. LUCAS (Treasurer) (14:52): No.

SHOP TRADING HOURS

The Hon. C.M. SCRIVEN (14:52): Further supplementary for clarity: so is the Treasurer saying that he won't provide legal information that will clarify what is allowed and what is not and instead seeks for SafeWork to simply go ahead and prosecute small retailers?

The Hon. R.I. LUCAS (Treasurer) (14:53): No, I didn't say that.

SHOP TRADING HOURS

The Hon. C.M. SCRIVEN (14:53): Further supplementary: would the Treasurer care to clarify what clarity he is going to provide to small retailers?

The Hon. R.I. LUCAS (Treasurer) (14:53): Just to assist the honourable member, the honourable member's first supplementary was: would I provide the legal advice? The honourable member is perhaps a new member to—

The Hon. C.M. Scriven: 'Or guidelines' was my question.

The Hon. R.I. LUCAS: The honourable member is perhaps a new member to the chamber. Crown advice which is available to the government and ministers is never provided to persons other than to the ministers and to the Crown.

I have put on the public record, during the debate and prior to the debate, the vexed legal issues in relation to what is in and what is out. Ultimately, the government has indicated that it will abide by whatever legal advice we have. It will be ultimately up to individual retailers if they choose to disagree with that particular position. As I said originally, ultimately, our silly, antiquated, outdated laws will only ever be resolved one way or another by a court, because the government will have its legal advice; retailers may well have their own legal advice, which disagrees with the government's legal advice.

Ultimately, it will be, potentially, until it gets into a court and a judge decides one way or another what he or she believes the silly, antiquated, outdated laws that we have ultimately mean as to who is right and who is wrong. The government can only operate on the legal advice. I can only

operate on the legal advice I get. Retailers will have to operate on the legal advice that they take if they choose to disagree with what the regulator and what the government says the position is in relation to the law.

SHOP TRADING HOURS

The Hon. C.M. SCRIVEN (14:55): Supplementary: the Treasurer refers to what the information is about the current law, but he is saying that he will not provide that information to retailers so they can abide by the law. Am I understanding correctly that the Treasurer will not provide guidelines to retailers on what the government's advice is as to what the law is as it currently stands?

The Hon. R.I. LUCAS (Treasurer) (14:55): There are guidelines that have been already outlined in relation to the shop trading hours legislation. But, in relation to the honourable member's supplementary question as to whether we will provide the legal advice that we have received, the answer is no.

The Hon. C.M. Scriven: Guidelines and information.

The Hon. R.I. LUCAS: The guidelines are there with the act and the guidelines are already there, but there are vexed legal issues.

The Hon. C.M. Scriven: So you want to gaol them instead of providing them clarity? That is outrageous! Absolutely outrageous!

The Hon. R.I. LUCAS: The honourable member knows not what she is saying. I have never said, and it is factually incorrect to suggest, that I want to gaol independent retailers. The honourable member said I wanted to gaol supermarket operators. It is not possible under the legislation. The honourable member knows it's not possible. It's an outrageous claim from the Hon. Ms Scriven. It does her no good at all to make those sorts of claims in the house of parliament that in some way I, as minister, want to gaol supermarket operators.

I actually just wanted, on behalf of the government, to allow supermarket operators to trade whenever they wanted to. So the supermarket operator in Millicent, if he or she wanted to trade whenever he or she wanted, I wanted to do it. It is actually the Hon. Mr Scriven and her party who want the current silly, antiquated, outdated laws to apply where, ultimately, a legal question as to whether or not the 400 square metre rule includes being able to move the fridges and freezers in from the wall and therefore subtract that from the 400 square metres, or whether it means that you can actually not count where you sell cigarettes to people because in some way that doesn't come into the 400 square metre calculation, as some retailers have argued.

All of those difficult legal issues—as I said, the government has its legal advice. Retailers may well have their own legal advice. Until we end up with these silly, antiquated, outdated laws being tested and judged by a court of law, we won't ultimately know which set of lawyers are correct or not. The government has to take the advice of Crown law in relation to the legal advice. Retailers will have to take their own advice in relation to whether they disagree with the legal advice the government has got. It is a simple as that. There is a simple solution to all of this: actually reform the outdated, silly, antiquated laws and allow people to trade when they want to.

Members interjecting:

The Hon. R.I. LUCAS: The Leader of the Opposition actually has some legal training, or so I was advised. Until a court actually determines what the law actually means or says, the guidelines can only be on the basis of Crown law's advice. I have indicated that all we can do is rely on the Crown's advice in relation to what the legal position is. Ultimately, the retailers will have to take their own advice and, as I said, if there is a dispute, it will be up to a judge to determine which set of lawyers are correct or not.

SHOP TRADING HOURS

The Hon. E.S. BOURKE (14:59): A supplementary arising from the original question: how many SafeWork SA inspectors will be out on Boxing Day to ensure that anyone working during extended Boxing Day hours would do so, as stated in the *Gazette*, strictly on a voluntary basis?

The Hon. R.I. LUCAS (Treasurer) (14:59): We won't have SafeWork SA inspectors out there strictly looking just at that particular issue.

SHOP TRADING HOURS

The Hon. F. PANGALLO (14:59): Has the minister received any recent Crown advice regarding the legality of his decision to give the ministerial exemption to open on Boxing Day?

The Hon. R.I. LUCAS (Treasurer) (15:00): The Hon. Mr Pangallo can rest assured I only operate on very sound legal advice from the Crown.

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

SHOP TRADING HOURS

The Hon. E.S. BOURKE (15:00): Yes. How will the Treasurer enforce, ensure or find out that people aren't being forced to work on Boxing Day if there are no SafeWork SA workers out?

The Hon. R.I. LUCAS (Treasurer) (15:00): I am very sure that my comrades and very good friends and colleagues in the shoppies union will very happily give me a phone call or send me an email if they become aware of any particular issues. I might note that I received another email from my very good friends and comrades in the shoppies union, and this time it didn't go into the junk mail. They actually sent it to my Parliament House email inbox rather than the Treasury one—I am not sure why. Anyway, it didn't go into the junk mail. Ms Romeo asked to meet with me, and I am only too delighted, as always, to meet with union bosses in relation to any particular issue. I think that my office has either already organised a meeting or, indeed, is in the process of organising a particular meeting.

The advice I have had from SafeWork SA, with great respect to my very good friends across the chamber on this particular issue, is that over many years the shop trading laws have allowed trading on Boxing Day in the CBD. I am advised that there has been not one single complaint from the shoppies union, so I am told, or indeed individual workers or others, indicating that they had been forced to work against their wishes in the CBD, or indeed in the rest of South Australia, in regional South Australia from Mount Barker to Mount Gambier, where they are entitled to shop on Boxing Day.

So the proof of the pudding, I suspect, is in the eating, if I can use a colloquial Christmas-related expression; that is, stores have been open, they have been trading. On all these claims in recent years that people are being forced to work against their wishes, the advice I have received from SafeWork SA is that they haven't received complaints in relation to workers or employees being forced to work against their wishes over recent years, so that would certainly be my expectation.

Again, I know that my very good friends and colleagues, the union bosses in the shoppies union, have been highlighting to their members by way of emails, which I have copies of, indicating that they don't have to work if they don't want to. The shoppies union have been quite appropriately advising their members that they are not required to work if they don't want to. So they have appropriately been advising their members that they don't have to work. SafeWork SA has made it quite clear, in relation to their website, that employees can't be forced work. A number of shopping centre proprietors have also been advising their landlords and tenants that not only aren't they forced to open but they are not entitled to or allowed to force employees to work as well.

There is a full-court press at the moment with everyone quite intent, from union bosses, to shopping centre proprietors, to SafeWork SA and to me as the minister to highlight the legal position to employees that they can't be forced to work. If someone is or if someone believes that they have been forced to work, they are entitled to lodge a complaint through the normal processes. SafeWork SA will be required to investigate that particular claim and decide whether or not there is sufficient grounds for prosecution.

SHOP TRADING HOURS

The Hon. E.S. BOURKE (15:04): Supplementary: can the Treasurer confirm what the penalty is for the employer if they are found to have forced a staff member to work on that day?

The Hon. R.I. LUCAS (Treasurer) (15:04): Contrary to the outrageous and scurrilous claims being made by her colleague earlier that I wanted to gaol people for offences under the shop trading

legislation, my recollection is that it is a maximum penalty of up to, I think $100,000, but I will have that checked and if it is a lower sum than that I will come back and correct the record. That is the maximum, of course, in relation to the penalty. As I said, if it is not exactly that number, I will come back and correct the record, but there is a significant financial penalty potentially available there should someone break the law in relation to forcing an employee to work against their wishes.

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

SHOP TRADING HOURS

The Hon. E.S. BOURKE (15:05): Thank you, Treasurer. I think you are correct, but have you advised—

The Hon. R.I. Lucas: What did you say? You thought I was correct?

The Hon. E.S. BOURKE: I think you are correct that it is $100,000 under subsection (13). We agree on something. It's amazing. This is a rare moment. I am glad it is on the record.

The Hon. K.J. MAHER: Point of order, Mr President: the honourable member is passing commentary and not asking her question.

The PRESIDENT: Yes. The member has not had as long a time in the chamber as you, Leader of the Opposition. Allow some latitude for the newer members. The Hon. Ms Bourke, your leader wants you to get on with the question.

The Hon. E.S. BOURKE: Can you please advise if you have given this advice to employers that there is a penalty of $100,000 if they do force a worker to work on Boxing Day?

The Hon. R.I. LUCAS (Treasurer) (15:06): Look, the law is the law, but my understanding is, again, as I have said, SafeWork SA have advised through their website and through whatever other communication channels they have available to them the existing provisions of the law, and the existing provisions of the law make it clear what the maximum penalty is. I am delighted to hear the honourable member has agreed with my recollection of what the penalty was. If that is the case, we are both in furious agreement.

So the law is the law. It is been highlighted in terms of the website, 'Here is the provision of the act where it will be clear what the penalty might be.' In relation to whether I have personally gone out and spoken to employers about $100,000, I think I have had a discussion with one particular employer when we raised the issue of what the penalties were, but I have not gone out and spoken to all employers in relation to what the penalty is. Given the recent public discussion and debate about this, I suspect there are many employers who have had a look at the legislation to see what their responsibilities are under the legislation.

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

SHOP TRADING HOURS

The Hon. E.S. BOURKE (15:07): Just to confirm for the record, you have not confirmed to employers what the penalty would be, and you will also not be out on the day enforcing that workers can work voluntarily on the day?

The Hon. R.I. LUCAS (Treasurer) (15:07): I'm sorry; I thought we were in furious agreement for a little while but we will have to disagree on that particular issue. I am not confirming that at all. What I am saying is that my understanding is that SafeWork SA have advised on the website what the law is, and the law clearly makes it clear what the penalty is. I have not gone out and spoken to dozens, hundreds, thousands, or many employers, saying to them, 'Look out, there is $100,000 penalty in this particular area.'

I have said publicly here to the many hundreds and thousands of people tuning in to the live stream, or whatever it is on the website of the Legislative Council today, that I have made it quite clear to all of those employers, 'Look out, there is a potential maximum penalty of $100,000.' If I am asked by the media, I will be happy to clearly enunciate that again. It is not as if I am hiding from it. I am quite open in relation to my understanding of the law, and I am happy to have answered the honourable member's question today.

The PRESIDENT: I think we have dealt with supplementaries enough, the Hon. Mr Hunter. The Hon. Mr Wortley is keen to have his question, and I am keen on the last day for the Hon. Mr Wortley to have a question.

The Hon. I.K. Hunter: It's an important supplementary, sir.

The PRESIDENT: No, the Hon. Mr Hunter, I am sorry to deny you. The Hon. Mr Wortley.

The Hon. R.P. WORTLEY: Thank you, Mr President. I was quite happy for the honourable member here to have a question.

The PRESIDENT: Well, you are a former President.

STRATHMONT POOL

The Hon. R.P. WORTLEY (15:09): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding the Strathmont swimming pool.

Leave granted.

The Hon. R.P. WORTLEY: Yesterday, I asked the minister whether all user groups of the Strathmont swimming pool had been accommodated with alternative sites. The minister responded, 'My advice is that as of yesterday they have.' My questions to the minister are:

1. Have all swimmers and people who access the pool for therapy been accommodated with alternative sites?

2. How many school students with disabilities access the pool therapy?

3. Have all those school students been accommodated at alternative sites?

4. Will the minister guarantee that those students being shunted off to other sites will not experience any fee increases?

5. Has the minister read *Hansard* in regard to yesterday's question time, in particular to the Strathmont swimming centre? If she has, does the minister acknowledge that no member of the opposition asked her to name any user group?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:10): I thank the honourable member for his question. My department has been working with individual user groups, who are the contracted organisations with which they are required to work. They obviously have a range of students, clients and the like that they then deal with, and so the approach has been that the department would work with those user groups to find alternatives. As I stated yesterday, and as the honourable member has repeated in his question today, my advice was that the final user group had reached an agreement to find alternative arrangements.

It is the responsibility of the user groups themselves to manage students and their clients going forward. Our contract is with the user groups, and we have reached those arrangements. It has been a process that has taken a considerable amount of time and effort. I think that my department has worked very well and in good faith with those groups to reach those arrangements and has performed its duty of care to them.

The PRESIDENT: The Hon. Mr Wortley, a supplementary.

STRATHMONT POOL

The Hon. R.P. WORTLEY (15:12): First of all, part of the question was: did you read *Hansard* and look at the debate around this issue yesterday? You have made statements in this chamber that we were insisting on you naming these user groups, but *Hansard* will clearly show you that no-one from the opposition has asked that question. Have you read *Hansard* and will you acknowledge that?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): The matter of naming the user groups is germane to the matter entirely. It is linking the user groups with the specific pools. I will not allow, I will not enable, I will not facilitate the Labor Party—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will not facilitate the Labor Party undermining the work of the Department of Human Services in assisting the user groups, and therefore all of their users, by naming them. That is my position and it is final.

STRATHMONT POOL

The Hon. R.P. WORTLEY (15:13): The user—

The PRESIDENT: The Hon. Mr Wortley, we can't spend a lot of time on this issue.

The Hon. R.P. WORTLEY: Well, it's very important, because of the number of—

The PRESIDENT: I understand. Make sure the supplementary is tight.

The Hon. R.P. WORTLEY: User groups and actual individuals who use these facilities are two different things. I am asking how many people, kids with disabilities and students, have not been accommodated through the process in your negotiations?

The PRESIDENT: That's the supplementary. Minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): The Department of Human Services has a direct contractual relationship with the user groups. It is the responsibility of the user groups to inform and assist any clients or students that they are involved with.

The PRESIDENT: This is the last one. I am keen to get to the crossbench.

STRATHMONT POOL

The Hon. R.P. WORTLEY (15:14): Supplementary: in regard to the ability of user groups to provide the sort of facilities that their clients require, many of these clients with disabilities—

The PRESIDENT: That's not a supplementary. Sit down.

The Hon. R.P. WORTLEY: All these poor little kids who won't be able to swim—

The PRESIDENT: This is not a matter of interest, the Hon. Mr Wortley. Sit down. I have been more than tolerant with the supplementaries. The Hon. Mr Dawkins.

HOSPITAL SERVICES

The Hon. J.S.L. DAWKINS (15:14): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding hospital services.

Leave granted.

The Hon. J.S.L. DAWKINS: Last week in this place I raised the question of staff wellbeing. I was pleased to hear from the minister about steps being taken to support staff in the health sector. Will the minister update the council on some of the pressures in the health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I thank the honourable member for his question. There is no doubt that one of the most acute stresses is working in an overcrowded hospital or, in particular, an overcrowded emergency department or ambulance ramp. The state of the health system in South Australia was starkly highlighted today by the release of the Australian Institute of Health and Welfare report into Australian hospitals for the year 2017-18.

The data for South Australia is a condemnation of Labor's 16 years of mismanagement of the state's health system, and in particular highlighted the stressful situation that South Australian nurses and doctors work under in the South Australian health system. We have the four worst performing emergency departments in the country—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, it's getting annoying now.

The Hon. S.G. WADE: —and half of the 10 worst performing elective surgery waiting times at metropolitan hospitals. We have the lowest proportion of any state of patients categorised as

emergency cases seen on time. We have the lowest proportion of ED presentations completed within four hours of any Australian jurisdiction.

Looking at the individual hospitals: in 2017-18 the Royal Adelaide Hospital was the worst performing hospital in Australia for patients departing the ED within four hours; the RAH was followed by Modbury, which was the second worst hospital in Australia; the Lyell McEwin was the third worst hospital in Australia; and it was followed by the Flinders Medical Centre, which was the fourth worst hospital on this metric.

