HOUSE OF ASSEMBLY

Tuesday, 20 June 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:02 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today pupils from East Torrens Primary School, who are guests of the member for Hartley.

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:04): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Final Stages

The Legislative Council agreed not to insist on its amendment No. 1 to which the House of Assembly had disagreed; and agreed to the alternative amendment made by the House of Assembly without any amendment.

STATUTES AMENDMENT (TERROR SUSPECT DETENTION) BILL

Standing Orders Suspension

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:05): I move:

That standing orders be so far suspended as to enable me to introduce a bill forthwith.

The DEPUTY SPEAKER: I have counted the house, and there not being an absolute majority present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:07): Obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Correctional Services Act 1982, the Criminal Law (High Risk Offenders) Act 2015 and the Police Act 1998. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:08): I move:

That this bill be now read a second time.

The government is moving swiftly to address concerns arising from recent events in Australia and overseas about state laws regarding parole and bail and how these laws apply to people who have demonstrated support for, or links to, terrorist activities. The Statutes Amendment (Terror Suspect Detention) Bill 2017, for introduction today, is squarely aimed at addressing these concerns.

It was on Friday 9 June 2017 that the Council of Australian Governments met, with leaders focused on ensuring the safety of all Australians and agreeing to further strengthen collaboration to prevent and respond to terrorism and other threats to public safety, underpinned by strong justice and national security systems. At COAG, first ministers agreed to ensure that there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity. This is reflected in the bill.

COAG also agreed that there will be integration of security-cleared state and territory corrections staff with the state and territory police, the Australian Federal Police and the Australian Security Intelligence Organisation Joint Counter Terrorism Team in each jurisdiction to improve information sharing. The bill builds upon this agreement, but also provides an active role for prescribed agencies.

On Tuesday 13 June 2017, the Premier of South Australia announced this reform:

We are moving with speed to implement the COAG agreement due to the seriousness of this issue. However, given the importance of this reform and the need for a coordinated approach involving multiple agencies and jurisdictions, once the bill has been introduced, our intention is to consult further with other jurisdictions and across relevant agencies including the Solicitor-General. If feedback received during consultation means that changes are needed to the bill, I will move such amendments as may be necessary.

The bill amends four acts to create new regimes across the criminal justice system that apply to terror suspects. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

Central to the scheme are the amendments to the *Police Act 1998 (SA)* (the Police Act). A new section is inserted into the Police Act to create a scheme whereby Australian jurisdictions can enter into agreement for the provision of terrorism notifications to be made by a prescribed terrorism intelligence authorities. These terrorism notifications are designed to ensure that relevant agencies in South Australia are alerted when other jurisdictions (including the Commonwealth) become aware that a person has demonstrated support for, or links to terrorist activities.

Regulations will be drafted in close consultation with other jurisdictions, and with South Australia Police, to prescribe the appropriate law enforcement and intelligence authorities as terrorism intelligence authorities, thereby enabling them to make terrorism notifications.

Administrative arrangements will be put in place to enable the appropriate agencies in South Australia to record, and where necessary, act upon these terrorism notifications.

The Bill ensures that any terrorism intelligence used as part of a terrorism notification is protected within the criminal justice system in the same way as criminal intelligence. These provisions are also contained in the amendments to the Police Act.

Once a person becomes the subject of a terrorism notification, then special provisions apply to them under amendments to the *Bail Act 1985* (SA) (the Bail Act), the *Correctional Services Act 1982* (SA) (the Correctional Services Act), and the *Criminal Law (High Risk Offenders) Act 2015* (SA) (the High Risk Offenders Act).

Firstly to bail. Under the Bail Act, in most cases there is a presumption in favour of bail, meaning that the bail authority should release the applicant on bail unless, taking into account certain factors, the bail authority considers that the applicant should not be released on bail.

The current Bail Act provides for a list of prescribed applicants, whereby the prescribed applicant has a presumption against bail.

The Bill adds to the current list of prescribed applicants so that any person who is terror suspect cannot be granted bail unless they establish the existence of special circumstances justifying their release.

In addition, the amendments also require the bail application to be heard by a court, not determined by South Australia Police, allowing the court to consider any terrorism intelligence and to hear directly from the terrorism intelligence authority.

Under amendments to the Bail Act, a person is a terror suspect for the purposes of a bail application or bail agreement if:

- the bail application or bail agreement does not relate to a terrorist offence; but
- the person:
- has previously been charged with, or convicted of, a terrorist offence; or
- is the subject of a terrorism notification.

The presumption against bail applies to a person who has a history of being charged or convicted of a terrorist offence, regardless of the offence they are seeking bail in regard to.

This definition of terror suspect reflects the fact that anyone seeking bail for having actually been charged with a Commonwealth terrorist offence is not dealt with under the Bail Act, but rather their bail is considered in accordance with section 15AA of the Commonwealth *Crimes Act 1914*, which already provides for a presumption against bail for in relation to people who are currently charged with or convicted of certain terrorist offences.

If, at the time of commencement of these laws, a person who is currently released into the community, subject to a bail agreement, becomes a terror suspect, then their bail agreement is revoked, they may be arrested without warrant and their bail agreement will need to return to the court for consideration under this new regime.

Now to parole. The regime that provides for the release of a prisoner into the community on parole by the Parole Board of South Australia (the Board) is contained in the Correctional Services Act. The Bill amends the Correctional Services Act to create a presumption against parole being granted to a person who is a terror suspect. Whilst some prisoners are released automatically into the community at the expiry of their non-parole period (persons sentenced to a total term of imprisonment of less than five years who have not committed a sexual offence, arson, a serious firearms offence or an offence of personal violence or breached parole) other must apply to the Board for release. Prisoners released on parole are subjected to conditions and they are supervised.

The Bill ensures that a prisoner who is a terror suspect cannot be released automatically into the community, even if their total term of imprisonment is less than five years

The paramount consideration of the Board when determining an application for the release of a prisoner on parole must be the safety of the community and there is a list of matters that the Board must take into account.

The Bill amends this process for terror suspects.

Under the amendments to the Correctional Services Act, a person is a terror suspect if:

- the person is charged with a terrorist offence;
- the person has ever been convicted of a terrorist offence; or
- the person is the subject of a terrorism notification.

As with the amendments to the Bail Act, if a person is serving a term of imprisonment for having committed a Commonwealth terrorist offence, then their application for parole is not considered by the Board, but rather is dealt with under Commonwealth laws.

However, these new provisions contained in the Bill will apply to any terror suspect who is serving a term of imprisonment for a state offence and who is seeking to be released parole.

Under the Bill, a special procedure is established for terror suspects, so that any decision of the Board concerning a terror suspect has no effect unless it is confirmed by the presiding member of the Board in accordance with new provisions. These provisions require that the presiding member of the Board must not confirm a decision to release to terror suspect unless there are special circumstances justifying their release.

Before making their decision, the presiding member is required to invite any terrorism intelligence authority to make submissions about the release (or not) of the terror suspect on parole. The presiding member can also take into account terrorism intelligence, which is protected.

Upon commencement of the Bill, any person who is a terror suspect, or becomes a terror suspect, whilst on parole, will have their release on parole reviewed in accordance with these new special procedures.

Lastly, I turn to amendments to the High Risk Offenders Act .

Some prisoners choose to serve their entire head sentence in prison and be released unconditionally and unsupervised, rather than apply for parole. This is where the High Risk Offenders Act steps in.

The High Risk Offenders Act creates in South Australia a regime that provides for the supervision and possible detention of an offender who has served their total sentence of imprisonment.

The High Risk Offenders Act is designed to address concerns that some offenders who are about to leave prison or about to complete their parole, remain a risk to the community, by creating two types of orders: an extended supervision order and a continuing detention order.

The Attorney-General is able to apply to the Supreme Court for an extended supervision order to be made so that a high risk offender may be supervised and subject to strict conditions at the end of their sentence.

This application is made in the last 12 months of the person total sentence (which they could be serving in prison or on parole) and the paramount consideration of the Supreme Court in determining an extended supervision order must be the safety of the community.

The Bill makes amendments so that either the State or the Commonwealth Attorney-General can make an application to the Supreme Court for an extended supervision order to be made against any terror suspect who is serving a term of imprisonment in South Australia, regardless of the offences they have committed. Under the Bill, the only criteria needed to trigger the application of the High Risk Offenders Act to a terror suspect is that they are a terror suspect and they are serving a term of imprisonment in South Australia.

The Bill inserts a definition of terror suspect into the High Risk Offenders Act so that a person is a terror suspect for the purposes of this Act if:

- the person is charged with a terrorist offence; or
- the person has ever been convicted of a terrorist offence; or
- the person is the subject of a terrorism notification.

In considering whether to make an extended supervision order, the courts needs to take into account an assessment of, and consider, the likelihood of the terror suspect committing a terrorist offence, or otherwise being involved in a terrorist act, or committing a serious offence of violence.

The term terrorist act is defined in the Bill to have the same meaning as in Part 5.3 of the Commonwealth Criminal Code and is consistent with the *Terrorism (Preventative Detention) Act 2005* (SA).

In considering the application for an extended supervision order, the State or Commonwealth Attorney-General may be represented in the proceedings by a terrorism intelligence authority and a terrorism intelligence authority has a right to appear and be heard in the proceedings. Any terrorism intelligence considered by the court is protected.

Under the High Risk Offenders Act, if a person breaches an extended supervision order, they will be detained in custody and brought before the Board within 12 hours. As with reform to parole, special procedures will apply when the Board considers a breach of an extended supervision order by a terror suspect.

Whilst the Board will then determine whether the terror suspect should remain at liberty on the extended supervision order or whether they should be detained in custody and brought before the Supreme Court, for a terror suspect the decision of the Board needs to be confirmed by the presiding member of the Board, who must firstly invite submissions from a terrorism intelligence authority and must only confirm the decision of the Board if satisfied that it is appropriate in all circumstances.

If the Board refers the matter to the Supreme Court, the court then has the power to then either order the terror suspect be released again on the extended supervision order or be detained for the remaining part of that order, or part of it, under a continuing detention order.

The paramount consideration of the Supreme Court in determining whether to make a continuing detention order must be the safety of the community. In considering the application for an continuing supervision order, the State or Commonwealth Attorney-General may be represented in the proceedings by a terrorism intelligence authority and a terrorism intelligence authority has a right to appear and be heard in the proceedings. Any terrorism intelligence considered by the court is protected.

Throughout the Bill the term terrorist offence is consistently defined to mirror the yet to commence Commonwealth legislation that provides for the making of continuing detention orders against terrorist offenders (the *Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016* (Cth)).

As such, in the amendments to the Bail Act, the Correctional Services Act and the High Risk Offenders Act, the term terrorist offence is defined to mean:

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

- a terrorism offence against Part 5.3 of the Commonwealth Criminal Code where the maximum penalty is 7 or more years imprisonment; or
- an offence against Part 5.5 of the Commonwealth Criminal Code (foreign incursions and recruitment), except an offence against subsection 119.7(2) or (3) (publishing recruitment advertisements); or
- an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* of the Commonwealth, except an offence against paragraph 9(1)(b) or (c) of that Act (publishing recruitment advertisements); or
- an offence of a kind prescribed by the regulations for the purposes of this definition.

This Bill has been drafted to create a mechanism by which information sharing can enhance community safety.

This reform is designed to ensure that South Australian laws pertaining to bail, parole and post-sentence supervision and detention, are adapted to meet the risk posed to our community by terrorist offenders, as well as persons who have demonstrated support for, or links to, terrorist activity.

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 *Bail Act 1985*

4—Amendment of section 3—Interpretation

This clause inserts definitions in the *Bail Act 1985* for the purposes of the measure.

5—Insertion of section 3B

This clause defines a terror suspect.

6—Amendment of section 4—Eligibility for bail

This clause ensures that a person who has been granted bail but who subsequently becomes a terror suspect (and is arrested without warrant in accordance with proposed section 19B) may reapply for bail (which would then be determined in accordance with the provisions applying to terror suspects). The clause also allows a person who has ceased to be a terror suspect to apply for bail or for a replacement bail agreement.

7—Amendment of section 5—Bail authorities

This clause ensures that only a court can be a bail authority for a terror suspect and allows a terrorism intelligence authority (designated under the *Police Act 1998*) to be heard in relation to a bail application by a terror suspect. Provisions are also being inserted in the *Police Act 1998* relating to the manner in which a court must deal with information properly classified as terrorism intelligence.

8—Amendment of section 10A—Presumption against bail in certain cases

This clause provides a presumption against bail for a terror suspect.

9—Insertion of section 19B

Proposed new section 19B provides for cancellation of bail and arrest without warrant where a person released on bail subsequently becomes a terror suspect.

10—Transitional provision

The amendments apply to a person who applies for bail on or after commencement of the amendments as well as to a person who is, on that commencement, subject to a bail agreement. If a person subject to a bail agreement on commencement of the amendments falls within the definition of 'terror suspect', new section 19B will apply to the person (because they will be a person who has become a terror suspect while on bail).

Part 3—Amendment of *Correctional Services Act 1982*

11—Amendment of section 4—Interpretation

This clause inserts definitions in the *Correctional Services Act 1982* for the purposes of the measure.

12—Amendment of section 66—Automatic release on parole for certain prisoners

This clause ensures that there is no automatic parole for a terror suspect.

13—Insertion of section 74B

Proposed new section 74B provides for suspension of parole if a person becomes a terror suspect while on parole. A warrant must be issued for the arrest of the person and the presiding member of the Parole Board must determine (after hearing from a terrorism intelligence authority) whether or not the person's parole should be cancelled or whether special circumstances exist for it to continue. Information classified as terrorism intelligence must not be disclosed (except to a court, the Attorney-General or to a person to whom a terrorism intelligence authority authorises its disclosure) by the presiding member. The presiding member is also not required to provide the person with reasons for the determination (to ensure the confidentiality of terrorism intelligence information).

14—Amendment of section 77—Proceedings before Board

This clause requires a terrorism intelligence authority to be notified if an application for parole is made by a terror suspect.

15—Insertion of section 77AA

This clause sets out a special procedure in relation to Parole Board proceedings involving a terror suspect. In such a case, a decision of the Parole Board is of no effect unless it is confirmed by the presiding member of the Board after hearing from a terrorism intelligence authority. In particular, a decision to release a terror suspect on parole must not be confirmed unless the presiding member determines that there are special circumstances justifying the prisoner's release on parole. The presiding member may confirm a decision, reject a decision or refer a matter back to the Board with recommendations for its further decision. Information classified as terrorism intelligence must not be disclosed (except to a court, the Attorney-General or to a person to whom a terrorism intelligence authority authorises its disclosure) by the presiding member. The presiding member is also not required to provide the person with reasons for the determination (to ensure the confidentiality of terrorism intelligence information).

16—Transitional provision

The amendments apply to a person who is serving a sentence of imprisonment or who is on parole on or after commencement of the amendments. If a person on parole on commencement of the amendments falls within the definition of 'terror suspect', new section 74B will apply to the person (because they will be a person who has become a terror suspect while on parole).

Part 4—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

17—Amendment of section 4—Interpretation

This clause inserts definitions in the *Criminal Law (High Risk Offenders) Act 2015* for the purposes of the measure.

18—Amendment of section 5—Meaning of high risk offender

This clause includes terror suspects who are serving a sentence of imprisonment in the definition of *high risk offender*.

19—Insertion of section 5A

This clause defines a terror suspect for the purposes of the *Criminal Law (High Risk Offenders) Act 2015*.

20—Amendment of section 7—Proceedings

This clause makes provision in relation to proceedings for an extended supervision order relating to a high risk offender who is a terror suspect.

21—Amendment of section 8—Parties

This clause allows a terrorism intelligence authority to appear, or act as a party to, proceedings for an extended supervision order relating to a terror suspect.

22—Amendment of section 18—Continuing detention orders

This clause allows a terrorism intelligence authority to appear, or act as a party to, proceedings for a continuing detention order relating to a terror suspect.

23—Insertion of section 19A

This clause sets out a special procedure in relation to Parole Board proceedings involving a terror suspect. In such a case, a decision of the Parole Board is of no effect unless it is confirmed by the presiding member of the Board after hearing from a terrorism intelligence authority. The presiding member may confirm a decision, reject a decision or refer a matter back to the Board with recommendations for its further decision. Information classified as terrorism intelligence must not be disclosed (except to a court, the Attorney-General or to a person to whom a terrorism intelligence authority authorises its disclosure) by the presiding member. The presiding member is also not required

to provide the person with reasons for the determination (to ensure the confidentiality of terrorism intelligence information).

24—Transitional provision

The amendments will apply in relation to a person serving a sentence of imprisonment on or after the commencement of the amendments (regardless of when the relevant offence was committed).

Part 5—Amendment of *Police Act 1998*

25—Insertion of section 74B

Proposed section 74B provides:

- that the regulations may designate a law enforcement authority, or any other authority, as a *terrorism intelligence authority*; and
- that information may be classified by a terrorism intelligence authority as *terrorism intelligence* in accordance with procedures prescribed by the regulations; and
- for duties of a court in dealing with information properly classified by the authority as terrorism intelligence (similar to the duties that apply in relation to criminal intelligence); and
- that a Minister may enter into an intergovernmental agreement for the provision, by a terrorism intelligence authority, of *terrorism notifications* relating to persons suspected of terrorist activities or of supporting or otherwise being involved with terrorist activities and in that case the Minister must ensure that information relating to the agreement is provided, as soon as practicable, to the Crime and Public Integrity Policy Committee of the Parliament; and
- an evidentiary provision relating to proof of a terrorism notification; and
- regulation making power to deal with other necessary or expedient matters.

Debate adjourned on motion of Mr Pederick.

BAIL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:11): I rise to speak on the Bail (Miscellaneous) Amendment Bill 2017, introduced by the Attorney-General on 31 May—not to be confused with the speech just given by the Attorney in respect of amendments to the Bail Act bill, which relate to terrorism matters. This is a bill that amends the Bail Act to deal with some relatively minor matters that need the statutory attention of the parliament. As members know, the Bail Act:

- sets out the provisions for the circumstances where bail agreements and guarantees apply;
- identifies the format for applications for release on bail, that is, when somebody is pending a trial and/or sentencing and they are granted the right to remain at large and not in custody;
- sets out the processes for review of any decisions by a police officer or the courts to grant bail; and
- sets out the enforcement and termination circumstances that are to apply for bail.

So, it is a discrete piece of legislation that is important to ensure that those who are awaiting sentence or trial are able—usually under certain conditions—to remain at large, and it is a matter where the seriousness of the allegations and charges against the party are taken into account.

Over the years, and certainly in the time I have been here in parliament, the Bail Act has come under scrutiny from time to time, particularly to identify public disquiet and response, particularly negative response, to persons who have, usually, committed an offence or some other act of misconduct while on bail. Most notably in the time I have been here, it has been the reversal of the presumption of bail whilst a case is pending in circumstances where somebody has harmed another using their motor vehicle.

Death by dangerous driving, manslaughter and escaping the pursuit of police are all the types of offences where someone who is on bail and committing these crimes (or is at least a suspect) needs to overcome a threshold of the reversal of onus in respect of presumption of bail that currently applies. Others include when the accused is a serious organised crime suspect, or where there have been allegations, violence or threats contrary to an intervention order. So, the public have said, in respect of a death using a motor vehicle as the lethal weapon, or where there is serious organised crime involved, or where there is a breach or potential breach in respect of domestic violence, which is protected under our intervention order procedures, these are the types of offence of which the accused needs to be able to establish why he or she should not be in custody, rather than the reverse.

On the other hand, of course, bail is there, generally, to recognise the fact that someone who is awaiting a trial is innocent until proven guilty, and that is a factor that needs to be taken into account. Certainly in the time I have been here, there has been a tightening of mandatory conditions on bail. The possession of a firearm, for example, is strictly prohibited. The requirement for a party to submit to a test historically has been in respect of gunshot residues, and an accused may need to submit to a forensic assessment. There is the requirement that they not leave the state in respect of certain offences and the like.

Other categories of discretionary conditions, most commonly that the accused is to remain not just within the state of South Australia but is to reside at a certain address and not to approach certain persons, particularly if they are witnesses in the case or victims, are important factors to be considered. At times, police deal with the question of bail and release a person once charged, pursuant to the authority of the bail granted by the police officer. Most commonly, for more serious offences, they are dealt with by a court, usually the Magistrates Court.

I just mention in this circumstance that earlier this year there was a call for a nationwide review of our bail laws arising out of a deadly car attack. Criticism was made then of the use in Victoria of the volunteer bail justice procedure which, by its nature, identifies that the bail justices are in a voluntary capacity, not necessarily legally trained, and the like, and therefore there was, generally, public outrage about this. I am pleased to say that in South Australia we do not have that system: we do not use volunteer bail justices, and nor should we.

It is a sobering reminder, notwithstanding that Senator Xenophon for our state, at the time demanded that there be a nationwide review. Clearly, South Australia should not have been called into the requirements of that and, as we often see, it has now disappeared to nothing. Other events relating to alleged terrorist attacks, and the like, have heightened the need for consideration of bail and parole, and the Attorney introduced a bill subsequent to the COAG meeting recently at which the Prime Minister, and in general terms the states represented by the premiers, acknowledged the need to review laws in this area.