This is objective data, which demonstrates that Labor drove our state's public health system into the ground. In particular, the member for Croydon and the member for Kaurna stand condemned by this report card on their performances respectively as health minister and assistant health minister. On their watch our major metropolitan hospitals were the worst in the nation. They have no credibility when it comes to health. They failed the people and they failed the state.

Whenever Labor tries to obstruct and criticise the Marshall government as it works to turn around the health system, this report—

Members interjecting:

The PRESIDENT: Order! Minister, go on.

The Hon. S.G. WADE: —will rise up in condemnation of them for the wrecking job they did on the South Australian health system. Unlike Labor, who refused to accept responsibility for their disastrous mismanagement and would rather rewrite history, the Marshall Liberal government accepts this report. We commit to change; we need to do things differently to turn around our health system.

I want to emphasise that this report is not a reflection on the clinicians and staff who support services in the health system. Every day they put in their best efforts to provide quality health care. It was the former Labor government, over 16 years of mismanagement, who let them down and let down the people of South Australia.

This government is determined to empower clinicians and staff. We must devolve the decision-making from head office out into our hospitals. I reiterate my support for our high-quality clinicians and health professionals. The government has already begun the work that needs to be done to make the change our health system needs.

Since the election, I have been working to clean up the mess Labor left in our health system. The Marshall Liberal government is reactivating the Repat. We have returned multiday surgery to Modbury Hospital; we have restored 24/7 cardiac services to The Queen Elizabeth Hospital; we have opened new mental health beds at the Lyell McEwin; we have also intervened at our central hospitals, engaging a new board, a new CEO, supported by KordaMentha, to try to turn around the culture and the financial management in CALHN.

We are getting on with the job of rebuilding our health system. There is no silver bullet. We all know that it requires a long-term plan. This is what the Liberal Marshall government is determined to deliver.

KORDAMENTHA

The Hon. T.J. STEPHENS (15:19): Supplementary question: is KordaMentha the same group of people who resurrected the fortunes of Whyalla when it was going down the gurgler?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): I thank the honourable member for his question, because it does highlight the hypocrisy of the Labor Party. KordaMentha were the saviours when they were stepping in and helping the recovery of Whyalla and now they are some sort of demonic force now that they are trying to help recover the public health system. I think there would be a lot of people in Whyalla who have more confidence in KordaMentha to help deliver a turnaround than that hopeless mob across the other side. Labor, over 16 years, delivered a health system which had in the last year a tenfold increase in overdue elective surgery. They completely failed in terms of financial—

Members interjecting:

The Hon. S.G. WADE: Tenfold. Sorry, the honourable member wants to check that I wasn't getting my facts wrong. It is tenfold. In the last financial year, they had a tenfold increase in the overdue elective surgery. What that means is that South Australians who needed surgery—elective surgery doesn't mean it is not important; it can often be life saving—were faced with a tenfold increase in elective surgery waiting lists in the last financial year. At the same time, the former Labor government was delivering the results that I referred to earlier. Of all the hospitals in Australia, we managed to get the four worst in terms of emergency department waits, and half of the ten worst in terms of elective surgery.

The honourable member highlights the strong response of the Marshall Liberal government to deliver this turnaround. We do not believe, after 16 years of Labor mismanagement, that more of the same could give us any hope of recovering from that situation. What we have done—and I must admit it is very creative—is we have actually put in health boards. You might say to me, 'Hasn't every other local health network in Australia got boards?'

The PRESIDENT: Minister, the Hon. Ms Franks is on her feet on a point of order.

The Hon. T.A. FRANKS: Point of order: the supplementary was whether this was the same KordaMentha that was involved in Whyalla. I don't think KordaMentha has anything to do with boards, and I am pretty sure that the minister has answered this with a yes without ever saying 'yes'.

The PRESIDENT: The member would like you to keep on point, but the minister has some latitude.

The Hon. S.G. WADE: I apologise for not having a train that was clear enough to follow. What I was referring to was KordaMentha is part of a three-pronged—

Members interjecting:

The PRESIDENT: Order! Allow the minister to answer in silence.

The Hon. S.G. WADE: Just to get the daisy chain of logic here, the honourable member asked me about KordaMentha.

Members interjecting:

The PRESIDENT: The minister has finished. The Hon. Mr Parnell.

HOT WEATHER PREPAREDNESS

The Hon. M.C. PARNELL (15:22): When the minister has recovered his breath, my question is of the Minister for Health and Wellbeing. It relates to health agencies' response to increased heatwaves brought about by climate change. My question of the minister is: given the Bureau of Meteorology has forecast hotter than average days and nights from now through to the end of summer, what measures has the government taken to reduce the occurrence of death and illness that always accompanies heatwaves in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:23): The honourable member is quite right. The South Australian health system is very attuned to the risks of hot days, particularly to vulnerable people in a whole range of categories. It reminds me of a gentleman I visited in the northern area who was on oxygen machines. He was at risk if there was a power failure, and of course power failures are often related to significant heat events.

One of the key programs we have in place in partnership with Red Cross is to register and monitor people who are at risk, whether that is through their particular vulnerabilities in terms of reactions to stress, because some medical conditions have their own susceptibilities to heat variations, but it also might be vulnerabilities in terms of relying on life-saving equipment.

My understanding is that Red Cross, in partnership with SA Health, has a register of people who have those vulnerabilities and on those heat days has an active program of monitoring those people. They also know that they have a number to ring, if they need to. In terms of the environment in which South Australians live, to the extent that we are continuing to have significant heat events, SA Health and the health network more broadly will continue to evolve to make sure that South Australians get the support they need.

Personal Explanation

ADELAIDE OVAL HOTEL DEVELOPMENT

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:25): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday—

Members interjecting:

The PRESIDENT: Allow the member to give his personal explanation in silence.

The Hon. D.W. RIDGWAY: —during the debate on the Adelaide Oval select committee, the Hon. Mr Frank Pangallo made a suggestion that I had been making some comments in this place, and I quote what he said:

> There is potential here for conflicts of interest, particularly when it comes to the hotel proposal. The SMA or the government is unable to say who will run it yet, but I was told in this chamber that there are board members with that kind of expertise. I gather that the Hon. David Ridgway would have been referring to Mr Hurley.

I had no recollection of saying anything about Mr Hurley in the debate. We have checked *Hansard* and, while it is relatively minor, it was my good friend, colleague, fantastic leader of our team and Treasurer, the Hon. Robert Lucas, who made some comments in relation to it, and I quote:

> 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…

I wanted to point out to the Hon. Frank Pangallo that I had made no comment in relation to the running of the hotel in previous debates in this chamber, and I ask him to correct the record when he gets an opportunity.

The Hon. F. PANGALLO (15:26): I will withdraw and correct that. Thank you, the Hon. David Ridgway.

Ministerial Statement

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. R.I. LUCAS (Treasurer) (15:26): I table a copy of a ministerial statement made in another place today by my ministerial colleague the Minister for Education on the subject of the government releasing the SACE Review.

INDEPENDENT EDUCATION INQUIRY

The Hon. R.I. LUCAS (Treasurer) (15:26): I table a copy of a ministerial statement made in another place today by the Attorney-General on the subject of tabling of evidence of the Independent Education Inquiry.

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Final Stages

Consideration in committee of the House of Assembly's message.

Amendment No. 1:

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

That the Legislative Council do not insist on its amendments.

In speaking to that motion, if I can summarise: the bill was debated in the House of Assembly and amendments were made. There was vigorous disagreement between the position that the government put and that the opposition and others took in this chamber on one very significant issue. I will return to that in a moment.

What then transpired was that the bill passed in an amended form. It has gone to the House of Assembly and the government has maintained its position and sent the bill back to the chamber in its original form. The council now has the opportunity to either insist on the amendments or, from the government's viewpoint, to no longer insist on its amendments, that is, to support the bill in its original form. If the council insists on its amendments then the bill in its amended form would again be sent to the House of Assembly.

I am going through this in laborious detail for new members to the chamber, not for political veterans like the Hon. Mr Parnell, who is well experienced in these things. For new members, it would mean that we would set up the capacity for what is known as a conference of managers, where five members from the House of Assembly meet with five members from the Legislative Council in an endeavour to resolve the differences between the two houses. It is either for one house or the other to concede or potentially come up with some compromise set of amendments. In the end, the bill might come back in an amended form or be laid aside in its entirety. All those options are possible once we get into a conference of managers.

I will return to the position of the government. As I said, we are asking the Legislative Council, on reflection, not to insist on the amendments that it made. When we debated this in this chamber, I highlighted the fact that the position the Labor Party were adopting was in essence saying that, in their view, it was okay for child molesters, paedophiles, pornographers, rapists and others of that ilk to have a vote. The position seems to be, 'We need to rehabilitate these people. They are capable of being rehabilitated, and part of rehabilitating them is that we shouldn't be mean and take away their right to vote.'

The government's position is much clearer and much more explicit than that. We are saying clearly that, if you are a child molester, a paedophile, a child pornographer, a rapist or a drug trafficker and you have been sentenced to imprisonment of three years or more, we think that you have forfeited your right to vote. It is a pretty simple proposition. As circumstances might prevail in relation to this, this week, Mr Vivian Frederick Deboo has been gaoled for a period of at least six years and seven months after he lost his bid for home detention in relation to a series of assaults of young boys—

The Hon. T.J. Stephens: Children.

The Hon. R.I. LUCAS: Children, my colleague Mr Stephens indicates—many decades ago. There would not be a South Australian who, over recent weeks, has not seen the scenes outside the courthouse in Adelaide as victims and their supporters protested the atrocities this Mr Deboo committed against these children many decades ago. All through this period, the Leader of the Opposition, the Hon. Mr Malinauskas; the Leader of the Opposition in this chamber, Mr Maher; and others have sought to portray themselves as some sort of opponent of paedophiles such as Mr Deboo.

In essence, they have characterised him as a pox on society, as some sort of scum that deserves no support at all. They campaigned in and around the home of Mr Deboo, expressing concern that this particular person might be allowed to serve in-home detention at his home. They endeavoured to portray themselves as opponents, as people who would do whatever they could to prevent this particular person from serving in-home detention for whatever period of sentence the court might apply. Yet we have these very same people—the Leader of the Opposition, Mr Malinauskas, the Leader of the Opposition in this chamber, Mr Maher—leading the charge to say that this person, this Vivian Fredrick Deboo, who has just been sentenced, should be allowed to vote for them at the next election.

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: Well, you are the ones who are defending him. The Hon. Mr Wortley, you are the ones who are defending his right to vote, because you are the ones who are saying Mr Deboo and his like are capable of rehabilitation. You are his champion. You are the one defending his right to vote. You are the one who is saying, 'This person, even though he's a paedophile, even though he's committed these atrocities against these children from decades ago, even though we say he's the scum of the earth, he's a pox on society', and every other phrase that you want to use when you're seeking to curry favour with the local community out there, but when the rubber hits the

road, when push comes to shove, when you have an opportunity in this chamber to say, 'Enough's enough, we're not going to let paedophiles like this particular bloke have a vote at the next state election', to be able to vote for the Labor Party, or their like, at the next election, the Leader of the Opposition in this chamber, the Hon. Mr Maher, and the Leader of the Opposition in another chamber, Mr Malinauskas, champion the right of paedophiles like Mr Deboo to be able to have a vote at the next election.

In this debate this afternoon I implore the Leader of the Opposition and others to actually back down, back off, and say, 'Enough's enough; we got it wrong, and we're not going to stand up in this chamber and continue to fight for the rights'—as they would argue—'of Mr Deboo' and other paedophiles like him, drug traffickers, child pornographers, rapists, all of them. These are the ones the Labor Party want to champion. These are the ones they want to defend. These are the ones they say are entitled to vote because this is part of their rehabilitation process, this is part of their right, and this government has been cruel and mean in saying to these rapists, these paedophiles, these child pornographers, these drug traffickers, 'Enough's enough, and if you're going to commit those sorts of heinous crimes then society and this parliament in particular, is going to say, "Well, we say to you you're not entitled to a vote".'

I challenge those members to stand up in this chamber and defend why, and to say to the victims of Mr Deboo and others why, they believe Mr Deboo should be entitled to vote at the next state election for Labor candidates and Labor members all over the place. I challenge the Leader of the Opposition to get up and argue why Mr Deboo and his like should be entitled to a vote.

I would implore the Labor Party and the other crossbenchers, who perhaps were duped by the Labor Party into supporting this particular position, now to see that the atrocity they are being asked to commit. It is bad enough the atrocity that these people have committed, but for this chamber to sanction it in any way by saying, 'We think these people are entitled to vote for Labor candidates and Labor members at the next state election, and we are prepared to stand up in this chamber'—I would hope that if the Labor Party do not have the decency to back down and say they got it wrong that those crossbenchers who when we last debated it supported the Labor Party will back down and say, 'We got it wrong. We're now prepared to support the position of the government on these amendments.'

The Hon. K.J. MAHER: I will not go into the shouty mode that the Leader of the Government in this chamber has gone into. I think the one thing that he has not done today, that he had not done when this last was before the chamber and that no-one in the Liberal Party has done is tell us in any way how this makes our community safer. That is the one big thing that is missing from this: what way at all will this proposed legislation make this community any safer? They have not done that. The reason they have not done that is because it does not. There is a not single skerrick of evidence—

The Hon. R.I. Lucas: You just want their vote.

The Hon. K.J. MAHER: —that suggests that this will make the community any safer at all. The Leader of the Government interjects that we just want their votes. When you look at the current government's attitude on people who have committed child sex offences, they are much softer than we have been in opposition. If prisoners had an incentive to vote for anyone, it would be the Attorney-General and her party.

Let's have a little bit of a look at the recent history of proposed changes that the opposition has put forward. When Colin Humphrys was potentially going to be released because at that time the law did not require him to change his attitude that he was no longer capable of controlling his sexual instincts, the opposition identified that and moved a private members' bill.

We moved that private members' bill, because we are not some sort of opponent: we are vicious opponents of child sex offenders. We absolutely think that they are the scum of the earth and commit atrocities against children and should face the full weight of the law. When it looked like Colin Humphrys had a possibility of being released from gaol, even though he could not demonstrate that he was now capable of controlling his sexual instincts, the opposition moved a private members' bill in the lower house.

It was one particular Monday morning when this matter became public, and Vickie Chapman, as Attorney-General, stated that morning that she had no intention of supporting the opposition's change in the law or doing anything in this regard because she wanted the court processes to play out. She wanted to see if Colin Humphrys was going to be released. She wanted to see if a notorious paedophile was going to be released into the community. That was her view that Monday morning: let's just see what happens. There is a bit of legislation that could stop Colin Humphrys, a notorious paedophile, getting out of gaol, but that morning the Liberal Attorney-General's view was, 'Let's just wait for the court processes, let's not interfere, let's see if this dangerous paedophile is released on the streets to offend again.' That was her view at the start of the process.

Thankfully, a cabinet meeting intervened and she was quite sensibly wrapped over the knuckles by her colleagues—and I hope the Leader of the Government in this place was one of those people—and told, 'This is the wrong thing to do. We need to make the community safe. We do not want dangerous paedophiles like Colin Humphrys having a chance of being let out onto the street, particularly when there is no evidence that he is now willing or capable of controlling his sexual instincts.' When we talk about making the community safer and dangerous paedophiles, it is the Liberal government who has form on going easy on them.

We have seen it more recently in the case of Vivian Deboo. The court was contemplating a submission for court-ordered home detention for Vivian Deboo, another notorious child sex offender. The Labor opposition put a private members' bill before the chamber that would have taken away the option of court-ordered home detention for child sex offenders—it would have taken that option away. Again, the Liberal Attorney-General came out and said, 'No, no, no, we don't want to do that. We don't want to absolutely guarantee the community is safe. Let's just let the court processes play out.' Inexplicably, her cabinet colleagues did not intervene and on this occasion allowed that to happen.

We are extraordinarily fortunate that Mr Deboo was not granted court-ordered home detention, because the Labor opposition had a bill that would have guaranteed he could not get it, but this Liberal government preferred to roll the dice and take the chance that maybe he would or would not get it. So when the Liberal government says we are soft on those who commit offences such as these, they are hypocrites and they are not telling the truth at all. We have been more firm on these sorts of offenders than the Liberal government has themselves.

That brings me back to the main point and the thing that the Liberal government has failed to convince the majority of the people in this chamber about: what one way at all does this make the community safer? There has not been one single way that has been suggested and because of that they have failed to gain the support of the Legislative Council. I would suggest that the Liberal government should look at practical ways that will actually make the community safer, like Labor has suggested, and not ways that, on their own admission, make no difference to community safety.