These matters are in another bill; they are discrete. Two aspects particularly of the bill are to add a category for prescribed applicants into section 10A. We are advised, and we accept, that court and prosecution time, particularly police time, will be saved by having only one proceeding where the complainant is subject to give evidence only once.

There are situations where someone might be charged with a serious offence to be dealt with in the District Court but there might be a separate breach alleged in respect of an intervention order, which would ordinarily be dealt with in another court. This will ensure that, in respect of the offences that carry a presumption against bail, that will be applied to both and will remove any uncertainty surrounding any attempt to use the proceedings in one court to avoid the presumption against bail.

The second area is to remove the option of seeking a telephone bail review. We are advised, and we accept, that this avoids the circumstances—although unlikely, we suggest—where a party could obtain bail on a telephone interview. At least in these cases the magistrate is sitting in court and there is an ability to seek a bail inquiry report and information about the attitude of the complainant.

Finally, the Attorney has advised us that for some time now courts have not been sitting on Saturday mornings—more's the pity. We used to clean out the courts pretty quickly and deal with

bail and court matters on Saturday mornings after the Friday night arrests. I thought it was done in a fairly expeditious way. In any event, it appears that is not available, so we need legislation to ensure that we deal with the definition of 'working day', which has, until this bill, included a Saturday within the definition. Obviously, the obligation to bring someone in custody before the court on the following working day needs to be accommodated accordingly.

I am advised, and we accept, that there are no pending cases involving any complaint/seeking of redress from any party who might feel aggrieved by the continuation of this definition and therefore the exclusion from being brought before the courts. In those circumstances, we are agreeing to that, and in particular that the no-liability clause, whilst we consider it to be remote if there are no known cases for failure, is a matter that is prudent. For that reason, we accept it, though I reinforce the principle that, according to this side of the house, there has to be a good reason why a matter should be acting to the effect of any reform that is retrospective or which attempts to exclude someone's rights by this type of no-liability approach. With that contribution, we indicate that we consent to the bill.

Ms COOK (Fisher) (11:23): I would like to speak today in support of the Bail (Miscellaneous) Amendment Bill. The bill makes various changes to the Bail Act; however, I would like to focus my attention on one of the changes that will better protect victims of domestic violence. From the outset, I would like to note that this government is committed to changing the community attitude towards domestic violence. This commitment saw the release of the Domestic Violence Discussion Paper by the Attorney-General and the Minister for the Status of Women on behalf of the state government in July 2016.

Amongst the many issues raised in the discussion paper, eight key topics were presented for consultation. These included the development of a domestic violence disclosure scheme, how comprehensive data on domestic violence perpetrators can be collected and most effectively used and whether videos recorded by police at a domestic violence scene should be accepted as evidence in court. The Social Development Committee was privy to some compelling video evidence that had been put before judges, which I found both moving and deeply disturbing in relation to how we view evidence from these victims.

I understand that during the four-week consultation on the discussion paper, the government received an enormous amount of feedback on the issues raised. This is indicative of the importance of this issue to the South Australian community. I would also like to thank the people who have continued to contact my office and me personally regarding this very important issue. I continue my commitment to support them in my role in parliament.

I applaud the Attorney and the Minister for the Status of Women for this piece of work that has shone a light on the extent of domestic violence in our state along with the lobbying of community organisations and victims groups. It will provide the foundation needed to combat domestic violence, and I look forward to the government's proposals for reform that will arise from this consultation.

Regarding the amendments before us today, in 2011 the government made amendments of a similar nature to the Bail Act, setting out that, if an accused were taken into custody on charges of breaching an intervention order, there would be a presumption against bail if the alleged breach of the intervention order involved physical violence or the threat of physical violence. However, in some cases, the breach of the intervention order is an aggravating feature of the offence and the separate offence of breaching the intervention order is not charged.

This is where these amendments will come into play, ensuring that there is a presumption against bail for these accused. Protecting victims of domestic violence is of the upmost importance. These amendments will ensure that, when an offender is taken into custody for a violent offending in breach of an intervention order, there will be a presumption against bail. From a victim's point of view, the entire legal process regarding domestic violence offending can be stressful and emotionally draining, especially in the case of bail hearings, where victims face the prospect of a perpetrator being released on bail.

While I acknowledge the important work of South Australia Police and the Department for Correctional Services in their robust supervision of these offenders while on bail, the emotional toll

on victims and their families cannot and must not be ignored. I strongly support the bill and commend it to the house.

Mr KNOLL (Schubert) (11:26): I rise to make a brief contribution to the Bail (Miscellaneous) Amendment Bill 2017 and to outline that the bill amends the act in three fairly simple ways. The first is to essentially make sure that under section 10A, which is the part of the Bail Act that deals with the presumption against bail and the offences for which presumption against bail is applicable, there is not duplication where somebody needs to have a bail hearing under the breach of their intervention order and also how that relates to the head charge or the charge for which they were originally brought before the courts. This helps to streamline the process to ensure it is as simple as possible.

The second amendment relates to the removal of seeking a telephone bail review. Again, this is fairly uncontroversial because it is likely not to be used, but it is common sense nonetheless. The third is to exclude Saturday as a working day for the purposes of the act. Even though it has not been used for some time, we are cleaning this up.

Interestingly, in researching this topic I looked through section 10A to understand the offences where there is a presumption against bail. As the member for Bragg rightly pointed out, a lot of them relate to motor vehicle offences, especially manslaughter, death or serious harm, but also acts endangering life. Essentially, where that offence, or part of that offence, constitutes the use of a motor vehicle in the alleged act of the offence, there is a presumption against bail. There is a presumption against bail in relation to blackmail and threats or reprisals relating to officers in judicial proceedings and public officers and also in relation to bushfire and serious firearms offences.

The most interesting part—and I think the member for Fisher talked about this—was around the breach of an intervention order, which I suppose is when somebody has been charged with a domestic violence offence and there is an intervention order placed upon them, and they breach that by alleging to have constituted an offence involving physical violence or the threat of physical violence. I can understand very much the need for that and am keen to ask the Attorney in committee how often that provision is used, especially given the fact that in the second reading what we are essentially looking to do here is to tighten up the Intervention Orders (Prevention of Abuse) Act where breaches involve violence or the threats of physical violence.

Again, on this side, we are supporting this bill, but we have a simple question to understand. At the moment, domestic violence is something that the government and the opposition are working together on to try to reduce its prevalence within our community. We are keen to understand how often that provision is used and how effective it has been in helping to prevent further violence in our community.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:30): I thank everyone who has made a contribution. I also acknowledge and thank the opposition for their indication of support for these measures. In respect of the question asked by the member for Schubert, I do not have that information at my fingertips, but I have spoken to my advisers just now and we will attempt to get that answer for the member for Schubert between here and the other place. With those few words, it would be nice if we just moved forward to the next item of business.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.R. RAU: I move:

Amendment No 1 [AG—1]—

Page 2, line 9 [clause 3(1)]—Delete 'Part 2 of' and substitute: 'Subject to subsection (2),'

There is an amendment we have foreshadowed here. It is a very minor drafting matter. It was brought to my attention. I did not even recall it, it is that minor. It was brought to our attention by parliamentary counsel. It is merely a tidying up. It does not change any matter of substance. I think the deputy leader has been briefed on the matter.

Ms CHAPMAN: I have been briefed, and we consent.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. J.R. RAU: I move:

Amendment No 2 [AG—1]—

Page 2, lines 12 and 13—Delete clause 4.

Clause negatived.

Remaining clauses (5 to 8) and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (INTERVIEWING VULNERABLE WITNESSES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:36): I rise as lead speaker to speak on the Summary Offences (Interviewing Vulnerable Witnesses) Amendment Bill 2017, introduced by the Attorney on 31 May this year, to amend the Summary Offences Act. The government claims that this addresses a potential gap in the legislation, that is, the Statutes Amendments (Vulnerable Witnesses) Act 2015, arising from a recent Supreme Court case, and in respect of the application of current practices of the police. On this side of the house, we will not be opposing this bill that has the effect of allowing in all cases where there is a vulnerable witness—that is, essentially, a person under 14 years of age or someone who has a cognitive impairment—that witness being able to give their evidence-in-chief via video evidence.

Members who were here in 2015 and 2016 had a very extensive debate in respect of changing the law to make it easier for vulnerable witnesses, in particular those with a cognitive impairment. There was considerable debate about this matter and it did significantly change the law. It was designed in recognition of the fact that we had a circumstance where people, usually with a cognitive impairment but sometimes because they were very young and might have had some maturity issues, were placed in a situation, particularly with serious sexual offences, where the whole process was one that was not conducive to reaching some just outcome.

That debate allowed for this alternate process to exist, and it very much was contrary to the fundamental principle that only in exceptional circumstances should a person who accuses another of a serious crime be excused from making that accusation in open court. Around the country, there have been law reform commission inquiries in respect of how we deal with this issue, particularly when the victim of an offence, as I say, is a child or someone who has a cognitive impairment. Sadly, in this case, we have had a history where, in respect of the capacity of some victims to give reliable evidence, clear evidence and effective evidence to have a just outcome, this has simply been

inalienable. We have had shocking cases where children living in residential care because of their significant mental incapacity or cognitive impairment, as we now describe it, were ruthlessly and disgracefully abused, particularly sexually.

Inquiries that we have had since I have been in the parliament have identified these abuses. Whether it has been on a school bus, in their bedrooms, in sports rooms or in classrooms, there has been disgraceful conduct. I think it is fair to say that there was an overwhelming desire by the public to try to work out a way that we could work through this. I want to thank the former chief justice John Doyle, who was instrumental in highlighting not just the issue but how we needed to have some reform in this area so that we comply with our social responsibility and protect the vulnerable witnesses, particularly when they are victims of serious sexual offences.

The law changed back in 2016 from the principal bill. I do not know how often it has been used since, but we have introduced a procedure that enables us to have a person with a vulnerable witness who can provide them with support throughout a case. Again, this is particularly important to victims of offences. Equally, it is fair to say that a young person who might witness, for example, a serious act of domestic violence between his or her parents may be in a considerably traumatised situation if they were to give evidence in the presence of the accused, particularly if they are a parent.

Over the years, we have dealt with provisions for children. One of those has been—and I think it is fair to say that it is a very good initiative—the capacity, where appropriate, for a child to give evidence in another room or behind a screen so that they do not have to be in a situation of clear duress in giving evidence in the presence of a parent or step-parent. We reformed the law. It was pretty controversial, but it was passed with the passage of goodwill that we have reached some fair compromise.

The government say, 'We should be able to change the law now in this bill to enable that to be used when the charges are any charges. For all offences—shoplifting, you name it—if there is child witness under the age of 14 now, they ought to be able to utilise this process.' The government say that they have relied on a recent Supreme Court decision. I will quote exactly what the Attorney said in his second reading speech:

> The bill addresses a potential gap in the Statutes Amendment (Vulnerable Witnesses) Act 2015 arising from the recent Supreme Court decision. In light of this decision and recent changes in SAPOL operational practices, legislative amendment is prudent to provide for the explicit admissibility of a video interview with a vulnerable party in criminal proceedings for all offences, not just, as at present, for a 'serious offence against the person'.

I just want to say that, whilst we agree to this bill being passed—and we have considered it at some length—I want to give clear notice to the Attorney that I do not want him coming into this parliament and relying on judgements that simply do not support the contention that is before the parliament. That is not to say that the judgement in this case of Justice Bampton's was a judgement in error or not worthy of looking at the question of how we deal with the interpretation of the transitional clauses in respect of the principal act that we dealt with—fine.

In that case, to briefly advise members, a video interview was taken of a six year old who was allegedly a victim of an aggravated assault by his stepfather. Two questions of law were referred from the Magistrates Court to Justice Bampton. The magistrate ruled the video inadmissible, but the judge said it was admissible under the transitional provisions. I should add that she confirmed that the magistrate was right in excluding the evidence, but she allowed it under the transitional provisions.

This was a judgement that looked at this whole question. Clearly, on the face of this case, I would suggest that justice prevailed, consistent with the parliament's intention. Although it perhaps highlighted the need to consider the transitional aspect, nowhere in that judgement does Justice Bampton say, 'We need to sort out the law here to enable all cases or all offences to utilise the video evidence material.' She made a comment in paragraph 20, obiter at best, that the law only applies to serious offences. She did not go on to say that this was really an inadequacy of the law. She did not go on to say that all cases need to be considered. She did not say that at all.

We are here dealing with this not because of this judgement, which is being utilised by the Attorney in this case to hang his hat on this reform, but because in the practical real world now, when police interview children, as a matter of course they video it, as they should. It is a sensible tool that

is available now for dealing with children and to be able to ensure that they have a contemporary recording, as soon as practicable after the incident, of the child's observations and the commentary that they make in respect of the questions they are asked.

I think that practice is appropriate and particularly important if there is a cognitive impairment, not by age—namely, being a child—but where there is some disability that makes communication very difficult and/or affects their capacity to concentrate in order to give what would otherwise be considered to be reliable and fluent evidence and for statements to be recorded. Even under the principal act there are very clear rules that are set out, including under the regulations, as to how these videos are to take place.

It is clearly not acceptable for the police to do a two-hour interview and cut out the bits they like or do not like and provide an edited tape for the purposes of admission. I think they still have an obligation to have a clock in the background to make sure that there is continuous filming of the interviewee. Obviously, proximity of the interviewer to the interviewee and all the other things that are normal, and what we would expect to be normal rules associated with the taking of a statement for the potential video evidence to be submitted, need to be complied with. As I said, you cannot just turn up with the prosecutor tendering an edited version of that interview.

I do not doubt for one moment that in some circumstances the video will be long and perhaps not the best form of presenting the evidence-in-chief of the witness. In fact, particularly if it has taken a very long time, it still might be better for the statement of the witness to be recorded in writing, reviewed by the witness—the child or person with an incapacity—and signed off, with or without their support person. That statement can still be presented and they can be available for further evidence-in-chief, where it is allowed in the court process. That may be a better option. It might actually be more succinct, it might avoid confusion and it might be clearer to do it in that way.

The contemporary method of the police is to have a video record of the interview, which is a very helpful tool in the criminal law process. Because it is really an advance in relation to the technology available, we on this side of the house accept that it is a reasonable option that ought to be available. It is conditional upon the fact that, from our point of view, it is absolutely critical that the vulnerable witness must be available for cross-examination and, of course, that the admissibility of the video interview is still to be at the discretion of the trial judge. On the basis of those two protections, which are in the principal act, and the maintenance of the obligation of this to ensure that the accused has the right to a fair trial, we are agreeing to this.

There is a case, we say, for the expansion. The Law Society of South Australia, unsurprisingly, are not happy with this. They take the right of any witness very seriously in ensuring the obligation to face the person they accuse in court and suggest, therefore, that this is not an advance they would support. Bearing in mind that they took that view in respect of the principal act, we see that as unsurprising, but I thank them for their contribution in that regard. I also thank Justice Bampton for her decision in Police v T, DCJ, but remind the Attorney that he either not quote from cases that do not support the argument or, alternatively, read the case before he comes in here and pretends that it does.

The Hon. A. PICCOLO (Light) (11:51): I would like to speak in support of the Summary Offences (Interviewing Vulnerable Witnesses) Amendment Bill. In doing so, I would like to outline the significant work this government has done as part of the Disability Justice Plan.

The purpose of the Disability Justice Plan is to make the criminal justice system more accessible and responsive to the needs of people with disability and also to ensure that justice and fairness is delivered. It was launched in June 2014, and the government has provided $3.25 million in funding over four years to implement the Disability Justice Plan. I recall that I was part of the consultation process in Mount Gambier, when the plan was actually in its draft form, and engaged with people in regional South Australia to get support for that plan. The plan includes key measures of legislative reform, implementing a Communication Partner Service and providing specialist training for investigative interviewers.

As part of the legislative reform, the government has previously introduced new legislation and amended the current legislation to better serve people living with disability. Members will recall that the Statutes Amendment (Vulnerable Witnesses) Bill 2015 was introduced into parliament on

6 May 2015 to improve the position of vulnerable parties, namely, children and persons with a cognitive impairment, including intellectual disability, within the criminal justice system, both in and out of the courts. The bill extended to victims, witnesses, suspects and defendants, and that is a very important fact to note, because whether the person is a victim, witness, suspect or defendant, they could all potentially experience injustice in a system that is not mindful of their special needs.

The bill received royal assent on 6 August 2015 and the Statutes Amendment (Vulnerable Witnesses) Act 2015 came into effect on 1 July last year, alongside the Summary Offences Regulations 2016 and the new Communication Partner Service. The new act incorporated major changes to the Evidence Act 1929. The purpose of these reforms was to:

- give people with complex communication needs a general entitlement to have a communication assistant present for any contact with the criminal justice system;
- minimise the number of times vulnerable witnesses have to recount their experiences by providing alternative measures for the evidence to be presented to the court, including the use of pre-recorded evidence and investigative interviews at trial;
- importantly, tackle the misconception that living with a disability denotes unreliability;
- enhance the supports available for vulnerable victims, witnesses and defendants both in and out of the court;
- allow the evidence of vulnerable witnesses to be taken in informal surroundings; and
- extend the priority listing of sexual assault trials where the complainant is a child to those where the complainant is living with a disability that adversely affects their capacity to give evidence.

Part 4 of the new Summary Offences Regulations 2016 deals with the various issues raised in the new act. Part 4 of the regulations closely reflects what is already in the act. While the focus of the new act is on the arrangements to support vulnerable parties in a court context, the focus of part 4 of the regulations is on the arrangements to support vulnerable parties in and out of the court context.

Specialist training is being funded through the Disability Justice Plan for investigative interviewers working with vulnerable witnesses in South Australia Police, Child Protection Services (part of SA Health), Families SA (Department for Education and Child Development), and the Care Concern Investigations Unit in DECD and the Department for Communities and Social Inclusion. The specialist training will assist in implementing the amendments to the Evidence Act 1929 to allow for the admission of an audiovisual record of an investigative interview at trial.

Following an open competitive procurement process, the Centre for Investigative Interviewing at Deakin University was selected to provide specialist training to interviewers working in South Australia Police, Child Protection Services, Families SA, the Department for Education and Child Development and Disability SA. To date, 170 eligible staff have enrolled in the course. Under the partnership with the Attorney-General's Department, Deakin University will also undertake new world-leading research into interviewing people living with disability. The results of this research will further enhance techniques for interviewing people living with disability in the existing training program.

Amendments to the Evidence Act 1929 supported the establishment of a communication partner scheme to facilitate communication between vulnerable victims, witnesses, suspects and defendants with complex communication needs and others in the criminal justice system, both in and out of the court. Funding of up to $1.362 million under the Disability Justice Plan was allocated over four years for the establishment of the Communication Partner Service in the non-government sector. Following a competitive grants process in October 2015, a two-year contract was awarded to Uniting Communities on 1 March 2016 to establish and manage the Communication Partner Service.

The first stage of the Communication Partner Service commenced on 1 July 2016 as part of a staggered statewide implementation. Stage 1 commenced with 10 trained volunteers and was limited to metropolitan Adelaide, Port Augusta and Mount Gambier for major indictable offences only. During this first six months of implementation, there were 24 contacts with the service to request or

discuss the support of a communication partner, with the majority of these being through South Australia Police's victim management section.

Stage 2 of the service implementation commenced on 1 January this year with expansion into Whyalla, Port Pirie, Mount Barker, Murray Bridge and Victor Harbor for all indictable offences. Stage 2 is progressing towards statewide implementation and is being informed by an evaluation of stage 1. From 1 January this year to 31 May, there were 55 contacts with this service. Since the commencement of the service, 27 volunteers have been approved and registered as communication partners and have passed a robust selection process, including a three-day training program and appropriate criminal screening checks. Volunteer interest continues to be strong, and the service has attracted people from professional backgrounds with an excellent knowledge and experience of people living with disability.

Each year, an annual event is held to bring together criminal justice agencies, researchers and community representatives to improve access to justice for people living with disability. The 2017 Disability Justice Plan Symposium will include two events. The first is a two-day visit by Her Honour Judge Patricia Lees on 11 and 12 July. Her Honour sits as a judge on the South Eastern Circuit in England and has extensive experience in prosecuting and defending all areas of criminal law, with particular expertise in cases involving sexual allegations. The second symposium event has been scheduled for 2 November this year. A one-day conference will be held, with keynote speaker being Jonathan Doak, Professor of Law at Nottingham Trent University. It is expected to attract up to 150 participants.

The government should be commended for its extensive work that has been undertaken through the Disability Justice Plan to ensure that a person living with disability does not experience an injustice in our justice system. I commend this bill to the house.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:59): I thank those members who have made a contribution and particularly acknowledge the previous speaker, who has had a long interest in this matter and has done a lot and been continually interested in this area. With those few words, I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

The Hon. Z.L. BETTISON: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (SUSPENSION OF EXECUTIVE BOARD) AMENDMENT BILL

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:03): I move:

That this bill be now read a second time.

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

Leave granted.

I rise to introduce the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Suspension of Executive Board) Amendment Bill 2017.