The Hon. M.C. PARNELL: Despite the Treasurer's baiting, I hope not to allow his cheap shot to dictate completely the tenor of this debate. At its heart, the government's position on convicted criminals, who receive punishment in the form of a term of imprisonment, is that their separation from society must be so complete and so absolute that when they do come back they will have a further road to travel to integrate, at any level, back into society.

I am thinking: the minister has not gone far enough. I think we could deny them food. On heinous offending, let's deny them food or, a bit less flippantly, let's deny them education in gaol. Let's deny them the right to improve their reading or writing. Really, they do not deserve to have any form of rehabilitation if we follow the government's logic right through. If we accept that 99 per cent of prisoners come back into society, and we want them to come back better, then keeping this thin cord of connection with the community relating to a very small number of people, I think, is an important connection to maintain.

However, if we are going down the hypocrisy path I can think of a number of corporate criminals, and I can think of companies that have been prosecuted for killing their workers. How do I know? They are on the Liberal Party donor register. Let's think about that. There are people who are so heinous that they cannot vote, yet corporate criminals who have broken environmental laws, industrial health and safety laws are quite appropriate as donors to the Liberal Party. Really, where does this hypocrisy end?

In terms of the motion that the Legislative Council not insist on its amendment, the Greens will be opposing that motion. We think the Legislative Council should insist on its amendment. That is not to say that, if it does come back in a deadlock conference, we are not open to further discussion. It may well be that the government might want to come back and say that those guilty of electoral fraud have lost the right to vote. Why do we not debate that amendment, at least there is a consequence that directly follows that criminal activity.

I hope the Legislative Council will insist on this amendment. Whilst the Greens would have been happy not to have had a bill at all, and to have kept the status quo, we accepted that the Labor amendment drastically improved what was an awful bill, and we were happy to support it on that basis. I would urge fellow legislative councillors to continue to insist on the sensible amendment that the Legislative Council made.

The Hon. C. BONAROS: For the record, I indicate SA-Best's position and associate myself specifically with the comments of the Hon. Mark Parnell, particularly in relation to some of the points raised by the Treasurer and on the baiting of members on the crossbench, in terms of whether we have made the right or wrong decision. If there is room for change I am sure that will become apparent in a deadlock conference situation. If that is the will of this parliament then that is the will of this parliament, and that is what the government is going to have to accept.

The Hon. F. PANGALLO: I reiterate the views of my honourable colleague Connie Bonaros and also that of Mark Parnell. I was listening to debate in the other place the other day, particularly from the government's side of things, and there was one word that I did not hear uttered in their commentary about this amendment—the word 'rehabilitation'. Nobody spoke about the rehabilitation of these people.

Like the Leader of the Opposition and unlike what was indicated last time by the Hon. Rob Lucas, I am probably one of those who is most harsh on criminals and on sentences handed out to criminals. In fact, it was only recently—a few weeks ago—that I first raised the issue of discounts given to child killers who were basically going to court, pleading guilty and getting a 40 per cent discount for heinous crimes. This seemed to be quite acceptable until, of course, it was raised publicly and then the Attorney-General has now decided that she will review it.

To say that we are sitting back and seem to be supporting these criminals in gaol, for some reason, just because we will not support the government on this is ludicrous. They are locked away. As the Hon. Kyam Maher indicated, it is not going to make society any safer at all. Rehabilitation should be one of the key things we look at when you send people to gaol, and that is not happening enough because there is too much recidivism in our system. So we will be sticking to our guns but, as the Hon. Connie Bonaros indicated, we are quite willing to listen to the government if they want some other compromise, perhaps. They might have another idea on it. We are happy to sit down and talk it over with them.

The Hon. I. PNEVMATIKOS: I just want to say a few words. I will start by noting the role of prisons in our society. They are institutions that are there for criminals to be infirmed and punished for their crimes but they also serve a rehabilitation and reforming role. That does not extend to then taking away any other entitlements and rights that individuals who happen to be criminals may have. The government's position on this matter appears to be somewhat misguided. If the concern is that those who have committed serious crimes—rapists, murderers, paedophiles, drug traffickers—should not have the right to vote, these amendments do not affect that.

In terms of the amendments, if it is a serious crime, they will not have the right to vote. If there are concerns about the sentencing, then the government needs to address sentencing issues not issues about whether a human being has a right to be a part of this society in whatever way they are able and wherever they are housed. That is the essential element of this amendment and it is not taking away anything that the government is raising. Those who have committed serious crimes will forfeit the right to vote. Anyone who has not, does not necessarily forfeit that right based on that amendment. That is all I wanted to say.

The CHAIR: If no other member has a contribution, then I intend to put the question. For the benefit of newer members, whilst the minister moved that the council does not insist on its amendments, in the Legislative Council the Chair, or in my capacity as President, I always put the

question in the positive. The question I will be putting is that the amendments be insisted on. So if you wish to insist on the amendments, that is, that the Legislative Council view holds, as opposed to the House of Assembly, you vote in the positive, and if you do not wish for them to be insisted on, you vote no. I will put the question that the amendments be insisted on.

The committee divided on the question:

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

AYES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Pangallo, F.	Parnell, M.C.
Pnevmatikos, I.	Scriven, C.M.	Wortley, R.P.

NOES

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

Question thus carried.

The PRESIDENT: I remind members that they should be sitting in their own seats during a division.

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 December 2018.)

The Hon. C. BONAROS (16:00): I rise to speak in support of the Residential Parks (Miscellaneous) Amendment Bill 2018 on behalf of SA-Best. As everybody in this chamber would know, our party has been a strong and often lone advocate for people who live in residential parks. Members may recall that in 2014 Nick Xenophon fought a David and Goliath battle to get justice for the 40 devastated residents who were facing—

The Hon. R.I. Lucas: Was he David or Goliath?

The Hon. C. BONAROS: Well, in this instance, it did not quite go our way—forced eviction from their homes at the Brighton Caravan Park by the Holdfast Bay council and, ultimately, the residents made the decision to take their fight to court. In the end, notwithstanding Nick and others' pro bono legal representation of the residents, Goliath won. The residents, I suppose, were forced into settling without compensation, because the only other prospect they faced was that of drawn-out litigation and the risk of the associated costs order being made against them. So it was one of those situations where, unfortunately, despite our will to go as far as possible, it just became impossible to do so.

The residents of that Brighton Caravan Park ultimately paid a very hefty price in terms of their health and also their financial losses. In many cases, the residents had paid some tens of thousands of dollars to buy what were permanent fixtures in the caravan park, their investment in their often humble but affordable homes, based on representations made to them by the residential park owners. We are therefore very pleased to have this bill, first introduced by the previous government in 2017 and now tabled in the Legislative Council, albeit with substantial seemingly endless amendments from the government and the opposition before us.

The Brighton Caravan Park debacle demonstrated the need to better regulate the relationship between residential park owners and residents. As we know, the bill aims to provide a fairer and more transparent system for both parties by providing for clarity around residential agreements, the termination of those agreements for redevelopment, increased disclosure to all new residents, improved security of tenure for residents and increased penalties for park owners who do not comply with their obligations.

A suite of additional protections for residential park residents, including written agreements with a two-week cooling-off period and provision for the residents to obtain legal advice about the agreement they are intending to enter into, address the issues raised by the South Australian Residential Park Residents Association (SARPRA), SA Parks and Consumer and Business Services. We are particularly supportive of the provisions of the bill that provide for residents of more five years to have their agreements reviewed on expiry and reissued on the same or on new terms.

Park owners will also have to give residents 90 days prior to the expiry of a fixed-term agreement if they are going to terminate the agreement, instead of just having to give residents their marching orders in the heavy-handed way that we saw at Brighton.

We support some of the amendments. Again, I note there are a number of amendments that we are going to have to work our way through, but can I commend both the government and the opposition for what I understand will eventuate in terms of finding some middle ground on these amendments. Certainly, we have met with both the government and the opposition and made it our position that we would like to find some middle ground on those issues. I understand that is what we will be working towards very shortly. I suppose those efforts have gone some way towards striking a better balance, if you like, between protecting the rights of residents and owners.

We welcome the protections afforded to residents in the event of them selling, or their estates selling, their interests upon a resident's death. Residential park owners will have the advantage of a first option to purchase but will not be able to exploit or unfairly take advantage of families or residents who may not know the value of the interest that they hold. That is a particularly important aspect of this legislation. The amendments also make it clear that the resident or their estate do not have to sell to the park owner, if they so decide. Again, that is another important aspect of this legislation.

Importantly, if the residential park is sold, then the new owner cannot terminate a resident's agreement except on very specific grounds. If a park closes, there are much improved provisions for residents regarding relocation. The bill makes it clear that the park owners cannot charge the residents for that relocation. Again, that is a very important inclusion in this bill.

We want to make sure that residential park residents never have to engage in a *Castle*-like battle ever again. However, if they do find themselves in this situation—and I hope that they don't—this bill gives SACAT jurisdiction to adjudicate any intractable disputes, which I think we all would agree is a much better and certainly much more cost-effective option than litigation through the courts process.

We believe that residents' committees are much needed and the requirements for park owners to respond to the concerns of those committees within the month is another positive enhancement.

In considering this bill, we have been surprised to learn that no-one really knows how many residential parks there are in South Australia. That is certainly a question that I have asked at all briefings or at all meetings that we have had. It is not an answer that we have been able to obtain.

I think the opposition's suggestion in terms of a requirement for the Commissioner for Consumer Affairs to maintain a register of parks and keep it updated gives much-needed and greater oversight of the residential parks industry. How those provisions will ultimately look will of course depend on which amendments are accepted and which are not, but we certainly, for the record, indicate the establishment of a register which would enable us all to have access to that information. With those words, I indicate SA-Best's support for the bill.

The Hon. R.I. LUCAS (Treasurer) (16:07): I thank the honourable members for their contributions to the bill and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Amendment No 1 [Maher–1]—

Page 3, after line 21 [clause 4(2)]—Insert:

(6) A reference in this Act to the *market value* of a dwelling or other asset is a reference to the estimated amount for which the dwelling or asset should exchange, at the relevant time, between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

This is an amendment that I think the Hon. Connie Bonaros spoke to in her second reading contribution. It relates to making sure that when a dwelling is put up for sale after a resident dies that there is not the possibility of an unscrupulous park owner taking advantage of a grieving family and buying something well under market value. It inserts into the act that the dwelling must be at a market value agreed between the person or a representative of the person selling and the park owner.

This amendment needs to be read in conjunction with amendment No. 1 [Treasurer-1], which states that for the avoidance of doubt that nothing in this section obliges the selling of the property to the park owner. With that amendment from the government that the opposition is prepared to accept, we think that covers the field quite well and the two amendments work well together, protecting residents and park owners' families as well as making sure that it is clear that there is no obligation to sell to resident park owners. I commend our amendment to the chamber and also indicate support for the government amendment which we think does no harm and which, as it says, for the avoidance of doubt, just in case there was any, makes it very clear.

The Hon. R.I. LUCAS: I think we might need a bit of cooperation to get through this particular committee stage, Mr Chairman, and I offer my willingness to cooperate. In relation to this particular amendment, which is amendment No. 1 [Maher-1] as I understand it, clause 4, page 3, the government's position is that we are opposing this particular amendment for the following reasons: this amendment seeks to—

Members interjecting:

The Hon. R.I. LUCAS: You thought we were supporting it? Let me take some fresh advice. I am advised that the government's position is that we are opposing this particular amendment, but we will move an amendment to clause 15, which I understand there will be support for. My understanding is that, whilst we oppose this particular amendment, we are unlikely to have a majority in the committee, therefore this particular amendment from the Leader of the Opposition is likely to prevail. If that is the case, our amendment to clause 15 sits comfortably with this particular amendment should it be successful.

For the record, I indicate that I am advised that the government's position is to oppose this particular amendment for the following reasons. The amendment seeks to define market value. It is related to amendment No. 7 of these amendments, and I speak to them together. The government acknowledges the concern of some residents regarding the proposed section 50A, clause 15 of the bill. However, it is important to note that, while the new section 50A provides the park owner with the first option to purchase a dwelling from a resident's estate, it does not diminish the rights of the resident's estate to occupy, sell or assign a dwelling in any way in that the estate is entitled not to accept the offer.

The effect of market value being included in amendment No. 7 restricts the rights of a resident's estate to sell a dwelling in any way it thinks fit under proposed section 50A, for example, if the estate agrees to sell the dwelling to a family member at a price below market value. The proposed section 50A has been included in the bill as a balance to provide an opportunity for the

park owner to purchase the dwelling from the resident and regain ownership of the site if the estate decides to sell the dwelling. However, section 50A also ensures that the estate has full protection and control over what occurs and is not obliged to sell the dwelling or accept any offer made by the park owner.

If the park owner does not make an offer or the estate does not agree with the amount of the offer within 28 days, the park owner's option to purchase will lapse and the dwelling can be sold on the open market as usual. The amendment as proposed causes complexities around the calculation and assessment of market value, particularly where parties do not agree to the estimated market value offered. This could go to SACAT, which would have to make a determination on this definition of market value.

The Hon. C. BONAROS: Can I clarify for the record that, in supporting [Maher-1] and supporting [Treasurer-1], we overcome the issue that the Treasurer has highlighted. What we have is a situation where there are two groups: one says that we should insert the definition of market value into the bill and the other says that we should not. The Treasurer's amendment seeks to rectify the problem that he says the [Maher-1] amendment creates; is that correct?

The Hon. R.I. LUCAS: I am advised that, yes, we have inserted it to clarify the issue highlighted in the concerns that we have expressed about the amendment moved by the Leader of the Opposition, [Maher-1]. My advice is that, if this amendment is successful, the amendment I move later on to clause 15 sits comfortably with it in terms of endeavouring to resolve the issue.

The Hon. K.J. MAHER: I thank the minister for his words on this. As I indicated earlier, should this be successful, we will support the government's amendment. Something may have been lost in translation somewhere; it was my understanding that the government was going to support the opposition's amendment and the opposition was going to support the government's amendment. As the Leader of the Government has indicated, it looks like that will be the effect of what is going to happen anyway, but we might need to get some more clarification later on. I think it could get very tricky if the understanding that people have come to in relation to this is not the case as we go further on and withdraw and substitute amendments on the basis of discussions, if that is the understanding that we thought we had come to.

The Hon. C. BONAROS: Can I just clarify also that if amendment No. 1 [Maher-1] were not to be successful, then would the government still be proposing to insert amendment No. 1 [Treasurer-1]—no?

The Hon. R.I. LUCAS: My advice is that if this amendment was not successful we would still be proposing to move the amendment [Treasurer-1] to clause 15 to clarify or to avoid any doubt at all in relation to the issue.

The Hon. M.C. PARNELL: Just to assist the committee, unless some radical new information emerges in the next few minutes, the Greens' intention is to support amendment No. 1 in the name of Kyam Maher and also to support the Treasurer's amendment to clause 15 when we get to it, because we have now been assured that they do work comfortably together.

The Hon. J.A. DARLEY: I indicate that I will be supporting [Maher-1], although from a practical point of view I think it will not work because in dealing with these sorts of things the value of the improvement could in a lot of cases be zero, and when they are sold the reason it is zero is because the purchaser wants to shift it, so the cost of shifting equates to the value of the property. But I will be supporting the Treasurer's amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The CHAIR: We now come to clause 6. We have amendment No. 1 [Maher-2] and we have amendment No. 2 [Maher-1]. So, Leader of the Opposition, if you can just clarify for members' and my benefit, which one we are proceeding with?

The Hon. K.J. MAHER: If you give me a moment I will explain the reasons. I am proposing not to move amendment No. 2 [Maher-1] but instead move amendment No. 1 [Maher-2]. But I will be continuing with numbers 2, 3 and 4, which all work together. We have already moved amendment No. 1 [Maher-1]. I will not be moving amendment No. 2 [Maher-1]; in its place I will be moving amendment No. 1 [Maher-2], if that makes it clear.

The CHAIR: For the benefit of the chamber on the last day of the last afternoon, Leader of the Opposition, as I understand it you are not going to move amendment No. 2 [Maher-1].

The Hon. K.J. MAHER: No, I am not. This may be an easier way of explaining. What I had intended to do was move amendment No. 2 [Maher-1], amendment No. 3 [Maher-1], amendment No. 4 [Maher-1], which all deal with the same topic; that is, an election of a residents' parks committee. On getting further drafting advice, I am not going to move the first of that set of three; that is, amendment No. 2 [Maher-1], but in its place move amendment No. 1 [Maher-2]. So what I will be moving is amendment No. 1 [Maher-2], that is the first one in my second set of amendments, which then should be read in conjunction with amendment No. 3 [Maher-1] and amendment No. 4 [Maher-1]. Has that made it clearer, Mr Chairman, on the last day of sitting?

The CHAIR: Yes.

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

Amendment No 1 [Maher–2]—

Page 3, after line 27—Before subclause (1) insert:

(a1) Section 7(1)—delete 'form' and substitute:

be elected to form

In effect, these amendments clarify that a residents' committee must be elected by residents and not simply appointed by a park owner. This is after significant consultation with the South Australian Residential Parks Residents Association. The amendments also outline the term of appointment of a residents' committee for one year and also provisions for an election, the function and procedure to be made by regulation.

As I said, the amendments came after consultation with the South Australian Residential Parks Residents Association, which was concerned that, unless the residents themselves got a say in who was elected, it could be up to a park owner to appoint those who only agreed with them and not necessarily a diverse and proper view of the residents. In saying that, there is no suggestion that there is a park owner who would stack a committee to just agree with their views. However, as we know, we do not legislate for the best case scenario, we legislate to make sure we take account of possibilities and future scenarios.

The Hon. R.I. LUCAS: As the minister responsible for the bill, I am extraordinarily uncomfortable with the process that we are going through. I have no criticism of the Leader of the Opposition.

The Hon. T.J. Stephens: You could. Get into him!

The Hon. R.I. LUCAS: No, I will not. I am intending to report progress on this particular bill. I think the way we are currently going through it is a recipe for disaster. Clearly, on some of these amendments, the leader has had discussions, or people representing the leader have had discussions with people representing the government, and has a different understanding of the agreement that the government and the opposition had arrived at. It is different to the instructions I have in the file in front of me. I think good process would be that we report progress.

I would hope that when we come back in February the leader might consolidate his amendments into a new set of amendments where he jettisons the ones that he no longer has and, similarly, we as the government understand what his amendments are, and we can have ours equally lined up in a clear and methodical fashion so that all members can understand where we are coming from and what we are voting on.

I think it is too important to be going through the process that we are going through at the moment. I apologise to the council. It was a good endeavour to try to get it through. I must admit,

when we started the day, I did not think we were going to handle the bill today because of other pressing priorities, but members seemed to indicate a willingness to proceed and we were happy to proceed, but I am unwilling, as Leader of the Government, to proceed on the basis that we have at the moment. With those words, I move that we report progress.

Progress reported; committee to sit again.

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:30): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted into *Hansard* without my reading it.

Leave granted.

Mr President, the Statutes Amendment (Child Exploitation and Encrypted Material) Bill 2017 amends the *Child Sex Offenders Registration Act 2006*; the *Criminal Law Consolidation Act 1935*; the *Evidence Act 1929* and the *Summary Offences Act 1953*. The bill will establish new offences to deal with administering or facilitating the use or establishment of child exploitation material (CEM) websites and provide a means for the police to compel a suspect or third party to provide information or assistance that will allow access to encrypted or other restricted access computer material that is reasonably suspected to relate to criminal activities.

As Members may recall, this bill was introduced by the former Government, however, like many other important pieces of legislation, was not successfully passed through this Parliament before the end of last sitting year. Despite this, this Government sees this bill as an extra tool in the toolkit to investigate and prosecute predators.

The bill is a timely and necessary response to dramatic technological advances and the new ways in which crimes, especially the sexual exploitation and abuse of children, are being committed. The internet and rapid advances in technology bring obvious benefits for modern society. However, there is a dark side to these advances. The ease and manner in which people can communicate is being used for sophisticated criminal purposes.

It is crucial that the criminal law keeps pace with such changes in technology and society and its behaviour, especially new ways of offending. These reforms will help ensure that law enforcement agencies and the courts have the tools to deal with such criminal behaviour.

CEM website administrators and those hosting such websites contribute to the proliferation of CEM online facilitating and promoting the exchange and distribution of CEM. While South Australia's existing laws address the possession and distribution of this material, existing offences do not always sufficiently capture the conduct of administering, establishing and operating CEM websites—which can occur without actual possession of the CEM. There is a gap in the current law.

The bill introduces specific offences designed to criminalise the creation, promotion and use of CEM websites. These offences will carry a maximum penalty of ten years imprisonment, which is the same penalty that applies to most existing aggravated South Australian CEM offences.

The first offence, section 63AB(1), seeks to confront persons who create a website/s, moderate contributions to it, manage or regulate membership, and maintain the website. For example, a person would contravene the section if a person monitors traffic through the website and ensures the server hardware or software is running correctly. The offending extends to those who are aware the website is being used for CEM in addition to those who intend it to be so used.

Section 63AB(5), creates an offence to promote, or encourage another person to use a website that deals with CEM. The term 'encourage' is given a deliberately broad meaning and includes 'suggest, requests, urge, induce and demand'. The offence covers the promotion of CEM websites through advertising and other means. It is envisaged that the term is broad enough to capture modern online traits of display, or communication through the use of symbol and emoji.

Finally, section 63AB(7), creates an offence for providing information which will assist another person avoid (or reduce the likelihood) of apprehension for an offence involving CEM. The offence seeks to capture those persons who facilitate others to use a website containing CEM and assist avoiding detection. For example, the act of providing information or advice to others about how to use a website anonymously, or alternatively providing advice about encrypting files containing CEM, would constitute an offence.

Section 63D provides an incidental power of forfeiture introduced upon conviction of any CEM offence.

The bill is drafted to ensure that there is little impact on legitimate internet service and website providers, requiring the elements of knowledge and intent to which legitimate providers will lack, and when the knowledge element does arise legitimate businesses have policies and procedures in place that will likely bring them squarely within the reasonable steps defences of the new offences.

For consistency with existing similar CEM offences, the bill provides that an offender convicted of the new CEM administer/host offence will be a registrable offender and subject to the requirements of the *Child Sex Offenders Registration Act 2006*.

The Commissioner for Victims' Rights and academics have noted the problem of re-victimisation, that is the repeated viewing of CEM (if even for a lawful purpose). The incidental legislative changes will further enhance protection to the victims of CEM offending.

The bill also includes changes to the *Evidence Act 1929* to enhance the protection to the victims of CEM. The bill amends section 67H of the *Evidence Act 1929* to make it clear that 'sensitive material' includes CEM. This will make explicit the restrictions on the lawful access to such material, including preventing an accused from viewing such material. The bill also amends section 69 of the *Evidence Act 1929* to extend the usual requirement in sexual cases to clear a court when CEM evidence is being adduced.

The bill also introduces new investigative powers and procedures to assist police in the detection of offences, made increasingly difficult by technological advances and sophisticated encryption programs. The increasing use of encryption programs enable offenders to protect evidence and offending material. SAPOL asserts that this is a significant problem in the investigation of CEM offending, but extends to many modern crimes, including terrorism, drug dealing, serious and organised crime, cyber fraud, theft, identity theft, revenge porn and cyber facilitated abuse.

There is no general power in South Australia, unlike Queensland, Victoria, Western Australia and the Commonwealth, to compel the provision of a password or other means of access to encrypted or other restricted access material.

Part 5 of the bill inserts a procedure into the *Summary Offences Act 1953* where a police officer (or an investigator for the Independent Commissioner Against Corruption (ICAC)) can make an application to the Magistrates Court, for an order which requires a person to provide necessary 'information or assistance'. This is defined to include 'the provision of fingerprints and retinal or facial scans'.

A Magistrate is authorised to make an order if satisfied there are reasonable grounds to suspect the data in question may afford evidence of a serious offence.

The class of persons, against whom such an order can be made, is prescribed and intended to capture persons likely to have had some form of relationship or contact with the offender and/or device, that would give them knowledge to assist. The timing of an application for an order to require access is flexible. It may be either before or after the execution of any search warrant.

The bill also addresses concerns around the preservation of data that can be remotely erased upon detection, whether by an accused or an associate.

Section 74BT provides for a modified procedure where an application can be made to a Magistrate in urgent circumstances (by telephone). Where an order is urgent, a police officer (or ICAC investigator) may require a person to attend or remain at a particular location for a maximum of 4 hours until an order is obtained. During that time the person may be required not to use or access any form of electronic communication other than to contact a legal practitioner for the purpose of obtaining legal advice. Subsection (c) sanctions the arrest and detention of a person for a maximum of 4 hours, upon reasonable suspicion that the person will not comply with such requirements.

Failure to comply with an order made under proposed sections 74BR and 74BT attracts a maximum penalty of 5 years imprisonment (see section 74BW).

Section 74BW(3) provides that, where investigators access data in search of material relating to one offence, and find material relating to another, possibly unrelated offence, they are entitled to seize and retain the material relating to the other offence and use it in any subsequent proceedings. This reflects the position for general powers of search and seizure at both common law and at statute.

There is nothing in the proposed bill to preclude or discourage police during a search, asking a suspect or third party to voluntarily provide access to encrypted material. The bill to avoid any doubt makes this point clear in the proposed section 74BQ.

The intention of the new procedure to require assistance or information to access protected data as set out in the proposed section 73BR(6) is that it should clearly apply to offences, whether committed whether before or after the Act comes into effect.

The bill includes provision for the use of criminal intelligence in applications for an order, and the requirement for the Magistrates Court to protect such confidential material if its public release 'could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety.' This is a common provision in situations such as this. The bill does not preclude or discourage any claim of public interest immunity that may also arise.

In support of the application procedure, section 74BX inserts three additional offences to address concerns around a person impeding an investigation by tampering with data. Subsection 1 provides that a person is guilty of an offence if the person alters, conceals or destroys data held on a device which is subject to an order, or could

reasonably be expected to be evidence. Subsection 2 provides that a person is guilty of an offence if the person is served with an order and alters, conceals or destroys data, or causes another person to alter, conceal or destroy data. This offence is designed to apply in situations where a device has been seized, and an application for an order has been made (or is impending) and the person, or an associate of the accused deletes data.

Subsection 3 is designed to address situations where a person purports to provide access to data by providing a means of access to police (whether voluntarily or in compliance with an order sought) which, instead of providing access, deletes the data in question. Reflecting the deliberate nature of this conduct, a 10 year maximum penalty applies.

The notion of compelled access to protected computer or online material may be perceived by some as intruding on important considerations of privacy. To address these concerns, the bill imposes recording and reporting requirements upon the Commissioner of Police and the Independent Commissioner Against Corruption, in addition to a statutory review clause. This will afford the Government and Parliament an opportunity to review the proposed powers and reconsider both their value and integrity.

Mr President, I commend the bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

4—Amendment of Schedule 1—Class 1 and 2 offences

This amendment includes as class 2 offences, the child exploitation material offences relating to websites, as proposed in the amendments to the *Criminal Law Consolidation Act 1935* by this measure (see proposed section 63AB below). This means that an offender convicted of any such offence, is a registered offender for the purposes of the *Child Sex Offenders Registration Act 2006*, and subject to the requirements of that Act.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

5—Amendment of section 62—Interpretation

This clause inserts additional definitions for the purposes of the proposed new offences in section 63AB. These include definitions for *administering* and *hosting* a website, as well as what it means to *deal with* child exploitation material.

6—Insertion of section 63AB

This clause inserts new section 63AB to create 3 new offences in relation to websites used to deal with child exploitation material.

63AB—Offences relating to websites

Subclause (1) provides that a person commits an offence if the person hosts or administers a website (which is defined to include an online forum, group or social media platform), and the website is used by another person to deal with child exploitation material and the person intends or is aware that the website is being used by another person to deal with child exploitation material. The provision provides a defence if the person proves that, on becoming aware that the website was being used by another person to deal with child exploitation material, the person took all reasonable steps in the circumstances to prevent any person from being able to use the website to deal with child exploitation material. This includes shutting the website down, modifying the operation of the website so that it could not be used to deal with child exploitation material, or notifying a police officer or relevant industry regulatory authority and complying with any reasonable directions as to action that should be taken.

This clause also provides that a person commits an offence if the person encourages another person to use a website intending that the other person use the website to deal with child exploitation material.

It is also an offence if a person provides information to another and the person intends the other person to use the information to avoid or reduce the likelihood of apprehension for a child exploitation material offence (being an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*). This could include such things as a person providing advice to others about how to encrypt files that contain child exploitation material or how to use a website that deals with child exploitation material anonymously.

The maximum penalty for each of these offences is imprisonment for 10 years.

7—Amendment of section 63C—Material to which Division relates

This clause amends section 63C which sets out circumstances where the production, dissemination or possession of material is not an offence against Part 3 Division 11A (for example, by a police officer acting in the course of the officer's duties). The amendments extend these circumstances to cover 'dealing with' such material and is consequential on the proposed offences in new section 63AB.

8—Insertion of section 63D

This clause inserts proposed new section 63D

63D—Forfeiture

This proposed new section provides that if a person is found guilty of an offence against Part 3 Division 11A, then the court may order forfeiture of any material, equipment, device or other item that was used for or in connection with the commission of the offence. The court may allow a person the opportunity to retrieve specified records or information from such equipment, device or other item that was not involved in the commission of the offence before it is forfeited.

Part 4—Amendment of *Evidence Act 1929*

9—Amendment of section 67H—Meaning of sensitive material

This amendment makes it clear that 'sensitive material' includes child exploitation material, and thus ensures that the restrictions on lawful access to such material may apply.

10—Amendment of section 69—Order for clearing court

This amendment provides that a court must make an order to clear the court where child exploitation material is adduced as evidence in proceedings before the court. This means that only those persons whose presence is required for the purposes of the proceedings or who are otherwise allowed by the court are present.

Part 5—Amendment of *Summary Offences Act 1953*

11—Insertion of Part 16A

This clause inserts proposed new Part 16A.

Part 16A—Access to data held electronically

74BN—Interpretation

This clause inserts the definitions required for the purposes of the Part, including *computer*, *data* and *data storage device*. It also sets out the definition of *investigator* to mean an investigator under the *Independent Commissioner Against Corruption Act 2012*. The measures established by this Part are only exercisable in relation to the investigation of a *serious offence*, which is defined to be an indictable offence or an offence with a maximum penalty of 2 years' imprisonment or more. This clause also makes clear that the reference to data held on a computer or data storage device includes data held on a remote computer or data storage device (such as the cloud) that is accessible from the computer or data storage device.

74BO—Interaction with other Acts or laws

This clause provides that the provisions of this Part are in addition to, and do not limit or derogate from other provisions of the *Summary Offences Act 1953* or any other Act or law.

74BP—Extraterritorial operation

This clause makes clear that this Part is to have operation outside South Australia to the extent of the legislative capacity of the Parliament to so provide.

74BQ—Order not required if information or assistance provided voluntarily

This clause clarifies that the information or assistance to access data held on a computer or data storage device contemplated by this Part pursuant to an order, may be provided by a person voluntarily. Any evidence or information that is obtained as a result of such voluntary provision of information or assistance is to be treated as if it were obtained by the lawful exercise of powers pursuant to an order under this Part.

74BR—Order to provide information or assistance to access data held on computer etc

This clause provides that a police officer, or an investigator under the ICAC Act, may make an application to a magistrate for an order requiring a specified person to provide any information or assistance that is reasonable or necessary to allow a police officer or investigator to access, examine or perform any function in relation to data held on any computer or data storage device, or to copy any such data to another computer or data storage device, or to reproduce or convert any such data into documentary form (or other intelligible form). Under proposed section 74BN(3), the information and assistance required may include the provision of fingerprints and retinal or facial scans.

The magistrate must be satisfied that there are reasonable grounds to suspect that data held on a computer or data storage device may afford evidence of a serious offence. The magistrate must also be satisfied that the specified person is either reasonably suspected of the relevant serious offence, or is the owner or lessee of the computer or data storage device (or employee or contractor of such a person), or a person who has used the computer or data storage device, or a system administrator for the system including the computer or data storage device.

In addition, the magistrate must be satisfied that the specified person has relevant knowledge of the computer, data storage device or network of which the computer or device forms a part, or knowledge of the measures that are used to protect data held on the computer or device. The specified person is not intended to be a party to the application. The order granted by the magistrate need not identify each particular device and, as it is intended that the order apply to possibly multiple layers of protection in relation to particular data, the order need not specify the particular information or assistance that is to be provided. A statement of the grounds on which an order has been made must not contain information if that disclosure would be inconsistent with a decision of the magistrate in relation to information classified as criminal intelligence under proposed new section 74BU. An order under this Part may apply in relation to a serious offence suspected of having been committed or alleged to have been committed before or after the commencement of the proposed new Part.

74BS—Application for order

This clause sets out the requirements for the application for an order which include a statement of the nature of the serious offence that is suspected to have been committed and in relation to which the order is required, and the grounds on which the applicant suspects the offence has been committed. The application must also set out the grounds on which the applicant suspects that any data held on the computer or data storage device may be relevant to the offence and the grounds on which the applicant suspects the specified person has knowledge relevant to gaining access to any data held on a computer or device. The application is to be supported by an affidavit made by the applicant.