This Bill amends the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981,* to continue the Minister's current power to suspend the APY Executive Board, for any reason the Minister sees fit, for such period as the Minister deems appropriate, and for this power to be made on-going.

The *Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Act 2016* came into operation on 1 January 2017, with the exception of section 13, which is due to commence on 1 July 2017. This section will vary section 13O(1) of the APY Act to restrict the Minister's power to suspend the APY Executive Board. The Minister would only be able to suspend the Executive Board if it fails to comply with certain Ministerial directions, such as to prepare a report or take an action that prevents detriment to Anangu.

It is the Government's view that a Ministerial direction under section 13 of the APY Amendment Act would be too limited, and unlikely to facilitate timely remedial action should the need arise. A broad and on-going reserve Ministerial power to suspend the Board for any reason is a better safeguard against serious failings in APY governance.

On 5 April 2017 a new APY Executive Board was elected following changes to the electoral process, in particular requiring gender balance. The day was historic for APY, and particularly so given the inclusion of a legislative requirement for gender balance.

Seven Anangu men and four Anangu women have now been elected to the Board, with supplementary elections to be undertaken for women in three electorates.

I am pleased to inform members that on election day the implementation of reforms to the electoral process went very smoothly, such as the use of a Voters roll and computer voting instead of marbles. Nonetheless, the task ahead for the new Board is not without its challenges.

I believe it is prudent and appropriate to continue the existing Ministerial power in section 13O(1) of the APY Act to be able to suspend the Board for any reason .

I emphasise that this is a reserve power, it is a safeguard, that has to date not been exercised and I hope remains unexercised.

I would like to extend my congratulations to all the new members of the APY Executive Board, and I know the Minister looks forward to working constructively with them for the benefit of all Anangu over the next three years.

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 *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*

4—Amendment of section 13O—Minister may suspend Executive Board

This clause amends section 13O(1) of the principal Act to allow the Minister to suspend the Executive Board for any reason the Minister thinks fit.

Mr TARZIA (Hartley) (12:03): I have been waiting a long time to speak on this, Deputy Speaker.

Members interjecting:

The DEPUTY SPEAKER: I ask everyone to leave the chamber in silence so we can hear the member for Hartley.

Mr TARZIA: Thank you for your protection, Deputy Speaker. I rise today to speak in favour of the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Suspension of Executive Board) Amendment Bill, and indicate that I am the lead speaker on this side of the chamber. The Anangu Pitjantjatjara Yankunytjatjara Land Rights (Suspension of Executive Board) Amendment Bill was introduced to the other place on Wednesday 10 May 2017. What the bill does is seek to make permanent the reserve power of the Minister for Aboriginal Affairs and Reconciliation to suspend the APY Executive Board without recourse.

By way of background, this power of the minister, which is obviously a quite substantial power, to suspend the board in question was a significant part of the past changes to the APY Land Rights Act that were made in December 2014. I understand that the Greens at the time moved an amendment adding a 12-month sunset clause to the power, which was amended to three years by negotiation of the house, largely due to the fact that the Legislative Council did not really have that much confidence in the minister at the time. However, since those days there has been a succession of ministers. With the current minister, there has been a realisation that what we have now is actual stability up there and that these powers are of benefit to the ongoing, day-to-day, successful operation of competent governance in that part of the APY lands.

The bill removes the sunset clause that I was talking about, thereby legislating and codifying explicitly the minister's power to suspend the APY board without caveat. Given that the sunset clause in question is due to expire at the end of the year, if we do not act before then, it will return the legislation to what was in place prior to December 2014, which was that the minister was required to meet certain criteria before a suspension can be executed. We find this unacceptable.

We have seen in the past how, unfortunately, if these things are not controlled and there is not good accountability, there can be dysfunctionality at times. We want to make sure that the accountability is there and that the stability of the executive ensues, and so we believe that if the executive do have this condition then they are able to be brought into line, if the minister feels that it is necessary to act in a certain way. The bill gives the minister of the day a very valuable bargaining chip in dealing with the lands.

We have gone through what the bill does. We have also gone through why we must act with this now. Obviously, though, we would like nothing more than there to be excellent accountability up there and also stability as well. I look forward to the passage of the bill through the house, and I am informed that we will have other speakers speaking with similar statements. I commend the bill to the house.

The DEPUTY SPEAKER: It looks like the member for Morphett is going to make a contribution.

Dr McFETRIDGE (Morphett) (12:08): If I kept running, I would be out the door.

The DEPUTY SPEAKER: Don't hurt yourself.

Dr McFETRIDGE: Thank you, Deputy Speaker. It is a great pleasure to again speak on one of the areas that I am particularly passionate about in this place, and that is Aboriginal affairs and reconciliation.

We hear about the plight of Aboriginal people in Australia and Closing the Gap all the time, but particularly in South Australia when you go up onto the APY lands you actually see the challenges facing many Aboriginal people in South Australia. Two and a half thousand people live on 103,000 square kilometres of freehold Aboriginal land. All members of parliament must get up to the lands to meet the people, see what wonderful people they are and look at their challenges but also embrace the opportunities.

In fact, I had the pleasure of being up there last week with the Aboriginal Lands Parliamentary Standing Committee. The member for Adelaide accompanied us on the trip. I extend an invitation to other members if trips are being planned. They should alert members of the standing committee because I know they would be more than welcome to come along. They may have to cover some of their own expenses, but the plane is booked and the travel is booked, in most cases. Some accommodation may be necessary, but it is an experience you will never forget. It is an amazing place. There is some of the most beautiful country in the world on the APY lands. Mount Woodroffe is the highest point in South Australia.

Last week, we had the pleasure of going to Cave Hill to see some 20,000-year-old rock art. I had not seen it on the lands, but the committee saw it last year in East Arnhem Land. The deep cultural roots that our Aboriginal and Torres Strait Islanders have in their land are really exemplified by witnessing firsthand the stories from the traditional owners when you go to these places, and the APY lands is one of those places.

Anangu Pitjantjatjara Yankunytjatjara means the Pitjantjatjara people and the Yankunytjatjara people. Anangu is just the Pitjantjatjara word for people. They have lived in the Central Desert for thousands and thousands of years. As I said, the dating on these paintings the other day went back to 20,000 years ago, and it is possibly longer than that with more accurate forms of dating coming into place.

The history of the communities on the APY lands has been long and, unfortunately, chequered. The Presbyterian Church started some of the missions there, and Ernabella, which is now known as Pukatja, is obviously the most well known. With about 300 people there, it is one of the bigger communities in the APY lands.

The committee visited the eastern part of the lands this time when we went up there. We went to Kaltjiti, which people may know as Fregon, where we met the committee council and discussed some of the issues they have in Fregon. The big issues you hear about all the time are housing and, obviously, jobs. With the economy on the APY lands, there are huge opportunities, but those opportunities have yet to be grasped.

We then went to Umuwa, which is really the administrative centre. The APY Executive meet there and the APY offices are there, as are the police headquarters and the sites for RASAC, which is the regional Anangu service delivery people who deliver council services across the lands. Mark 'Jacko' Jackson is a fabulous bloke. He is an ex-copper and has been working up there for close to 30 years. He knows the people individually and has grown up with their kids. That is the sort of connection we all strive to achieve on the lands to get some credibility and solidarity.

Nyalu Pitjantjatjara nintini tjuku tjuku. I speak a little bit of Pitjantjatjara, but not as much as I would like to be able to speak. I deliberately took the language course to show respect and get some credibility for my position as a member of parliament and one-time shadow minister as well. It is important because we must never forget that there are 39 different language groups in South Australia and Pitjantjatjara Yankunytjatjara are two of the larger language groups.

The tribal groups associated with those language groups have been there for many years. It is a part of South Australia. They are South Australians. Some people would say they are part of the first nations of South Australia. I heard an interesting legal argument about that the other day, which I will go back and try to comprehend as a humble veterinarian. I am not a lawyer, and in saying that I am boasting, not apologising. I want to appreciate not only the English legal concept but the property rights concept of where we have come from and to acknowledge land rights and sea rights, which, as I saw the other day in the Northern Territory, are also important. These people are South Australians and they are a unique part of South Australia.

It is a bit like the EU in many ways: it is one big organisation, but when you go to Europe there are a lot of different countries with different traditions and different languages. On the APY lands, English is the second or sometimes the third language after Pitjantjatjara Yankunytjatjara for a lot of people up there. The traditions, the cultures, the expectations and the values are quite different.

There is a lot of talk about the millions and millions of dollars that are poured into Aboriginal affairs, but the concept and value of money are quite different on the lands. The global budget is about $200 million a year that is poured into the lands and there are still a lot of challenges and issues. That is not because they are not willing participants in change; it is about the fact that they really do not have the same value systems as we do. That is why we need to understand how they think and they need to comprehend how we think.

The reality is that it is 2017, not 17 BC, and things have changed. They know that. Part of that change is having a governance structure on the lands that is set up under the act—the APY Executive Board—which then administers the act on behalf of the Anangu. The executive board has had a long and troubled history, and that is not putting too fine a point on it. There have been a lot of petty jealousies and a lot of family fights and differences of opinion between the different clans and groups across the land when it comes to being on that committee. Bringing these people together has been not without difficulty.

The general managers who have worked with the APY Executive have sometimes been very good. Unfortunately, there have also been other examples where the general managers have not

been up to par and have not understood the expectations of the Anangu. The current general manager is Mr Richard King, along with his wife, Tania—Tania's role is as a community liaison officer; I am not sure of her official role—and they are doing a good job under difficult circumstances. Questions are being raised about the way in which Mr King is conducting himself. Some people think that he is acting like a benevolent dictator, others are very complimentary of him and others think that he is ignoring the executive.

On the lands you will get a number of opinions from people and so part of my role, as a member of parliament, is to try to find out the truth. That is why I have been FOI-ing a lot of documents and handwritten minutes, to make sure that what is being said is an accurate representation of what actually occurred. Mr King and I have had full and frank discussions about what is going on in the lands. I wish him well in trying to do his job as the general manager up there. With the new executive coming, it is going to be a brave new world for everybody.

In relation to the bill, the removal of the sunset clause and extending the ministerial powers could have been thought about a little bit more benevolently—I think that is probably the best word—not in a patronising way. A lot of work has been done over many years sorting out how the APY Executive functions, how people are represented and how the executive are elected, their roles, how they get paid, their allowances and their code of conduct.

There are so many things that have been discussed and argued about and changed over the years, the most recent being, as most members will be aware, the bringing in of 50 per cent women onto the board, changing the award structure, and having up to 14 members on the executive board. The roles of the executive board, as set out in the act are as follows:

9B—Functions and powers of the Executive Board

(1) The Executive Board is the governing body of the Anangu Pitjantjatjara Yankunytjatjara.