74BT—Order required in urgent circumstances

This clause provides for an urgent application to be made to a magistrate by telephone if a police officer or investigator considers there are serious and urgent circumstances or that it is necessary in order to prevent concealment, loss or destruction of data held on a computer or data storage device that may afford evidence of a serious offence. In relation to an urgent application for an order, the police officer or investigator may require a suspect to remain at a particular place or to accompany the officer or investigator to the nearest police station so that an application for an order may be made (and if so, served on the person), or for the period of 4 hours, whichever is the lesser period. During that time, the police officer or investigator may require the person not to use or access a computer or data storage device, telephone or other means of electronic communication (unless to contact a legal practitioner to obtain legal advice), or as directed by a police officer or investigator. If the person fails to comply with these requirements, the person may be arrested and detained without warrant for a maximum of 4 hours or until an urgent application is made (and if so, served on the person), whichever is the lesser. In the case of an investigator who is not a police officer, the investigator must, on arresting a person, immediately deliver the person into the custody of a police officer. An urgent application must include the same information required for an ordinary application for an order in addition to the details of the circumstances giving rise to the urgency. If satisfied grounds exist to make the order, the magistrate may make an order on the proviso that the applicant agree to verify the relevant facts by affidavit, which is to be forwarded to the magistrate as soon as reasonably practicable. A statement of the grounds on which an order has been made by the magistrate must not contain information if that disclosure would be inconsistent with a decision of the magistrate in relation to information classified as criminal intelligence under proposed new section 74BU.

74BU—Criminal Intelligence

This clause provides that in proceedings under this Part, the Magistrate must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence. The duties imposed on a magistrate under this clause also apply to any court dealing with information properly classified as criminal intelligence under this Part. The Commissioner must not delegate the function of classifying information as criminal intelligence except to a Deputy Commissioner or Assistant Commissioner.

74BV—Service of order

A copy of the order is to be served personally on the person to whom it applies.

74BW—Effect and operation of order

This clause provides that it is an offence for a person who is served with an order to contravene or fail to comply with the order without reasonable excuse. Compliance is not excused on the ground that to do so might tend to incriminate the person. This clause also makes it clear that any evidence or information obtained by the lawful exercise of powers pursuant to an order, including evidence or information obtained

incidentally, may be used for the purposes of investigating and prosecuting any serious offence, and such evidence or information is not inadmissible merely because the order was obtained in relation to a different serious offence. A police officer or investigator may be assisted by such persons in the exercise of powers pursuant to an order as the officer or investigator considers necessary in the circumstances.

74BX—Impeding investigation by interfering with data

This clause provides that a person commits an offence if the person, without lawful authority or reasonable excuse, alters, conceals, or destroys data held on a computer or data storage device that is, or may be the subject of an order and that may, or could reasonably be expected to be, evidence of an offence. The person must intend, or be reckless as to whether in so doing, the investigation of the commission of an offence by another person is impeded or it assists another person to avoid apprehension or prosecution.

This clause also provides that a person served with an order commits an offence if the person, without lawful authority or excuse, alters, conceals or destroys data or causes another person to alter, conceal or destroy data held on a computer or data storage device in relation to which the order was made. The person must intend, or be recklessly indifferent as to whether, in so doing the investigation of the commission of an offence is impeded or prejudiced.

Furthermore, a person who voluntarily provides or purports to provide information or assistance in relation to the access to data held on a computer or data storage device commits an offence if the information or assistance causes the data to be, without lawful authority or excuse, altered, concealed or destroyed. In so doing, the person must intend or be recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced.

74BY—Reporting

This clause sets out the annual reporting requirements of the Police Commissioner and the Independent Commissioner Against Corruption in relation to the operation of proposed new Part 16A. This includes information on the number of applications for orders made, the number of orders granted, withdrawn or refused, the types of serious offences in relation to which the orders were granted, a general description of the types of computers and devices in relation to which information or assistance was provided under each order and whether any charges were laid as a result of evidence obtained as a result of an order. A copy of the report must be laid before both Houses of Parliament within 12 days of having been received by the Minister.

74Z—Review of Part

This clause provides that a review of the operation and effectiveness of proposed new Part 16A must be conducted by a retired judicial officer after 3 years of its being in operation. A copy of the report must be laid before both Houses of Parliament within 12 sitting days of having been received by the Minister.

Debate adjourned on motion of Hon. E.S. Bourke.

Motions

WOMEN'S SUFFRAGE ANNIVERSARY

The Hon. C. BONAROS (16:31): I move:

That this council—

1. Notes that—

   (a) 19 September 2018 marked the 125th anniversary of women's suffrage in New Zealand;

   (b) on 19 September 1893 the Electoral Act 1893 was passed, giving all women over 21 in New Zealand the right to vote;

   (c) as a result of this landmark legislation, New Zealand became the first self-governing country in the world in which all women had the right to vote in parliamentary elections; and

   (d) on 28 November 1893, New Zealand women voted for the first time.

2. Congratulates New Zealand on marking the 125th anniversary of women's suffrage in New Zealand.

3. Recognises the significant contribution women have made and continue to make in parliaments, and the democratic process across the globe.

The motion was, of course, intended for the last Wednesday of sitting, to congratulate New Zealand in celebrating the first time New Zealand women could cast their vote in a national election in 1893, 125 years ago. It was only a few weeks after the Electoral Act was passed on 19 September of the same year but, in that short time, 84 per cent of eligible women registered to vote. Importantly, a

massive 82 per cent of those came out to vote for the very first time—far more than the 70 per cent of registered male voters on that same day.

Elections for four Maori seats were held on 20 December in 1893, and an estimated 4,000 Maori women cast their vote on that same day. It was a momentous occasion and achievement for our close neighbour, which meant that New Zealand became the first self-governing country in the world in which all women had the right to vote in parliamentary elections. Our moment will arrive next year, when South Australia celebrates our own 125th anniversary of women's suffrage. The historic occasion being celebrated today by our New Zealand sisters and brothers is made even more special, of course, with Jacinda Ardern serving as the 40th Prime Minister of New Zealand—a very popular and, indeed, progressive Labor leader.

I also acknowledge Helen Clark, who served as prime minister of New Zealand from 1999 to 2008. Of course, the Hon. Helen Clark was the second woman in New Zealand to hold the office of prime minister; the first being Dame Jenny Shipley. Helen Clark, though, was the first woman to be elected to the office of prime minister, so that was a milestone in itself. Since leaving office, Helen Clark has served as the administrator of the United Nations Development Programme. Throughout her career, she enjoyed a reputation as an extremely skilful politician and a very capable advocate of nuclear disarmament and public health policy.

For her work on peace and disarmament she was awarded, the Peace Prize from the Danish Peace Foundation in 1986. Her remarkable career led her to being a strong contender as the next UN Secretary-General. Unfortunately, she did not succeed in her bid but her efforts were well recognised. Helen Clark recalled her own political career as being free of boundaries, and I quote:

> Coming from New Zealand, I'm not used to having any ceiling and where there was one I broke through, all my life.

That sentiment is a wonderful testament to the way women are regarded in politics in New Zealand, facilitated by a progressive society that values women's contributions to public life. New Zealand has done an incredible job at normalising women in leadership. Prime Minister Ardern has said, and I quote:

> In a role like Prime Minister, if you've got three, then you're pretty close to normalising it.

Our own first female prime minister, the Hon. Julia Gillard, was pilloried on talkback radio during her time in office, and I will never forget certain politicians standing in front of those most heinous signs about her. They are indelibly burnt in my mind as I am sure they are burnt in the minds of many other supporters. Her legacy will be one of grace and dignity as evidenced in the way she has carried herself, particularly since leaving politics.

Whilst the motion was designed to congratulate New Zealand in its historic moment, since the motion was adjourned to today, I want to also reflect on the last few weeks of politics for women, particularly in Australia. I start by first congratulating Victorian Labor Premier, Daniel Andrews, on his win in Victoria, but more so for announcing that 50 per cent of his new-look cabinet is made up of women.

It is a historically progressive moment and, whilst it is the first gender balanced cabinet in Australia, it is certainly not the first gender balanced cabinet in the world. In October, Rwandan President, Paul Kagame, announced that women now make up half of the East African nation's 26-seat cabinet, two days after a similar move by Ethiopia. Rwanda and Ethiopia now join Canada, Colombia, Costa Rica, France, Nicaragua, Seychelles, Spain and Sweden with gender parity cabinets.

A gender parity cabinet at the federal level still unfortunately eludes Australia. There are 29 members of Prime Minister Scott Morrison's cabinet, and only six, as we know, are women. It has been a rough couple of weeks women in federal politics. First the member for Chisholm, Julia Banks MP, resigned as a member of the Liberal Party and moved to the crossbench, supported by our own colleague, the member for Mayo, Rebekah Sharkie MP.

As the member for Chisholm rose to speak to announce her decision to quit, Coalition MPs left the chamber in droves. There is a wonderful photo by photojournalist, Alex Ellinghausen, which captures the moment when five male Coalition MPs had their backs turned away from Julia Banks

MP as she gave her clear and very dignified resignation speech, with the notable exception of Craig Laundy, her fellow MP, and a decent politician, who did not leave.

By contrast, when Senator Corey Bernardi resigned from the Liberal Party less than six months after the 2016 election, in which he was high enough up on the ticket to get voted in on a six-year term, riding in on the coat-tails of the Coalition, his former colleagues did not desert the chamber. I was there, I saw it, and not one of his former colleagues called him out. I could hear crickets. Perhaps those Coalition members who walked out on Julia Banks, should have stayed to listen to her speech, because she spoke such powerful words directed at them, and I quote:

> Equal representation of men and women in this Parliament is an urgent imperative which will create a culture change. There's the blinkered rejection of quotas and support of the 'merit myth' but this is more than a numbers game. Across both major parties the level of regard and respect for women in politics is years behind the business world.
>
> There is also a clear need for an independent and whistleblower system as found in many workplaces to enable reporting of misconduct of those in power without fear of reprisal or retribution. Often when good women 'call out' or are subjected to bad behaviour—the reprisals, backlash and commentary portray them as the bad ones: the liar, the troublemaker, the emotionally unstable or weak, or someone who should be silenced.
>
> To those who say politics is not for the faint-hearted and that women have to toughen up, I say this: the hallmark characteristics of the Australian woman—and I've met thousands of them, be they in my local community, politics, business, the media or sport—are resilience and a strong, authentic, independent spirit. The voice of the Australian people has been loud and clear. Hundreds from my local community, as well as hundreds more from across Australia, contacted me with their support and—knowing that my life, from humble and hard-working migrant heritage, has been in the business real world and not as a career politician—many pleaded that I stay in politics and become an independent representative.

I say hear, hear!

That speech was soon followed by the disgusting comments of Senator O'Sullivan involving Senator Hanson-Young, and a reference to my friend Nick Xenophon. We know Senator O'Sullivan was immediately at pains to explain his comments were in no way meant as a double entendre, realising his poor choice of words from a poor role model for Australian politics. Controversy regularly seems to follow Senator O'Sullivan.

To her credit, Senator Hanson-Young named the four senators who recklessly and regularly sledged her with disgusting slurs and attacks. Senator Hanson-Young was then attacked in a post by *The Spectator Australia* for what she wore that very same day. The post, a purported quote from a reader, is so disgusting that I have chosen not to repeat it on the record. Suffice to say the post was deleted, but the damage, unfortunately, was done.

Then Prime Minister Scott Morrison walked out during the first speech of the new member for Wentworth, Kerryn Phelps. Whilst it coincided with the end of question time, Phelps found it pretty shabby and disrespectful, given the Coalition leadership team of former prime minister Turnbull and Julie Bishop MP were at pains to come up to the Senate to listen to Senator Gichuhi's first speech when she was still an Independent.

Adding to the controversy—and there is lots of it—ABC journalist Patricia Karvelas was kicked out of the House of Representatives press gallery by an attendant for showing too much skin—'too much skin' being her bare arms. My oh my. An apology was issued, but it is illustrative of the outmoded dress codes pertaining to women being in dire need of update. Julia Baird said it best in *The Sydney Morning Herald*:

> If Parliament House becomes a place you wouldn't want your teenage daughter to linger in, why expect grown women to hurl themselves into a place that for so many has been a gendered career abyss?

These events show that Australia has such a long way to go in how we treat, how we value and how we respect women in politics.

I have been very pleased to serve on the suffrage committee in this parliament. I know that I am surrounded by an amazing group of women, and a couple of my colleagues from this place, in particular the Hon. Irene Pnevmatikos and the Minister for Human Services, the Hon. Michelle Lensink, who I know have had a long history in this space and have done some amazing work, not only on women's rights but on women in politics, over a number of years—over decades, in fact. As, I think I can say, one of the younger members on that committee, I have had the great

fortune of learning from them and from other members, including also Ms Frances Bedford MP. I look forward to our work in the coming year when we reach that same milestone that New Zealand has reached this year.

New Zealand has certainly paved the way for us, and with celebrations there to commemorate the 125th anniversary of women's suffrage now culminating in a special day last Wednesday, on behalf of the Legislative Council I extend heartfelt congratulations to our neighbours as they mark the milestone in their wonderful history. I look forward to the day next year when we similarly mark our own wonderful milestone in this same space.

Debate adjourned on motion of Hon. T.T. Ngo.

THAI CAVE RESCUE

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

That this council—

1. Celebrates the successful cave rescue of 12 boys and their football coach trapped in the Tham Luang Cave in Chaing Rai province, Thailand;

2. Mourns the death of Saman Gunan, one of the Thai members of the international rescue team;

3. Acknowledges the key role played by Adelaide-based anaesthetist and MedSTAR doctor, Dr Richard Harris;

4. Acknowledges the contribution of the Australian contingent involved in the Thai-led rescue effort;

5. Acknowledges the leadership and professionalism of the Thai government and the Thai Navy SEALs in effecting the rescue;

6. Acknowledges the involvement and support of the international community, including support divers from the European Union, the United States, and China, and participants from military and civilian organisations in various support roles;

7. Recognises South Australia's proud tradition of providing emergency assistance in response to catastrophic events, such as AUSMAT team member deployments to the Philippines in 2013 in response to Typhoon Haiyan, to Banda Aceh in 2004 in response to the Boxing Day tsunami and to Bali following the bombings in 2002 and 2005; and

8. Pays tribute to the courage and dedication of South Australian health professionals in so many diverse contexts.

(Continued from 25 July 2018.)

The Hon. F. PANGALLO (16:45): I rise to speak in absolute support of this motion moved by the Hon. Stephen Wade. They say that you can measure a man's integrity by his conduct not his profession. In Dr Richard Harris's case, it can be measured by both. A virtual unknown to the broader community prior to his lead role in the rescue of the 12 young soccer players and their coach during the Thai cave rescue, what we have learnt since is the stuff of legends, a best-selling novel or a blockbuster movie at the very least.

Known for being an unassuming and selfless individual, Harry, as he is affectionately known, has dedicated his life to saving others. This, of course, is due in part to his profession as an anaesthetist but also because of his elite skills as an experienced cave diver. Combine the two and you have a person with a unique and specific set of skills that are in high demand whenever the need arises.

It is understood that Dr Harris had previously participated in several difficult retrievals, including the recovery of the body of a friend, Melbourne diver Agnes Milowka, from Tank Cave near Mount Gambier in 2011, all while trying to avoid media attention. That all changed in July this year, when the world's media became mesmerised by the fate of a group of 12 young school boys and their soccer coach stranded deep in a flooded cave in Thailand and their attempted rescue.

Testament to his rare set of skills was that the British, known as the best cave divers in the world, wanted Dr Harris on the ground in Thailand to help with the rescue. He was about to embark on a cave holiday on South Australia's Nullarbor Plain, but did not hesitate to drop everything to join the international rescue attempt.

It has since been revealed that, on arrival and upon analysing the challenge that lay ahead, Dr Harris had initial doubts about getting the boys out alive. Again, testament to his unique set of skills and that of other rescuers is the fact that all the boys and their coach came out alive. It was a stunning rescue that defied all the odds, and it is totally appropriate that Dr Harris has since received justified recognition for his role in that rescue, including being awarded South Australian of the Year.

To me, there would be no worthier recipient of Australian of the Year, which will be announced in January, than Dr Harris. On behalf of the entire SA-Best team, I wish him the very best of luck when that announcement is made on Australia Day. And to our other nominees: native title advocate, Reginald Dodd, who is the Senior South Australian of the Year; Elini Glouftsis, Young South Australian of the Year, who has been acknowledged as the AFL's first female field umpire; and SA Local Hero, Megan McLoughlin.

I would also like to take the opportunity, with this motion, to recognise the efforts of world-renowned Adelaide plastic surgeon Dr John Greenwood, who flew to Greece in July to treat burns victims of the Mati forest fires with a skin repair technology developed in Australia. Dr Greenwood is the director of the adult burns unit at the Royal Adelaide Hospital and in 2016 was awarded the South Australian of the Year award for his world-leading work in burns treatment. In Greece, Dr Greenwood assisted surgeons treat the 10 most severely burned patients from the Mati forest fires using a biodegradable skin graft substitution called NovoSorb, which he pioneered with the CSIRO following the Bali bombings in 2002.

Dr Greenwood took 25 sheets of NovoSorb with him to help in the recovery of those burns victims and had to obtain special exemptions for its use as it is not yet approved for use in Greece. NovoSorb is unique because it works better than skin grafts with less risk of infection. It is easier to use and creates softer and less scarred skin after surgery. It is a stand-out example of brilliant Australian-led innovation and expertise.

Following the forest fires, the Australian Greek community set up the Greek Fire Appeal 2018 to raise much-needed funds for the victims of the fire. Together with a $100,000 donation from the South Australian government, a total of $222,931.23 was raised by the statewide appeal. This was an outstanding effort by the South Australian community as well as various Hellenic, Cypriot and community groups in general who spent countless hours raising funds for the appeal. Of that total, an amount of $82,308 has been used to pay for specialised medical equipment, which has been donated to the burns unit of Thriasio General Hospital of Elefsina in Athens to allow the hospital to continue treating burns victims of the fires, and where the equipment will continue to be a valued resource for the hospital. With those words, I commend this motion.

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

Resolutions

RETIREMENT VILLAGES

The House of Assembly concurs with the resolution of the Legislative Council contained in Message No. 65 for the appointment of a joint committee on the valuation policies of the Valuer-General and will be represented on the committee by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee. The members of the joint committee to represent the House of Assembly will be Mr Duluk, the Hon. S. C. Mullighan and Mr Patterson.

The House of Assembly also concurs with the Legislative Council's resolution to suspend standing order 396 to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

The Hon. R.I. LUCAS (Treasurer) (16:53): I move:

That the message be taken into consideration forthwith.

Motion carried.

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

That the members of the Legislative Council on the joint committee be the Hon. J.A. Darley, the Hon. J.E. Hanson and the Hon. T.J. Stephens.

Motion carried.

Bills

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Conference

The House of Assembly requested that a conference be granted to it in respect of a certain amendment to the bill. In the event of a conference being agreed to, the House of Assembly would be represented by five managers.

The Hon. R.I. LUCAS (Treasurer) (16:55): I move:

That a message be sent to the House of Assembly granting a conference as requested by that house; and that the time and place for holding the same be the Plaza Room, on the first floor of the Legislative Council, at the hour of 4.30pm on Tuesday 11 December, and that the Hon. R.I. Lucas, the Hon. K.J. Maher, the Hon. M.C. Parnell, the Hon. I. Pnevmatikos and the Hon. T.J. Stephens be the managers on the part of this council.

Motion carried.

Motions

ROYAL COMMONWEALTH SOCIETY

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates the Royal Commonwealth Society for celebrating a special milestone of 150 years;
2. Acknowledges the formation and important work of the Royal Commonwealth Society—South Australia branch;
3. Highlights the history and significance of the commonwealth as an association of governments and peoples, built around shared language, institutions, challenges, aspirations and values; and
4. Acknowledges the role of Australia in the commonwealth and the work by the Royal Commonwealth Society in improving the lives and prospects of commonwealth citizens around the world.

(Continued from 26 July 2018.)

The Hon. J.E. HANSON (16:56): Oh, to be standing between everyone and the door. What a way to end the year, talking about the Royal Commonwealth Society. From humble beginnings above a shirt shop in The Strand, the Royal Commonwealth Society this year will celebrate its 150th birthday. Their mission, being to promote the values of the commonwealth and the values upon which it is based is indeed a laudable one.

The society brings people, governments, the diplomatic community and businesses together to champion best practices in social wellbeing, as well as to highlight the barriers that inhibit prosperity and equal participation in society and democracy. Even from its humble beginnings, it seemed that the society always maintained a vision of lofty aims. This can best be summarised in a resolution put forward in 1870 to help define the society's aims and objects, which was as follows:

That a lecture hall, a library and a reading room, and a museum of science, industry, and commerce be opened as soon as the funds of the society will allow, where the natural products and resources of the colonies will be exhibited; to afford opportunities for the reading of papers, and the holding of discussions upon colonial subjects generally; and to undertake those investigations in connection with the colonies which are carried out in a more general field by the Royal Society, the Royal Society of Arts, the Royal Geographical Society, and by similar bodies…

As can be observed from this short resolution, one of the many put forward at the conference in 1870, the society never aimed to be particularly limited in scope. It is worthy in this respect to note that the optimism towards what we might know today as globalism was unusual to the age. The fact

is that in 1868, when the society had its real founding, there was a movement in England not unlike what we might associate with that nation today. The Liberal government—as known over there, I suppose, as the Liberal government—which had swept into power in the 1868–69 elections saw few virtues in globalism.

More than somewhat unluckily mirroring what we see today, England in 1868 was in the grip of what could be described as a separatist philosophy, and in many ways we have not seen a larger peak in that nation than what we see today. It is worth noting that in 1868 the English newspaper *The Times* wrote that there was a prosperous monotony in the nations that now make up our Commonwealth. It put forward that the government of the day should look to domestic concerns first and that the colonial office, once the most onerous department in the government, was now in great measure relieved of its legislative and administrative functions. Well, the colonial society decided to disagree.

In addition to these international doldrums towards globalism, for many years the nation was in the grips of an economic gloom of a depression, which was in its third year. Regular trade in the nation and in shipping was stagnating, and private investment had struck new lows, with the market of the time being unstable in terms of good governance. The Royal Bank of Liverpool had failed, and the cotton mills of Lancashire were reduced to working only half the time. Certainly, these were hard times, which were making many look internally before considering the lofty aims that the society saw as important to advocate for.

It is serendipitous that the first fully financial member of the society was in fact an Australian. His name was Edward Wilson, and he had been an early advocate of the formation of the society. Edward was a journalist of some note and was the owner of *The Argus* in Victoria—quite a time to own and run a newspaper, during that period of the gold rush and then the subsequent Eureka Stockade. He was something of a reformer in his own right, writing at the time to the premier with a list of suggested reforms.

These reforms included justice for the Aborigines, the organising of agriculture as a department of the state, the introduction of the ballot into municipal elections and the leasing of Crown land for cultivation with the right of ultimate purchase. This does not sound too radical today but it certainly was at the time. He was certainly a meritorious first member of any society. This reformist bent showed through during many of the early debates of the society on the intellectual issues of the day. Many members often wished for a more liberalised outlook and argued for it passionately in all matters.

For example, during a debate about simply changing the name of the society, a sitting councillor noted in the debate that 'the plain fact is that the London membership, including the ex-politician of 30 years ago, Australian Agents-General, is probably the most ultraconservative section of the whole body'. That member was sitting across from him at the time. They certainly were not backward in coming forward.

For the time in which it was founded, the political sentiment towards globalism and the somewhat reformist tendencies of many of its first members, it is quite remarkable that the Royal Commonwealth Society not only was able to be founded and grow but, from the beginning, kept a charter of political neutrality. While the papers presented at its meetings were generally substantial pieces of work and often of high intellectual quality, they were always expected to be politically neutral. The neutrality was strictly maintained by a papers committee that vetted all presentations to be made. However, this committee proved to be very unpopular to sit on for some reason and eventually ceased to function only a few years after its creation—if only we were so lucky here.

That said, the society rolled on and maintained its neutrality through more practical means. A good example of these means was in 1870 when an American minister, Reverdy Johnson, tactlessly suggested during a speech that the commonwealth nations of the time may eventually be best served by leaving that commonwealth and being absorbed into an American commonwealth. The speech was reported to no less a person than The Queen herself, who reportedly was not amused, and the minister was never invited to return.

From early on, the society may also be seen to have been progressive for its time towards equality and diversity. The first Asian member, Ji ju Sanjo of Japan, was admitted in 1872, and the first African member, Samuel Bannerman, was admitted in 1879. The society was also one of the first organisations to admit women as full fellows in 1922. Ladies had attended meetings as guests of fellows since the early 1870s, and female membership was an ongoing debate in the society from as early as eight years after its founding.

In 1894, Flora Shaw read a paper at a society function and attended dinner with guests. Flora's paper not only secured high attendance at the reading but was featured in two columns and an editorial in *The Times* newspaper. Lady Lugard, as she later became known, returned in June 1904 to give another paper to the society to a record attendance. The first full female member of the society was admitted 18 years later. Her name was Mrs Alec Tweedie.

As we can observe, over the years the role of the society has evolved to meet the changing nature of the commonwealth. Today, it is a network of individuals and organisations committed to improving the lives and prospects of commonwealth citizens across the world. Far from the 1967 observation by the Australian prime minister of the time, Sir Robert Menzies, that the commonwealth was in danger of becoming an association which 'no longer expresses unity but exists chiefly to ventilate differences, even to advertise conflicts, and to develop pressures upon individual members, frequently without reason and not infrequently for bad reasons', we have in fact seen the commonwealth for which the society advocates adapt and change to a modern world.

Leaders of member countries shape commonwealth policies and priorities. All members have equal say regardless of size or economic stature. This ensures, of course, that even the smallest member countries have a voice in shaping the commonwealth. The Royal Commonwealth Society is now at the centre of an international network of more than 10,000 members, spread across 100 countries and territories and linked by around seventy self-governing society branches and commonwealth societies in 43 countries and territories.

On a global engagement level, its aims have adapted from their humble beginnings to bring alive the fundamental principles of a modern commonwealth—tolerance, diversity, freedom, justice, democracy, human rights and sustainable development. They aim to build broad consensus within the commonwealth for advancing the equal enjoyment of rights by all commonwealth citizens. They together protect our natural environment and the ocean that connects many of our nations shore to shore. They cooperate on trade to encourage inclusive economic empowerment for all people, in particular women, youth and marginalised communities. They take part in friendly sporting rivalries and encourage our young people to participate in sport for development and peace.

They have the aim to reform discriminatory legislation and expand the belief that the rights of all people should be respected equally, regardless of their sexual orientation or gender identity. The society also brings young professionals and experts on a range of gender-related issues, from employment and entrepreneurship to sexual health and rights, to form the Commonwealth Youth Gender and Equality Network.

Through its educational, youth and outreach programs, the Royal Commonwealth Society seeks to engage and encourage young people to develop their skills, with an increasing understanding of their role as global citizens. On a national level in Australia, the Royal Commonwealth Society is dedicated to celebrating and promoting the values and diversity of the modern Commonwealth of Nations and continues important work in the fields of gender and human rights, environmental conservation and literacy. Youth participation and leadership is an integral focus of the society. Recognising their capacity, contribution and potential, they facilitate a number of youth summits and leadership awards.

Closer to home, the South Australian branch encourages participation in the arts, facilitating photographic and art competitions. This includes being a major sponsor of the Plain English Speaking Award youth public speaking competition and offering additional prizes to South Australian submissions to The Queen’s Commonwealth Essay Competition.

In summing-up, to quote Lord Casey, an Australian with long experience of political life and commonwealth affairs, on his 1962 commentary on the Royal Commonwealth Society—I think it is a worthy quote—he said:

You are a great institution, long established, with high prestige, with entry into the highest quarters in this country. You are, I believe, ideally situated by your membership and your prestige to take a much more militant attitude in respect of the commonwealth: asking awkward questions...pointing out in simple understandable language what is at stake and what might be done. That is what I would like to see. Not that you are not an active body now, but I would like to see some more militancy facing up to the hard facts of our Commonwealth situation, and making proposals for its betterment, so that we could look forward over the years ahead to a greater degree of unity and cohesion in the Commonwealth.

There is no doubt, given everything they do, that the society has taken on the broad spirit of this commentary, if not necessarily the view that they do so militantly. I want to take the time today to acknowledge the positive impacts the Royal Commonwealth Society has had globally, the distance it has travelled, the positive impacts it has had in our country and in our state in improving the lives of citizens for 150 years. And what a way to end the year!

The Hon. J.S. LEE (17:08): I thank the honourable Justine Hanson for his contribution—

Members interjecting:

The Hon. J.S. LEE: Justin, sorry! It was just a twist. I thank the Hon. Justin Hanson for his contribution and also the Legislative Council members for their support of the motion to congratulate the Royal Commonwealth Society for celebrating a special milestone of 150 years. I am very certain that the local South Australian branch will be very grateful that this particular motion was supported. I commend the motion to the chamber.

Motion carried.

Adjournment Debate

VALEDICTORIES

The Hon. R.I. LUCAS (Treasurer) (17:09): Just before I speak to the motion and say nice things about everybody, as I understand it we still have to receive the final message from the House of Assembly in terms of establishing a conference of managers on prisoner voting or electoral voting—whatever that bill was called. Then, when that is finished, I think that is the end of proceedings, although there may well be another issue that the Hon. Ms Franks has raised with me, which I was blissfully unaware of, and I will leave it to her capable devices to sort out. To assist the Hon. Ms Franks, I have raised it with the Hon. Michelle Lensink, who evidently knows something about it.

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: No, I have spoken to her. I have moved the motion, which is the traditional adjournment motion, which allows us to speak generally. Can I, firstly, on behalf government members, Mr President, thank you for your magnificent performance in terms of the—

The Hon. T.J. Stephens: Hear, hear! Resplendent!

The Hon. R.I. LUCAS: Resplendent, as my colleague says in terms of both your dress, your impeccable attitude and the way you have picked up and highlighted some of the rhetorical flourishes of some members—not just the Hon. Mr Pangallo but some of the rest of us. We have all either enjoyed or endured your presidency, depending on your particular perspective or the particular point in time. We thank you, anyway, for your generally good humour in terms of your position. Nevertheless, we do indeed respect the office of the President and, indeed, your capacity as the President this year.

I also thank the clerks, table staff and others who assist us all in the chamber. There has been a momentous shift in recent years with the moving on to other challenges of the former Clerk, Jan Davis. We are delighted that the new Clerk, Black Rod and other staff have continued the fine traditions established by previous clerks and staff. They continue to provide excellent service to all of us, old and new, in terms of the work that we do in the chamber.

I thank all other honourable members in this chamber for their generally good graces in terms of handling the occasional differences of opinion we might have in the chamber on a particular bill or an issue. I thank the Leader of the Opposition and others from the Labor Party. I thank the members of the crossbench, both old and new—for the new members, their first experience in terms of sitting

in the red chair. In some cases, such as with the Hon. Ms Bonaros they have previously observed from afar, but it is different when you actually sit in the red chair. The Hon. Mr Pangallo, rather than sticking his foot through doors with cameras, has been sitting in the red chair and having to put his point of view on a whole variety of issues, which he has not been afraid to do.

There are a number of new members in the chamber, in the Labor Party and on the crossbenches, who have enjoyed their first taste of sitting in the Legislative Council. I hope that all of the members have enjoyed their first experience of the Legislative Council. I think we are a much more convivial chamber than that other place. We generally operate in good humour. I think there are lessons that we can learn from our first experiences together. I think there are important conventions that have generally held us in pretty good stead and I would hope, as we settle down and work together cooperatively over the coming years, that we can see the value of some of the conventions of the chamber in terms of our understanding of how we can best work together.

Certainly, from the government's viewpoint—I speak on behalf of the government—we accept the fact that we will have, on occasions, vigorous differences on matters of policy, but I think there is nothing that should prevent us from generally operating in reasonable humour or in good humour, indeed, in terms of handling our differences, accepting that we do differ on issues, but we should be able to work together cooperatively in the interests of the people of South Australia.

More often than not the legislation that goes through this place is, by and large, agreed by both houses of parliament. No government has controlled a majority in this chamber since 1979, or whatever it was.

The Hon. M.C. Parnell: Earlier than that.

The Hon. R.I. LUCAS: I beg your pardon?

The Hon. M.C. Parnell: The early seventies.

The Hon. R.I. LUCAS: Since 1979, the crossbenchers have always held that balance of power whether it be with a single member, as it was originally, and on occasions up to as many as seven or eight people were sitting on the crossbench. We are now well represented by a reasonable number of five members of the crossbench.

The Hon. M.C. Parnell: Too few.

The Hon. R.I. LUCAS: Some might say too few, some might say too many, but perhaps that is just about right. The reality is that for legislation to pass we require some combination of crossbenchers and at least one of the major parties. In a lot of instances, all of us are in furious agreement in one way or another in terms of the legislation that goes through the council, and I think that is to the benefit of the people of South Australia. There is significant agreement on lots of pieces of legislation that go through the Legislative Council, so I thank honourable members. As I said, on behalf of government members, we offer the hand of friendship in terms of willingness to work together in terms of the productive use of our time in the Legislative Council over the coming years.