(2) Subject to this Act, the Executive Board—

(a) is responsible for carrying out the functions of Anangu Pitjantjatjara Yankunytjatjara and the day-to-day business of Anangu Pitjantjatjara Yankunytjatjara; and

(b) may, in carrying out the functions of Anangu Pitjantjatjara Yankunytjatjara, exercise any power conferred on Anangu Pitjantjatjara Yankunytjatjara by or under this Act.

(3) The Executive Board must, in carrying out its functions, endeavour to advance the interests of Anangu at all times—

particularly the traditional owners—

(4) The Executive Board must comply with a resolution of Anangu Pitjantjatjara Yankunytjatjara made at an annual or special general meeting held in accordance with this Act that directs the Executive Board to act, or to not act, in a specified manner.

(5) An act of the Executive Board done in accordance with this Act is binding on Anangu Pitjantjatjara Yankunytjatjara.

That is the function of the board. The board has been dysfunctional in the past. I have known the current board members for a long time, and I have known the current chair, Frank Young, for many, many years. He is a really decent fellow and a very intelligent man—a traditional owner. I first met Frank at Watarru, but that is another story. It is a very small community with millions of dollars of government infrastructure that has basically been abandoned. I had heard that a lot of the facilities had been trashed, but, fortunately, we have been told this week that the facilities there are in a lot better condition than we had been led to believe. Frank is a very thoughtful and very intelligent man. I look forward to seeing the APY Executive Board prosper and advance under his chairmanship.

I have known many of the other board members for many years, particularly Donald Fraser. Donald is a delightful character, and I first met him at Campbell Park. He was wheeling and dealing in cattle, and there is a wonderful story about a truck he sold to people at Watarru for Kuka Kanyini, the camel program out there. Donald is always open for an opportunity, but, again, he has been there a long time and he is a reasonable fellow to deal with. He certainly is an addition to the board.

Young Sally Scales is the deputy chair—I think Sally is in her 30s—and she lives at Pipalyatjara. For people in this place, when you drive from Adelaide to Pipalyatjara, it is farther than driving from Adelaide to Sydney, except that the last 600 kilometres are over pretty ordinary roads. Young Sally will be a real asset to the executive. The executive is new, reformed and newly elected, so it should be given the opportunity to find its feet and find its way. That is why I think having this sword of Damocles type of clause hanging over their head could have been thought about and perhaps even set aside for a while.

Give them a chance, give them a go because there are other mechanisms in the act to reinstate the ministerial directive powers and bring the board to heel, if that is required. In this case, I hope that is not required, yet the government has seen fit—and based on past experiences, you cannot blame them—to continue with this clause. The current minister, the Hon. Kyam Maher, is second only to Terry Roberts in being an exceptionally dedicated and passionate Minister for Aboriginal Affairs. I know minister Caica, minister Portolesi and the other ministers I have served with over the years have all put their effort in, but they really have come nowhere near some of the results we are seeing now.

If it were another minister, I would perhaps be moving amendments to this legislation, but I will not be opposing it. However, I suggest to the government that there is a better way: rather than having this sword of Damocles clause in there, have a complete change. In the last few minutes, I will read into *Hansard* what I would consider to be a better amendment, namely, to appoint a receiver-manager. There are 11 clauses I would have put into this amendment, and I ask the government to consider it. The next time things do not go so well, this may be something they should do. It may be a better way to go—with the cooperation of the board, not sacking the board. My amendment states:

1. The minister may, for any reason he thinks fit, appoint a receiver and manager of the day-to-day operations, assets and undertaking of APY.

2. The appointment of the receiver takes effect from the date of gazettal of the appointment of the receiver by the minister.

3. The minister may revoke such appointment at any time for any reason he thinks fit by notice published in the *Gazette*.

4. The cost and expenses of the receiver are payable by APY as approved by the minister.

5. The receiver may:

   (a) take possession of the assets, offices, records and funds of APY;

   (b) direct any staff or contractor of APY;

   (c) suspend or terminate any staff or contract of APY, including the general manager and/or director of administration for any reason the receiver thinks fit;

   (d) orally or in writing seek information about the affairs of APY and/or the APY Executive Board from any member of staff or contractor of APY and/or any member of the APY Executive Board;

   (e) issue a notice to any staff or contractor of APY and/or any member of the APY Executive Board requiring the production of documents belonging or relevant to APY and/or the executive board;

   (f) enter and search any premises or location of the APY lands for the purposes of recovering any property, records or funds of APY, and to seize any such property, records or funds of APY.

6. Any person who fails or neglects to comply with a direction pursuant to section 5(b) above and/or a request pursuant to section 5(d) or (e) above commits an offence.

7. Any person who obstructs or hinders a receiver in the performance of his duties commits an offence.

8. The receiver must give a written report to parliament of the work undertaken and findings made as receiver each month following the receiver's appointment, and at the end of such appointment.

9. Each report pursuant to section 8 above must contain the receiver's opinion of whether any laws have been breached in relation to APY and/or the APY Executive Board, and any recommendations the receiver feels ought to be made about the administration of APY and/or the APY Executive Board.

10. During the period of the receiver's appointment, any power of the general manager under the act is suspended to the intent that all such powers will be exercised by the receiver during the period of appointment.

11. In the event that the minister gives to the APY Executive Board a direction under section 13N, which is currently in the act, the minister may, should he or she form the view that the direction will not be implemented and/or that the assets, records and/or funds of APY are at risk, suspend the APY Executive Board and appoint an administrator.

That, I think, would be something that should be considered by the government. It is a softer approach, but I think a much more thorough approach than just sacking the board and putting an administrator in there. You can go in and forensically look at what is going on there and work in cooperation with the board and not try to rewrite history, reinvent the wheel. It is something we need to do.

We need to understand how things work up there. I describe it sometimes as a parallel universe, but it is a wonderful place, it really is. It is a wonderful place to go, and the people are absolutely delightful to deal with. They have their challenges. The governance lessons they need to undertake in enabling them to do the work we have legislated for them to do are very important. I do not think it is being done as well as it should at the moment. We need more patience, and certainly we can go ahead and give the Aboriginal people, the Anangu, in the APY lands the chance and future they deserve.

I said to the tjilpis on the APY lands—they were talking about the stolen generation—that if we do not improve things we are stealing the future of the children. We need to make sure that things improve, and certainly anything we can do to make sure the administration on the lands is working the way it was intended is a good thing. Under the current minister, I am satisfied that this will not be abused.

Ms SANDERSON (Adelaide) (12:28): I rise in support of the APY Land Rights (Suspension of Executive Board) Amendment Bill, which allows the minister to suspend the executive board. I had the great privilege last week to accompany the Aboriginal Lands Parliamentary Standing Committee on their trip to the APY lands. It was my first time ever in the APY lands, and it was such an amazing and beautiful place. The countryside is absolutely gorgeous, and we were very lucky, as has already been stated, to see the 20,000-year-old paintings at Cave Hill.

We also were very fortunate to see a very special caterpillar dreaming, which I do not believe many people have seen before. It is an up and coming tourist spot that they would like to work on. The rock formations were quite amazing, depicting caterpillars, and we were able to see the beautiful wild flowers and foliage that grow in the red dirt and the beautiful hills. It was absolutely amazing.

We were very fortunate also in that we had a cultural experience on the first day. We had a lovely bonfire lunch, at which I tasted kangaroo tail for the first time—it tasted a lot like shanks to me, so quite similar in texture—and damper. We tried to find honey ants, but unfortunately the ant nest was empty that day. We needed to search elsewhere, so I did not get to try my first honey ants.

We visited the Trade Training Centre, which is absolutely amazing. It is such a wonderful facility for cooking classes. They also have woodwork and all kinds of different classes that would be very beneficial to the local area. We were lucky enough to have dinner there, so we sampled their fantastic cooking. I think we also had a lunch there at one point and we got to meet some of the brand-new students from Fregon high school, and we had a good chat with them as well. We visited Double Tank where we saw some camels.

We had a look at a road that is being built, the Umuwa to Pukatja road. That is an absolutely huge project, a long-term project, to improve the existing road. It is prone to flooding, which means that food and resources cannot get through to the town, so it is particularly important to make sure that road is accessible throughout the year. It was really wonderful to hear that the road project, which is being delivered by Toll, has more than 30 per cent of local people employed in that project. They showed us a slide show of all the different jobs that people are doing.

We heard about their training and skills program that will leave people with not only a job on that particular road project, which will be going on for several years, but also skills that are transferable. Hopefully, that will mean long-term employment on other projects throughout the APY lands. That was really lovely to see. We had meetings with leadership groups, meeting with them in three of their towns: Kaltjiti, Pukatja and Amata. There were certainly lots of issues that were raised on the lands, which I hope committee members will take on board and get those things done.

One issue that was mentioned was the length of time taken to get a working with children check so that they can get paid work. It is important that that is a speedy process and very efficient because people are relying on that clearance. A lot of the work in the towns does rely on a working with children check. They also have great difficulty in getting 100 points of identification because on the lands people do not have so many forms of ID, which we all carry in our wallets.

Dr McFetridge: There are not too many passports up there.

Ms SANDERSON: Yes, they do not have passports—

The DEPUTY SPEAKER: No birth certificates.

Ms SANDERSON: —and many of the people do not have birth certificates. Overcrowding was mentioned in many of the towns. Certainly, in Amata there was great excitement about the dialysis machines that will be there soon, hopefully. They said, 'Hurry up, it's taking way too long,' but they are very pleased. We had a site visit to where the dialysis units will be going.

There were a few issues regarding the Public Trustee that were mentioned. Certainly, I have that in my own electorate as well, so that is not specific to the lands. With policing, there were issues around the fact that, when you call the police after 5pm, the phone lines are diverted to Port Augusta. The government will certainly need to have a look at how that issue can be solved. There are police on the lands and there are community constables as well; however, there is still difficulty getting police assistance in a reasonable amount of time.

The need for more street lighting was mentioned several times. I believe the government did spend $200,000 on upgrading and replacing street lighting that already exists; however, I believe there is also a great need for extra lighting. As towns expand, there are new areas that need lighting. It was also mentioned in the context of issues around children running wild at night-time. Some towns have groups of men who do patrols. They said that, if they find the youths, they will run off into the dark because there is not enough lighting. It is very hard then to track them down, find them and make sure that they get home.

There were issues around Skill Hire, which I believe is basically a work for the dole program on the lands. It used to be CDEP, which apparently they quite liked and was working quite well, but now it is CDP and they are not as happy with how that is being administered. They also mentioned that on the lands you are required to do 25 hours a week work or you get cut off for eight weeks, which is pretty severe to lose the amount of money, whereas in cities and other areas in Australia, apparently, between 15 and 20 hours of volunteering work is required. There is difficulty in managing that.