I also thank all the other staff in Parliament House: the hardworking Hansard staff, the catering staff, maintenance staff, all the caretakers, etc., who look after us in Parliament House, even though those terrible people—including your good self, Mr President—have now refused to accept the official currency of the nation in the Members' Bar, which I think is just a travesty and something that should be worked on in the future. I am sure there are improvements we should be able to make in terms of the operations of the parliament.

The Hon. J.S.L. Dawkins: Are we going to stop you opening your purse?

The Hon. R.I. LUCAS: I keep stealing the children's pocket money and I have nowhere to spend it when I come into Parliament House anymore. No-one will take my money. All the other staff in parliament work hard to make our life as efficient and as easy as possible in some cases. The PNSG staff are such an important part of the work that we do in this modern age in terms of trying to keep our computers and other devices operating in some sort of reasonable fashion, assisting us to update our passwords and all those sorts of exciting things that occur.

The Hon. C.M. Scriven: Assisting with junk email inboxes.

The Hon. R.I. LUCAS: Exactly, finding junk email inboxes, and all those sorts of exciting things that occur. On behalf of government members, can I thank all the other staff in Parliament House.

Finally, I thank in particular the two whips: the Hon. Mr Stephens and the Hon. Mr Hunter, and whoever whips on behalf of the crossbenchers—he or she, whoever that person is. It is a difficult part of the proceedings of the chamber in terms of trying to organise the processes. I think the planning meeting that we have instituted at 4.30 on a Monday afternoon has been a very important initiative in terms of trying to manage the processes of the council, but that in and of itself is never enough. The job of the whips is important in terms of trying to work out what we need to do and when, and who needs to speak and when. We do not always get it right, and then sometimes there is the occasional hiccup. However, I think we are all indebted to the work that the whips do and, on behalf of all members, I thank the honourable members for that.

In concluding on behalf of government members, Mr President, can I wish not only yourself but all members and staff a happy, holy and healthy Christmas season. Whatever it is that you do, I hope that you do it with your nearest and dearest, your loved ones and occasionally, perhaps, even the ones you hate. There might be a family occasion where you might have an uncle or aunty who is not in good odour, or whatever it is, but Christmas time is a wonderful time to get together and to enjoy the friendship of family and friends. I do hope that all members get to enjoy that over the Christmas-New Year period, and we come back in February to work together collectively.

The Hon. K.J. MAHER (Leader of the Opposition) (17:19): I rise to support the motion and, unusually, to attach myself to many of the comments that the Hon. Rob Lucas has made in this chamber. It pains me greatly to do so. I would first like to start by thanking you, Mr President, for the way in which you have presided over us, stopped us asking questions when you thought it was too much and, occasionally, brought ministers back on track, which is no mean feat and is a rarely done thing. Thank you for how you have conducted yourself and how you have allowed us to conduct ourselves in this chamber.

I would like to thank Chris Schwarz, the Clerk, for a big step up into a very difficult role and for providing frank and fearless advice to anyone who comes and seeks your counsel. To Guy Dickson, the Usher of the Black Road and Deputy Clerk, thank you for your help and work. To Leslie, Anthony and Emma for all the work they do contributing to not just the running of the council itself, but the committee system and making sure that it runs and operates effectively and efficiently. We have had a number of committees this year that have turned into more like a circus performance than a committee, so your patience has been greatly appreciated.

To Kate and Todd for everything they do to keep the place running, and also—probably as important if not more than most—to super Mario and his team, Karen and Charles, for making sure that we have what we actually need in front of us at all times. Thank you for the work that you do. The Leader of the Government mentioned the work of the whips. The Hon. Ian Hunter and the Hon. Terry Stephens share a number of common traits: efficiency, effectiveness and an ability to intimidate, which is exactly what whips ought to do. I think that is why, more often than not, we have kept relatively well on track, and the fluidity of the proceedings of the Legislative Council have kept reasonably close to what we have said we are going to do.

To Hansard staff, who have an incredibly difficult job to do as it is hard to get everything down that everybody says all the time. You do very, very well with what is done. To the catering staff who keep people very well fed, some of us more well fed than others. To the Leader of Government, the Hon. Rob Lucas, who I think it is fair to say has mellowed a little bit in his new position in government, but I think his colleague the Hon. Stephen Wade may have taken on some of that unnecessary aggression that used to be present there. It has been a reasonably effective year in how the chamber has worked.

I would particularly like to note the new members who have joined us—on my side, the Hon. Clare Scriven, the Hon. Emily Bourke and the Hon. Irene Pnevmatikos—it is awesome to have a fresh crop of fierce, smart women serving alongside us on this side of the chamber. I think you have all made this parliament a much better place for your presence. To the new SA-Best crew, the Hon. Connie Bonaros and the Hon. Frank Pangallo, it is good to have the representatives of a group that started in 1997, I think was when this group was first elected to parliament, and some 20 years

later is still being represented in some form in this chamber. However, as an aside, I think we should all ban Frank from seeking leave to make a brief explanation before asking a question—not once has it been brief.

Generally, I would like to thank all members of this chamber. We agree on things much more often than we disagree. When we disagree, we disagree quite firmly, but we have passed more legislation than we have failed to pass, and I think most people have at most stages appreciated the camaraderie and the friendship of their colleagues, not just on their own side but across the chamber. With that, I commend the motion to the house and wish everyone a happy couple of months doing the hard work out in our electorates, which covers 47 times the amount of voters than those in the lower house have to deal with. I wish everyone a merry Christmas and a happy new year.

The Hon. M.C. PARNELL (17:24): I will briefly associate myself with the comments of both the Leader of the Government and the Leader of the Opposition, just to show that love is in the air. I will not go through the same exhaustive list of people to thank, because we know who they are. They work for the parliament, they work for us in our offices, they work across the road in PNSG and down the road in parliamentary counsel and up above us in Hansard. You always risk leaving people out when you start going through the list, but I think the Hon. Kyam Maher and the Leader of the Government have named most of them.

I want to say two quick things. The first is that it has been good to get to know the new members. There is not a lot of turnover from election to election; possibly a bit more this last time around than there has been in the past. It has been good to meet some new colleagues and learn what floats your boat and learn to work with you. That has been a good thing.

The final thing I will say is to give a shout out to a former President of the Legislative Council, whom I will call Mr X—but you may know him as the Hon. John Gazzola—who sent me a text message saying that he was escaping the heat. He was watching the cricket, but he was streaming question time live and he was keeping his fluids up, which is sage advice on such a hot day. I know we do not normally do cheerios in parliament, but just in case the Hon. John Gazzola is still streaming parliament, I send him my best wishes. I wish everyone a pleasant and enjoyable break, and we will be back doing this again in February.

The Hon. J.A. DARLEY (17:26): First of all, Mr President, I would like to thank you for the way you have presided over the chamber this year. I would like to thank all the chamber staff who have assisted and the Hansard staff, and I recognise the cooperation of the members of the government, the opposition and the crossbenches. I, too, would like to wish everyone a happy Christmas and a bright and prosperous new year.

The Hon. C. BONAROS (17:26): I, too, would like to associate myself with the comments of the Treasurer and the Leader of the Opposition and other members in particular. I also thank you for your stellar performance in your role as our President. I will name them, because I know the Hon. Terry Stephens just loves my long speeches. I would like to thank our Clerk, Chris; our Black Rod and Deputy Clerk, Guy; our clerk assistants and parliamentary officers Leslie, Anthony and Emma; our secretary to the Clerk, Kate; Todd; 'Super Mario', as the Hon. Kyam Maher has named him now; Karen and Charles; and the team at parliamentary counsel especially, led by the exceptional Aimee Travers.

To all the wonderful people at Hansard, thank you. I am sorry for all the ridiculously difficult to read scribbles that I often provide you with. To the catering team, I can honestly say that for the first time I have enjoyed some exceptionally tasty vegetarian food in this place. I think young Sam has been predominantly responsible for that, and I have enjoyed it way too much.

To our library staff, led by John Weste and Peta, we are really thrilled that you are still here. To the team over at PNSG, I would like to thank you for your patience. I thank our committee staff, finance, building attendants, security personnel and James, who lets me in every single day because I can never find my pass—I probably should not be admitting to that. To everybody who makes this place operate, thank you for making the endless hours we spend in this place, particularly the hours we spend away from our families, as easy, as comfortable and as pleasant as possible.

To our SA-Best team—to Pat, Sean, Amanda, Fotina, Adrienne, Evan, Marley and Joe, who is no longer with us—thank you. Without question, this year has been one of the worst for me personally—an extremely challenging year—but you have all made what I thought would be those impossible days, including today, possible. You have all gone above and beyond in every conceivable way, and I am immensely grateful for your words of counsel and your friendship, and I am so proud of all the work that we have done together. I know this is just the beginning for us all.

To my colleague the Hon. Frank Pangallo, thank you for everything. Thank you for your friendship, your loyalty, your support—your unwavering support—and for carrying what can only be described as a very heavy load when we came into this place earlier this year.

When I came here I said very clearly that I was not here to make friends, I was here to get a job done, a job we had been elected to do, as best I could. I know at times we have all had our differences and we do not always see eye to eye on issues, and this has been particularly clear this week and last, but that is the beauty, I suppose, of this chamber and this place in particular. I am extremely pleased that I can say that along the way I have come to form some very genuinely welcome friendships, which I think will no doubt stand the test of time. I have been pleasantly surprised, and I genuinely thank all honourable members for that and for welcoming me as a new member to this place so warmly.

I am often asked—and I think most of us are when we are new to this place—how we are enjoying the new gig. My response to date has always been the same. I tell everybody that I like it every other day. On the days in between, I would much prefer to scream and shout or go back to my job as an adviser because, as the Hon. Rob Lucas pointed out, it is very different sitting on the red benches, but I am immensely happy that I am here and immensely happy that I am here with a wonderful group of people. I wish all of you and your families in particular a very merry Christmas and safe and happy holidays.

The Hon. F. PANGALLO (17:31): I will not go through the same names thanking them, as my honourable colleague has, but I will single out some, beginning with you, Mr President. I thank you for your indulgence and patience, and the effective management of this chamber with so many dissenting voices and, of course, my brief explanations, which I will endeavour to try to keep down next year.

The Hon. T.J. Stephens: Don't make promises you can't keep.

The Hon. F. PANGALLO: No, I will keep that one; I will time them. To the staff in here: we are very fortunate in Parliament House. I am new to all this, and I have just come to realise and appreciate the wonderful professional staff who work in Parliament House, who work here in this chamber with us, from the Clerk, the Usher of the Black Rod, Leslie, Emma, Anthony, Mario, Charles and Karen—their work is exceptional. The great thing is that they do it diligently, and it is always done on time and there are no issues. They have been absolutely fantastic, and I really appreciate it. Also, the work they have done on the committees: it is incredible how they make it look so smooth and they make the transition so easy for all that.

It has been a short year for us as elected members, but from my point of view it really has been an invigorating challenge and a pleasure to serve. As Connie Bonaros says, we are often asked, 'How are you going?' and, 'What do you think of your new job?' I can honestly say that I absolutely love coming to work every single day at this place because of the enormous challenges it provides to us and the work we do to make life better for South Australians.

They ask me whether I miss TV and journalism and stuff, and I say, 'No, I don't.' I only wish I had taken up this path when I was much younger. I am thoroughly enjoying this, and also engaging with constituents and the members in this house, both on the government side, the other crossbenchers and, of course, the Leader of the Opposition and the opposition members in this place, who we have come to know and like to call our friends. We certainly have a very collaborative spirit. I have come to appreciate a lot of the work and interests that they have and their personal interests as well, which they like to prosecute.

Finally, I would just like to single out the Leader of the Government here, the Hon. Robert Lucas, who is really an old hand here in parliament. He is renowned for his quick, witty, cutting tongue and has a great deal of zeal with his bills. But what I would like to thank the Hon. Treasurer for is

actually introducing me to a new word this year. It is a word that I had never discovered before until he raised it in the house. It is perineum. I had to look it up immediately the moment he mentioned it. When I looked it up, I know where to look: it is where the sun doesn't shine. So well done, the Hon. Treasurer.

I thank the Hon. Kyam Maher for his advice and cooperation with us and his lively interjections. As I have said before, it has been a very collaborative spirit here in this chamber. Along with the others here, the crossbenchers, the Greens and the Hon. Mr Darley, we thank you all for your efforts in 2018. It has been a short year, but I certainly am looking forward to 2019. I am learning as I am going, and I hope to be a better member and a better representative for South Australia next year. In doing so, I wish you all the best for 2019 and a happy and merry Christmas as well.

The PRESIDENT: The Hon. Ms Franks, we are waiting for a couple of messages, so we have plenty of time for expressions of love and compassion.

The Hon. T.A. FRANKS (17:36): I rise, despite my voice, noting that in the spirit of collaboration I believe we have a message with regard to the joint house committee to consider the Social Workers Registration Bill. For me, that is something that absolutely exemplifies the spirit of this place and of this parliament. When we work together, we can achieve great things for South Australians and, I would hope, for our country.

As I eagerly await someone entering the chamber with a manila folder—more than I ever have before, I must say—I reflect and certainly associate myself with the comments previously made in this place about respect for democracy, about respect for diversity of views and about how it is not just the MPs who sit in this chamber that make democracy work but all of the people who keep the wheels turning, whether they be parliamentary staff, the catering staff, the people who keep our computers working and secure, PNSG, those in the library, and those who assist us with the research to make sure we get our facts straight. Certainly, on the point of those who teach us new words in this place, I would add that any woman who has ever had a baby already knows the word perineum.

I thank you, Mr President, in particular. I think you do have a tough job in this place and you have done it admirably this year. Certainly, sitting on the crossbenches, with the contests and the jousting that goes across from the government to the opposition, and the opposition to the government, we sometimes do feel a little in the crossfire, but I do respect that you value each of us equally in this place.

We all have that diversity of opinion, and we all have the right to participate in the democracy as members of this place. I thank you for your respect for the crossbench in particular but also the patience that you have had to show, which you have shown in every single movement of your face each and every question time. My only advice to you, Mr President, is do not play poker, because you make a far better President than you ever would as a poker player.

I look eagerly to see if that folder was perhaps the manila folder we are waiting for. I note that in the other place they are currently making valedictories and paying tribute to the current member for Cheltenham, the former Premier, Jay Weatherill. I also wish to add my respect for the leadership shown by Premier Weatherill, whether that be for the raft of rainbow reforms the Weatherill government led, or standing up in tough times for real climate action and for renewables, which he has done, often in the face of quite strong media and political backlash.

However, to my mind he has always been a leader who did not just float with the wind, did not stick his finger up and see which way the wind was blowing that day, but he stood for what was right for our state, for our planet and for our people in terms of standing against inequality. I think those values will be his legacy. It is a sad day in this place when we lose any member of parliament, but certainly to see a former premier step down I think is a sad day. His speech this morning—and while it would be unparliamentary of me, I think, to reflect upon that speech necessarily—showed his great commitment to decency, civility and democracy.

This place is a very intimate chamber. That is certainly something my former boss and former senator, Natasha Stott Despoja, first remarked on when I showed her around this chamber: that this is a very intimate place. We have our duels and debates, and our diversity and our agreements and our achievements, but we all have to come back in here to this very small chamber, and we do so

without throwing chairs, without throwing punches, and I think that is something that we should be rightly proud of in South Australia.

I am hoping that is the manila folder that I am waiting for, Mr President, and I am hoping your poker face will give me an indication. With those few words, I am going to sit down now so that I can have another last word.

The PRESIDENT: Does any other honourable member have a contribution on this motion? We have one message which has to be read.

The Hon. R.I. LUCAS (Treasurer) (17:42): In closing the debate briefly, I should have, and did not, thank all of my personal staff in my ministerial office. I want to thank a particular individual, someone who we know affectionately as Crazy Dave Siow, who served with me in opposition when I was on those lonely offices on the second floor, which other members are getting used to at this stage.

Members will be familiar with the work of Crazy Dave in recent times. He has been the liaison person with crossbenchers and government and opposition members in terms of organising briefings and the proceedings of parliament. He is moving on to a very significant promotion on the other side, in the real world, and I would like to publicly acknowledge all the work he did for me and the Liberal Party in opposition, and for me and my office in government. I thank him for all of that and certainly wish him well in his future endeavours in the significant new role that he will commence just prior to Christmas.