There are obviously a lot of issues that we do not experience in the city that Aboriginal people on the lands must survive. One issue is that they did not have a school bus for two weeks. There are not that many buses or bus drivers, so if one is sick or not available, or the bus is needed somewhere else or it is trapped because of flooding, there is just nobody else to drive it. In Prospect, a bus comes past every 15 minutes, but they do not have that sort of luxury in the lands. It was really such a privilege to go there and to see this for myself because I do not think, unless you see it and experience it, you can have a full understanding of it. I concur with the member for Morphett that this is something that every member of parliament should do at some point.

There was some good news as well. The elders and the people we met with identified different ways that money could be made on the lands through cattle trading, arts, tourism and accommodation. I was quite shocked to hear about the quite minimalist accommodation. The cheapest accommodation for families is $650 a week. It is very expensive. I really do not know how you could afford that. It might be why there are so many different families living in one house—perhaps it has to do with being able to pay for the rent.

In Umuwa, which is where the policing and service providers live, there is even a lack of accommodation. It was very hard to get the whole committee to have housing. I think the minimum is something like $110 per night. If you are a teacher or a police officer coming onto the lands, I expect that would be a great deal of your income being taken up by your accommodation costs. It was pretty well mentioned in every town we visited that more accommodation is needed, and overcrowding was mentioned many times as well.

We did see some of the TAFEs. They were not on our official tours, but we did see them. A highlight was visiting the art centres in both Ernabella and Amata. In Ernabella—I believe it is quite rare to have ceramics—is one of the only art centres that makes ceramics, and I was very fortunate to do some shopping and buy some beautiful ceramic vases. The lady who made one of the vases I bought was there working on some other artwork, so I was able to get a photograph with her and the artwork and, even better, it was her birthday, so it was a lovely thing to do.

I think the turnover of the art centre in Amata is something like $1 million a year. The art is very popular, of very high quality and absolutely amazing. I am not sure how that money is diverted back into the community; however, I believe it is a lot of money that could enhance the lives of all the people in the community if it were managed well. Certainly, it was wonderful to see people getting together and doing their artwork, some of which is being sold in two of the towns to help raise money for the dialysis centre. The member for Morphett has his eye on a lovely piece that was painted by many of the ladies in the town. It was a group effort, and it is a stunning and huge painting that will be auctioned soon for anyone who has an appreciation or love of art.

That summarises most of the things that came up. It was a privilege to see and visit these communities and towns and to hear about the issues they are experiencing. But there is one more I will mention, which definitely should be solved soon, I hope: if a Coroner removes a body from the lands, they do not pay to bring that body back. The community needs to raise the money—I believe it is around $8,000—in order to bring it back. There are some government grants, but not enough. This issue was raised with us several times. It seems outrageous that, if a body is removed from the lands, they have to pay to bring it back.

There were also issues around the cost of funerals, because if somebody passes away out of country there is a large cost. Obviously, it is a remote area and very difficult to get to. Because there have not been any dialysis machines on the lands, many of the sick or elderly have had to travel to Alice Springs or Adelaide in order to have dialysis, and then if they pass away out of lands it is a very costly expense to bring them back to be buried on their lands. With that, I will close.

Mr HUGHES (Giles) (12:40): I rise to say a few words about the amendment bill. I will also touch on the visit to the APY lands we made recently. That is twice in the last few weeks that I have been up to the APY lands—earlier with the cabinet, which was a very productive and useful visit on the part of the cabinet, and recently with the committee. I think it needs to be corrected about the cost of rental up in the APY lands. The $650 figure is actually a reference to those people who come from outside the community and stay in places like Umuwa where it might be about $110 a night (or more or less) depending on the nature of the accommodation. So, that is not the rental that is paid by the people who are actually resident Anangu people.

The Hon. J.M. Rankine: Who said it was $650?

Mr HUGHES: Pardon?

The Hon. J.M. Rankine: Who said it was $650?

The DEPUTY SPEAKER: Order! Member for Giles, I just remind you about interjections and get you to speak to me.

Mr HUGHES: No, it is worthwhile clarifying. It depends on which accommodation you are talking about, but the $650 is for those people like ourselves who are visiting.

The Hon. J.M. Rankine interjecting:

Mr HUGHES: Yes, I am just clarifying the statement made by the member for Adelaide, so I think it is important to get that on the record. Certainly, the Aboriginal people who live on the lands are not paying $650 a week. It has been said that the APY lands—

Members interjecting:

The DEPUTY SPEAKER: Just talk to me, member for Giles. Member for Giles, talk to me.

Members interjecting:

The DEPUTY SPEAKER: Member for Giles, keep talking to me.

Mr HUGHES: It is an incredibly beautiful part of the state, and people who go there are stunned by the landscape. Like a lot of South Australians, I had never been to the APY lands. I did not get an opportunity to go to the APY lands until I was elected. Most people know I have a very large electorate, which is the size of Germany in land mass with a population of a German town, and it adds to some of the challenges. When you look at the APY lands, it is the size of England with a scattered population of 3,000 people or thereabouts; it fluctuates somewhat. That, in itself, presents some incredible challenges when it comes to the delivery of services and staffing of some of the services.

One of the most valuable things that happened during that last visit was the informal discussion we had into the night around a fire with the new chair, Mr Frank Young. It was unfortunate that Sally Scales was not there during this visit because I think she is going to be a fantastic attribute for the APY lands. I have to say that she, along with some of us, plays a very wicked Cards Against Humanity. I think she is going to bring some very strong attributes to her role. All the experience and wisdom Mr Frank Young has came to the fore in that discussion around the fire.

That is why, in a number of ways, I rise today with a somewhat heavy heart when it comes to this bill because the amendment does give that capacity for the minister to have virtually, not completely, unfettered powers in relation to the executive, and those powers are not time limited; they are barring an amendment coming to this parliament at some subsequent time. It generates within me a degree of discomfort but, having said that, I have a lot of confidence in our current minister.

I now take up some of the points made by the member for Morphett. Now that we have an Anangu executive, I think there needs to be an opportunity to sit down with the new executive and, in consultation with the broader community, look at how we can put in place a way of handling some of the issues that have occurred in the past. There was a revolving door of CEOs for a number of reasons. There was a whole raft of issues, and it was out of that context that this sort of approach has come.

I am hoping that with a new executive, and with what I think will be a really positive step forward with the gender balance on that new executive, we might move to a different period and, as a result of that, what has been put forward today can be amended at sometime in the future. It is not directly equivalent but, if you were to look for an equivalent, the local government minister cannot just go and sack a local government; a definite process has to be gone through, and there are a number of different paths by which that can happen. I think we need to sit down with the executive and work through how best, for the long term, to handle these issues.

One of the things Frank Young said when we were sitting around the fire—and this was coming straight from the heart—is that sometimes the white man is like a wild dog and the Anangu are like a rabbit caught in the jaws of the wild dog, being pulled one way and then the other and just tossed around. He was saying that in relation to the bill we are discussing today, so I think it is important to get that on the record. I know from some of the comments that have been made by the opposition and people on this side that there is some discomfort with the approach we are taking.

There is some discomfort—well, maybe not with yourself—with the approach we are taking. Over time, there is the capacity to evolve and, as I have said, I know where this approach has come

from, given the context that applied not all that long ago. We are in the early days of the new executive and, given the make-up of the executive, given the nature of the chair and given the nature of the deputy chair, I think things will improve.

Reference was made to Cave Hill and the rock art, which is stunning. If anyone ever gets the opportunity to visit Amata and be guided out there to look at Cave Hill, make use of that opportunity. If you cannot do that, Cave Hill—I think almost in its entirety, but certainly the ceiling—is to be replicated at the National Museum in Canberra, and I think the official opening by the elders is going to happen in October. There are thousands of years of history contained within Cave Hill. The other thing about Cave Hill, apart from the stunning cave art, is that when you move out of the cave the vista over the ranges and the plains is something to behold.

There are incredibly dedicated people working on the lands. There are fantastic people in all of those communities up in the lands. Like all of us, they just want some decent opportunities, but opportunities that recognise their culture and their connection to land. They do not want to be like that rabbit in the mouth of the wild dog, buffeted around by people who live a long way away.

One of the tendencies sometimes of people who go up there once or twice is to make snap judgements. I do not make any judgements, or I withhold making judgements in the main, because it is a case of over time developing relationships and developing some awareness. I am always mindful when I go there that I am not a resident. I am not there day in and day out. I live in an industrial community way to the south. That is why it is incredibly important that we work with Anangu to evolve the sorts of approaches that are necessary so that people can lead full lives.

There are real challenges up there, but there are good things happening. There have been changes over time in terms of facilities. Some of the policies are as a result of state government; some are as a result of the federal government. There was a perennial complaint about people being cut off from Centrelink and the massive impact that has on families. You are talking about families who are amongst the poorest in our state having to look after members of the family, or the extended family, who are no longer getting benefits. It is not as though there are jobs in abundance up there. The whole policy is incredibly poorly thought through.

It was interesting to have people reflect upon the older community development schemes that were in place, where projects were worked upon but you got a top-up for working on those projects, the old community employment development projects. There was an interest in returning to those. There was a recognition that working on projects in community is something worthwhile. There should be some top-up in people's income as a result of that, not just doing 25 hours a week in order to get your Centrelink payment and then if something happened for a day or two, or whatever the circumstances, you are cut off. It is a cruel and heartless policy that does not take account of the circumstances on the APY lands.

I will finish up by saying that it is with a heavy heart that I support this amendment. We do need to sit down and talk with Anangu about a better long-term response to the issues that have in the past surrounded the APY Executive. I agree with the member for Morphett that a softer approach is something that we should be looking at. When I say that, it is an approach that has to respect the culture that exists up there while also having an adequate degree of accountability and transparency. With those few words, I will take my seat.

The DEPUTY SPEAKER: I certainly look forward to reading the committee's report. The member for Reynell.

Ms HILDYARD (Reynell) (12:54): I also rise to briefly speak in support of the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Suspension of Executive Board) Amendment Bill 2017. As has already been outlined, the bill amends the APY Land Rights Act 1981 to continue the minister's current power to suspend the APY Executive Board for a reason he sees as fit.

This is not a power that any minister would ever use lightly, and I know that many of us in this house—including me—would never want it to be used except in extreme circumstances. It is, in fact, a power that has never been used. It is a reserved ministerial power only to be exercised in exceptionally dire situations where there are serious failings in governance, and it is a power that would only ever be exercised following rigorous and due process.