The PRESIDENT (17:43): Before I put the motion, I thank honourable members for their kind words regarding myself. I join honourable members in their thanks to all the staff. I would particularly like to thank the Clerk, who has given me great assistance in my year as President, and also the Gentleman Usher of the Black Rod, as well as all other staff of the Legislative Council.

As a member of the JPSC, I thank all those other departments within the parliament that make this place work, I also single out catering and, in particular, Hansard and the Library. I thank honourable members for their patience and forbearance and their kind acceptance of my many rulings. You have not protested too much. I especially thank the whips for shouldering most of the organisation of the work of the parliament. I wish every member and our staff a safe and happy Christmas.

Resolutions

SOCIAL WORKERS REGISTRATION BILL

The House of Assembly concurs with the resolution of the Legislative Council contained in message No. 63 for the appointment of a joint committee on the Social Workers Registration Bill 2018 and will be represented on the committee by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee. The members of the joint committee to represent the House of Assembly will be Ms Cook, the Hon. R. Sanderson and Mr Teague.

The House of Assembly also concurs with the Legislative Council's resolution to suspend standing order 396 to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

The Hon. T.A. FRANKS (17:46): I move:

That the message be taken into consideration forthwith.

Motion carried.

The Hon. T.A. FRANKS: I move:

That the members of the Legislative Council on the joint committee be the Hon. T.A. Franks, the Hon. I. Pnevmatikos and the Hon. C. Bonaros.

Motion carried.

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Conference

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

At 17:53 the council adjourned until Tuesday 12 February 2019 at 14:15.

Answers to Questions

PREMATURE BABIES

In reply to **the Hon. C.M. SCRIVEN** (18 September 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

It is estimated that over a 12-month period, 240 to 250 eligible premature babies across the Women's and Children's Hospital and Flinders Medical Centre will benefit from the establishment of the 'Milk Bank'.

AGED-CARE FACILITIES AUDIT

In reply to **the Hon. C. BONAROS** (20 September 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

The contract for the audit of aged-care facilities has been awarded to Standards Wise and was executed on 5 October 2018.

Negotiations occurred between Country Health SA Local Health Network and the preferred provider on final contract details, which created a slight delay in the commencement date.

The first site assessment occurred on 22 October 2018, with a schedule for all sites to be completed by 18 April 2019. A report on the assessment is expected to be completed by June 2019.

The previous Labor government took no action towards an audit such as this.

BUILDING STANDARDS

In reply to **the Hon. F. PANGALLO** (16 October 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government/Planning has advised the following:

The incident at Curtis Road, Munno Para on 13 October 2018 is the subject of ongoing criminal and other investigations and as such it is inappropriate to comment on the specifics of the matter at this time.

1. The Minister for Planning will not be demanding to see documentation relating to the matter in question unless a formal complaint, made in accordance with regulation 103 (which provides for councils and private certifiers to be investigated) of the Development Regulations 2008 is made.

2. The decision to issue a section 69 order is the responsibility of the council as the party responsible for administering the Development Act 1993 – in this case the City of Playford. Such orders are issued by authorised officers to the building owner and can require the evacuation of the land or building, prevent (or terminate) a specific activity from being conducted, prohibit the occupation of the building or land and carry out building work or other work.

Questions about whether such an order was issued, if and how it was enforced (or not) should be directed to the City of Playford.

3. The Development Act 1993 affords councils a range of legislative tools to ensure that buildings are safe for occupation and fit for purpose. These include powers to inspect, direct a person to refrain from an action or activity or in the case of an existing building, upgrade portions of the building that are considered to be unsafe.

Questions about what action/s the City of Playford have undertaken to ensure the building meets the minimum required codes and standards should be directed to the City of Playford.

4. The legislative framework governing inspections and testing of materials is the Development Act 1993, which is administered by councils – in this case the City of Playford.

Questions about whether inspections or testing were undertaken for the building in question should be directed to the City of Playford.

5. The legislative framework governing inspections is the Development Act 1993, which is administered by councils – in this case the City of Playford. The state government has no powers to instruct Councils to perform this task.

In July 2017, the state government wrote to all councils and requested they undertake a number of actions including prioritising the inspection of buildings with aluminium composite panels.

6. The role of private certifiers and other professionals involved in the assessment, approval and inspection process is being reviewed as part of the broader planning and building reforms under the PDI Act 2016.

ADELAIDE PARKLANDS

In reply to **the Hon. M.C. PARNELL** (18 October 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

The old Royal Adelaide Hospital site

The use of the site as a hospital ceased on 5 September 2017. The Adelaide Park Lands Act 2005 requires the report for a change of use to be tabled within 18 months of the current use ceasing. A report outlining the future vision for the site as an innovation and creation neighbourhood will be tabled before 5 March 2019.

Adelaide Festival Plaza precinct (inclusive of SkyCity Casino and Walker Corporation developments)

The Department of Planning, Transport and Infrastructure (DPTI) previously advised that it would seek assistance and advice from Renewal SA on the preparation of section 23 reports on the redevelopment of the Casino and the Festival Plaza at the appropriate time.

I have been advised that the land in question continues to be required for its existing uses, which form an essential and ongoing part of the redevelopment, hence there is no requirement to report to parliament pursuant to section 23 of the Adelaide Park Lands Act 2005.

The new CBD high school on the Parklands

As previously advised by DPTI, a section 23 report for the new CBD high school on Frome Street is not required as its existing use as an educational establishment will continue.

The O-Bahn project on the Parklands

In relation to the O-Bahn project through the Parklands, prior to the commencement of construction, a corridor of land was transferred from the Adelaide city council to the government for the purposes of the construction of the tunnel and busway. As agreed with council, once constructed the remainder of the land not required for the busway corridor (which is most of the site) was to be transferred back to the care and control of the council for use as parkland. With construction now complete, the work to execute this transfer is underway.

DPTI had previously advised that this transfer may then trigger the requirement for a report under section 23, however after further consideration the advice is that this transfer does not require a report under this section. The portion of land held by the minister on behalf of the state on a temporary basis to facilitate the construction of the tunnel is now returning to Parklands. Although the land has been utilised for more than one use during construction, section 23 is not necessarily triggered when the land is no longer needed for one of those uses.

DIALYSIS TRANSPORT SERVICE

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (23 October 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): A total of 16 Aboriginal patients were affected by the Closing the Gap transport funding withdrawal. No treatments have been missed due to withdrawal of transport and SA Health is providing transport support to the 16 affected patients.

Furthermore, the Central Adelaide Local Health Network Aboriginal Health Service, Allied Health team and renal nursing and medical staff are working collaboratively towards a longer term solution. This will include a consumer engagement process.

DIALYSIS TRANSPORT SERVICE

In reply to **the Hon. T.A. FRANKS** (23 October 2018).

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Furthermore, the Central Adelaide Local Health Network Aboriginal Health Service, Allied Health team and renal nursing and medical staff are working collaboratively towards a longer term solution. This will include a consumer engagement process.

AGED-CARE FACILITIES AUDIT

In reply to **the Hon. C. BONAROS** (23 October 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

1. The contract for the audit of aged-care facilities has been awarded to Standards Wise and was executed on 5 October 2018.

2. Negotiations occurred between Country Health SA Local Health Network and the preferred provider on final contract details, which created a slight delay in the commencement date.

3. The first site assessment occurred on 22 October 2018, with a schedule for all sites to be completed by 18 April 2019. A report on the assessment is expected to be completed by June 2019.

4. The previous Labor government took no action towards an audit such as this.

GRASSROOTS SPORTS GRANT

In reply to **the Hon. F. PANGALLO** (24 October 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Recreation, Sport and Racing has advised:

The Marshall Liberal government is supporting football (soccer) through a $19 million investment to establish a new soccer hub at the State Sports Park in Gepps Cross. The new facility will become the new home of Football Federation SA and facilitate greater participation in soccer.

Other investments in football (soccer) made by the government, include $1.5 million for Campbelltown City Soccer Club. This funding will be used to install a synthetic soccer pitch, build female change rooms and provide new fencing around their facility.

$120,000 has also been provided to the Western Strikers Soccer Club to improve club facilities by expanding the clubrooms, increasing spectator seating and improving signage.

Football (soccer) will also benefit from the $8 million being invested in the Women's Memorial Playing Fields at St Marys, which will see the development of new clubrooms and women's change rooms. The Women's Memorial Playing Fields is the home of the Cumberland United Women's Football Club.

The government is committed to assisting all sports get the facilities they deserve.

Sports outside of Australian Rules football, cricket, and netball will be given priority access to the funding available through the Community Recreation and Sport Facilities Program to upgrade or develop sporting infrastructure.

The next round of the Community Recreation and Sport Facilities Program will open in February 2019.

LAND TAX

In reply to **the Hon. J.A. DARLEY** (6 November 2018).

The Hon. R.I. LUCAS (Treasurer): The 2018-19 budget estimated that total private land tax collections would be $405 million in 2019-20, $379 million in 2020-21 and $390 million in 2021-22.

The estimated fall in private land tax collections in 2020-21 reflects the impact of the introduction of the government's cuts to land tax from 1 July 2020. This includes an increase in the tax-free threshold to $450,000 and a reduction in the rate of land tax from 3.7 per cent to 2.9 per cent for the value of taxable ownerships between the existing top land tax threshold (currently $1.2 million) and $5 million.

Land tax thresholds are currently increased annually in line with average increases in site values as determined by the Valuer-General. This minimises the impact of bracket creep (increasing property values pushing landholders into higher tax brackets). Annual thresholds will continue to be indexed following the government's changes to land tax.

In 2021-22, total private land tax collections are forecast to increase by $11 million, or 2.8%. This increase reflects expected growth in underlying site values subject to land tax.

Land tax assessments are based on valuations undertaken by the Valuer-General. In the 2016-17 budget, additional support was provided to the State Valuation Office to undertake improvements in the processes for the Valuer-General's valuations of properties in South Australia. This initiative is expected to improve valuation accuracy through additional data collection and revaluations to inform site and capital value assessments for prioritised property classifications and locations where required. Growth in underlying site values subject to land tax over the forward estimates incorporates the expected impact of the property revaluation exercise being undertaken by the Valuer-General.

When the previous Labor government announced the property revaluation exercise, they did not disclose the expected impact on land tax revenue. Instead, this impact was held as a contingency. As part of the 2018-19 Budget the Liberal government included the estimated impact of the revaluation exercise in headline land tax estimates. As disclosed in the 2018-19 budget, the property revaluation exercise being undertaken by the Valuer-General is estimated to increase underlying land tax revenue by around $19 million by 2021-22.

CORRECTIONAL SERVICES MONITORING DEVICE OUTAGE

In reply to **the Hon. C. BONAROS** (7 November 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police, Emergency Services and Correctional Services has been advised:

On 2 November 2018, the Department for Correctional Services' (DCS) Intensive Compliance Unit lost all communications with offenders via the electronic monitoring system due to a Telstra hardware failure.

DCS' main priority during the outage was community safety and in particular, the safety and wellbeing of registered victims. When the outage occurred, DCS implemented contingency plans including implementing additional resources, and undertaking manual checks of offenders, via telephone calls and home visits, to confirm their locations. With the assistance of South Australia Police, higher risk offenders were targeted with additional checks and visits. A

thorough review of victim and intervention order matters was undertaken to inform any relevant actions. No specific risk was identified that necessitated contact with a registered victim.

Retrospective checks undertaken since the outage identified no breaches in relation to registered victims, reflecting the success of DCS' contingency plans.

GRANT PROGRAMS

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. To date approximately 800 actual jobs have been created.

2. The 14 projects will generate $201 million of capital expenditure over the life of the projects.

3. The 14 projects are projected to contribute cumulative $2.013 billion towards the economy in gross nominal terms over a 10-year period and will be completed by 2027-28 as assessed by South Australian Centre for Economic Studies (SACES). SACES notes a number of limitations of their analysis.

In particular, the analysis does not fully account for the potential for these projects to drive up costs and therefor reduce economic activity in the rest of the economy.

NORTHERN ADELAIDE IRRIGATION SCHEME

In reply to **the Hon. J.A. DARLEY** (13 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Primary Industries and Regional Development has advised:

1. 20 kilometres of the 30-kilometre trunk main has been installed. Earthworks at the Bolivar Waste Water Treatment Plant has been completed. Concrete works for piles and footings is well underway. Earthworks at the Earth Bank Storage site at Korunye, approximately five kilometres north-west of Two Wells is underway.

2. The project is on schedule and on budget, with first water available for customers scheduled for November 2019. Other works will continue after this date, for example, on mains completion, and these are expected to be completed in 2020.

3. The cost for irrigation water is broken into three components:

(a) A one-off capital contribution that enables connection to the scheme based on annual contracted water volumes. The cost is a once only $2.90 per kilolitre.

(b) An annual availability charge based on annual contracted water volumes at a cost of $0.24 per kilolitre annually.

(c) A consumption charge based on actual water volumes consumed at a cost of $0.25 per kilolitre.

I am advised that annual price indexation is linked to the Australian Producer Price Index for the duration of the water contracts of 45 years, that is, three contract terms of 15 years each.

I am further advised that should the construction cost and/or operating cost be below current assumed budgets, then all customers of the scheme will realise a cost saving from the initial prices. It is too early in construction and operation to determine if savings will be achieved.

TREASURER'S INSTRUCTION 8

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:

Since taking office, I have approved or considered five Treasurer's Instruction 8 briefings from the Department for Trade, Tourism and Investment/Investment Attraction South Australia.

MINISTERIAL DIARIES

In reply to **the Hon. F. PANGALLO** (13 November 2018).

The Hon. R.I. LUCAS (Treasurer): I have been provided the following advice:

There are currently no plans to proactively disclose the diaries of ministers. Under the Lobbyists Act 2015, lobbyists are required to publish details of the meetings they hold with ministers on an annual basis. The government is currently considering ways on how to improve this legislation to further increase transparency.

ABORIGINAL YOUTH JUSTICE SUPERVISION

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

The Hon. R.I. LUCAS (Treasurer): I have been provided the following advice:

There are 12 officers currently employed within the Youth Justice Division of the Department of Human Services who identify as Aboriginal or Torres Strait Islander. An additional two hold substantive positions with the Youth Justice Division but are undertaking temporary roles in other agencies at this time.

Four officers are based in the CBD, with two of these staff travelling to country locations as required, depending on the location of Community Youth Justice clients at any given time. Eight are based at the Adelaide Youth Training Centre in Cavan and work across both campuses as required.

There are currently no vacancies in roles identified specifically for Aboriginal and Torres Strait Islander staff.

The Department of Human Services currently funds the following programs to address the over-representation of Indigenous young people under youth justice supervision:

- Metropolitan Aboriginal Youth and Family Services (MAYFS)
- The Making an Impact: Northern Adelaide initiative, which includes:
    - the Yunga Nungas: Future Leaders program in MAYFS
    - an early intervention project targeting the point of arrest/contact with the justice system
    - an Aboriginal community sector collaboration project
    - a Fathers and Sons project
- Justice Reinvestment SA Port Adelaide pilot program

PRIMARY INDUSTRIES AND REGIONS DEPARTMENT

In reply to **the Hon. J.A. DARLEY** (14 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Primary Industries and Regional Development has advised:

1. Yes.

2. I can advise that the cost of the independent review, including expenses incurred by the consultant for meetings held in Port Lincoln with fishery and aquaculture key stakeholders, was $70 801 (GST inclusive). No, The Marshall government's election commitment was to initiate an independent review of PIRSA's cost recovery policy as applied to fisheries and aquaculture. This government has delivered on this election promise.

KORDAMENTHA

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (14 November 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

1. No.

2. These are not public sector appointments.

3. The cost of this engagement is $220,000 (plus GST and on costs) for a period of 10 weeks until 30 November 2018.

KORDAMENTHA

In reply to **the Hon. E.S. BOURKE** (15 November 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

The contract with KordaMentha resulted from a procurement process that met all applicable State Procurement Board procurement policy requirements.

AUSTRALIAN SIGN LANGUAGE INTERPRETERS

In reply to **the Hon. I.K. HUNTER** (5 December 2018).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department for Human Services has advised:

The department has never funded Auslan interpreters for events.

Carols by Candlelight have confirmed that funds have been secured for two interpreters for the concert. Information is available on their website, with a map indicating the location of a screen to view the service.

The government is proud of its association with the state's largest Christmas concert, and continues to support the event.

SHOP TRADING HOURS

In reply to **the Hon. E.S. BOURKE** (6 November 2018).

The Hon. R.I. LUCAS (Treasurer): I refer the honourable member to the following website https://www.treasury.sa.gov.au/Our-services/freedom-of-information-foi which contains the responses to my invitation for stakeholders to provide their views, released on 11 November 2018, as part of an application under the *Freedom of Information Act 1991* made by the Hon. Kyam Maher MLC.