I certainly have great faith in our current Minister for Aboriginal Affairs always to act in a respectful manner and with absolute regard for good principles, practice and process. All communities must be able to rely on good and stable governance, and it is incredibly important that community members in the APY lands can do so. This broad discretionary power to suspend the executive board is a safeguard for the APY, and it is a power remaining in reserve should the need to use it ever arise.

Government ministers recently visited the APY lands for country cabinet, and I know that the member for Giles visited just last week. As he articulated so eloquently, he has visited on a number of occasions and he has listened deeply and developed much understanding about the various issues at hand. I also know that cabinet members were very pleased to meet with the new executive board following their recent election and, in particular, to congratulate the newly elected women members of the board. We know that in any setting diversity in decision-making is crucial to good and inclusive outcomes, and it is wonderful to finally see the inclusion of women members in this way on this board.

Our government is confident that the governance challenges—again, articulated by the member for Giles—of the former board are in the past and that the new board will bring fresh perspective, new skills and strong leadership to their role. We all look forward to and want a positive future for APY, to work alongside and collaboratively, and with deep respect, with the executive board towards stable leadership and good governance in the best interests of all community members on the APY. I commend the bill to members, and I also thank the Minister for Aboriginal Affairs for his work towards it.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:57): I commend the bill to the house, and I thank all members for their contribution.

Bill read a second time.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:57 to 14:00.

APPROPRIATION BILL 2017

Message from Governor

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

SUMMARY PROCEDURE (INDICTABLE OFFENCES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Assent

His Excellency the Governor assented to the bill.

Petitions

MOUNT BARKER SPORTS HUB

Mr GOLDSWORTHY (Kavel): Presented a petition signed by 1,225 residents of South Australia requesting the house to urge the government to immediately commit funds for the regional sports hub based at Mount Barker.

SOUTH COAST DISTRICT HOSPITAL

Mr PENGILLY (Finniss): Presented a petition signed by 748 residents of Victor Harbor, Port Elliot, Goolwa and the south coast of Fleurieu Peninsula requesting the house to urge the government to take immediate action to allow the volunteer cafe proposal at the South Coast District Hospital to proceed.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—
Enterprise Pathology Laboratory Information System Report June 2017
(Paper No. 4Z)
Examination of Governance in Local Government Report June 2017
(Paper No. 4Y)
The Torrens Road to River Torrens South Road upgrade Project Report June 2017
(Paper No. 4ZA).

By the Attorney-General (Hon. J.R. Rau)—

Regulations made under the following Acts—
Legal Practitioners—Fees. No. 2
Rules made under the following Acts—
Magistrates Court—Civil—Amendment No. 18

By the Minister for Planning (Hon. J.R. Rau)—

Development Plan Amendment—
Adelaide City Council Heritage Places (Institutions and Colleges) May 2017
City of Onkaparinga General Residential and Miscellaneous May 2017
Inner and Middle Metropolitan Corridor (Design) May 2017
Prospect (City) Urban Corridor Zone and Interfaces Areas Policy Review May 2017

By the Minister for Health (Hon. J.J. Snelling) on behalf of the Minister for Disabilities (Hon. L.A. Vlahos)—

Regulations made under the following Acts—
Disability Services—
Community Visitor Scheme
Screening Authorisation

By the Minister for Finance (Hon. A. Koutsantonis)—

Super SA Board—Triple S Insurance Review Report June 2016
Regulations made under the following Acts—

First Home and Housing Construction Grants—Disclosure
State Procurement—Non-profit bodies
Taxation Administration—General

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Petroleum and Geothermal Energy Act 2000—Compliance Report 2016

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Aquaculture—Fees No. 3
Fisheries Management—Fees No. 4

By the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—
District Council of Mt Barker—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
Wakefield Regional Council—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs

By the Minister for Education and Child Development (Hon. S.E. Close)—

University of Adelaide, The—Annual Report 2016

By the Minister for Higher Education and Skills (Hon. S.E. Close)—

University of Adelaide, The—Annual Report 2016

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Regulations made under the following Acts—
Heavy Vehicle National Law (South Australia)—Amendment of Law No. 3
Rail Safety National Law (South Australia)—
Fees and Returns
Miscellaneous No. 2

Members

GOUT, MR HENDRIK

The SPEAKER (14:04): Members may have noticed that the Speaker was engaged in litigation with Channel 7 over a particular *Today Tonight* program. I am pleased to say that matter has resolved on a most satisfactory basis, and therefore it will not be necessary to put on oath either Hendrik Gout or the member for Unley on the question of why Hendrik Gout thought that Mrs Judith Atkinson, the childcare centre owner, was my wife.

Mr PISONI: Point of order: are you making the accusation that I had anything to do with that? Are you? Was that established?

The SPEAKER: Do you have a point? Would you like to make a personal—

Mr PISONI: I am asking you. You have made a serious allegation—

The SPEAKER: Would you like to make a personal explanation?

Mr PISONI: —and I am asking you: do you stand by it? Do you stand by the allegation you have just made?

The SPEAKER: Would you like to make a personal explanation?

Personal Explanation

GOUT, MR HENDRIK

Mr PISONI (Unley) (14:05): I seek leave to make a personal explanation.

Leave granted.

Mr PISONI: I had nothing to do with any information that Mr Gout used in regard to your wife on that program—

The SPEAKER: Thank you very much.

Mr PISONI: —and I ask you to withdraw the allegation.

The SPEAKER: No, I will not, and that is as far as it goes. Thank you.

The Hon. J.M. Rankine: What about ICAC?

The SPEAKER: Was the member for Wright interjecting about ICAC?

The Hon. J.M. Rankine: Yes I was, sir.

Ministerial Statement

OAKDEN MENTAL HEALTH FACILITY

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I give this ministerial statement on behalf of the Minister for Mental Health and Substance Abuse. I rise to inform the house about the closure of the Makk and McLeay wards at Oakden and the relocation of residents to Northgate Aged Care. I can inform the house that all 14 residents from the Makk and McLeay wards were relocated to the Northgate aged-care facility on Wednesday 14 June. A further 15 Oakden residents have previously moved to the residential aged-care sector. A dedicated transition team worked with residents' families throughout the relocation process to ensure the move had minimal impact on residents.

The move means that the government has now closed the Makk and McLeay wards in line with the recommendations of the Chief Psychiatrist's review of Oakden. The state government has accepted all six recommendations of the review and continues to implement them. This includes providing $14.7 million for the construction of a new older persons mental health facility, which will replace the Clements ward. The new facility will cater for people assessed with the most severe forms of behavioural and psychological symptoms of dementia.

The funding includes $1 million to support the development of a specialised contemporary model of care and longer term service planning. The remaining $13.7 million will be spent on the new facility in accordance with the model of care being developed for older persons mental health services in South Australia. In addition to this, Dr Duncan McKellar is exploring what capacity exists within the mental health system to appropriately relocate some or all of the current residents ahead of the new build.

The state government has established a working group to oversee the implementation of the Chief Psychiatrist's six recommendations. The oversight committee, led by Mr Tom Stubbs, will consist of a wide range of clinical experts and senior staff within SA Health. It will also have involvement from non-government advocacy groups, statutory officers and people with lived

experience of mental illness. This includes the Health Consumer Alliance, the Aged Rights Advocacy Service, the Council for the Ageing, the Public Advocate and the Principal Community Visitor.

The state government will continue to update the house on the progress of the committee as we move towards a new model of care and facility for people with the most severe forms of dementia. With regard to ongoing human resources issues at Oakden, I am advised that 10 people are currently suspended from the workplace pending further investigations. There are currently eight people referred to SAPOL and 26 referrals to AHPRA. In addition, one person has resigned and one person's employment has been terminated. Of course, there are also a number of investigations of Oakden currently underway at both the state and federal level.

Finally, as my colleague the Minister for Ageing, Zoe Bettison, told the World Elder Abuse Awareness Day conference last week, the state government will soon commence consultation on legislative reform to further protect older South Australians. This will be done as part of the review of the safeguarding the rights of older South Australians' strategy and will apply to older South Australians, whether they are in aged care, a retirement village or in their own home.

With an ageing population, South Australia must remain vigilant in its stance against elder abuse, and this government will continue to look at new ways we can protect older people.

ARRIUM

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: I rise to provide a house with a further update on the ongoing sales process for the Arrium Group. Following 14 months in administration, last week, deed administrators, KordaMentha, selected the Korean consortium as the preferred bidder from a short list of two candidates to proceed to the next stage of the sales process. The consortium is headed by Newlake Alliance Management and JB Asset Management and is supported by Korea's POSCO, one of the world's major steelmakers. The proposed investment by Newlake Consortium aims to make Whyalla the first city outside South Korea to adopt the innovative FINEX process for steelmaking.

Last year, with Greg Hunt I travelled to Pohang to witness firsthand the state-of-the-art FINEX facility. It was easy to see the potential that this transformational steelmaking process offers Whyalla and, indeed, the nation. I have offered my congratulations on behalf of the state government to the South Korean consortium. While we welcome this substantial milestone, there is still some significant work that needs to be completed, including approval by Arrium's committee of creditors. I will be meeting with the federal industry minister, Mr Arthur Sinodinos, early next week to negotiate a joint support package to allow the finalisation of the sale.

The workers at Arrium, their suppliers and the community at Whyalla have been through a great deal in the past 18 months, with uncertainty leading up to the company entering administration and then this long drawn-out sales process. I am confident that this latest milestone will bring some relief to a community in Whyalla that has shown its resilience, its patience and its strength throughout this most challenging time.

This government will continue to work with the administrator, unions, Arrium workers and the federal government to secure a speedy and successful outcome for the people of Whyalla and Australia's steel industry. I look forward to further updating the house with more information as the process to secure the jobs of the future of Whyalla's workforce draws closer to a conclusion.

REFUGEE WEEK

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:14): I seek leave to make a ministerial statement.

Leave granted.

The Hon. Z.L. BETTISON: Mr Speaker, I know that you share the government's commitment to support refugees who arrive in South Australia from countries that have experienced conflict. The United Nations High Commissioner for Refugees reports that the number of refugees, asylum seekers and internally displaced people worldwide is 65.3 million. Over the past two years, more than 2,000 humanitarian entrants have settled in South Australia. Their stories are all different, but share common experiences of courage and resilience.

Events are being held throughout South Australia this week to celebrate the contribution of refugees as part of Refugee Week, which runs from 18 to 24 June. This important occasion comes at a time of considerable attention towards refugees and asylum seekers. For example, the current debate about the Turnbull government's plan to overhaul our citizenship test has descended into talks about Australian values, which no-one seems to be able to define, least of all the Prime Minister himself or his immigration minister.

In my time as Minister for Multicultural Affairs, I have met motivated young people, such as Arian and Mahyar Rezaei, who started life anew in South Australia as refugees, but their tenacity for enterprise led them to start their own business, Ayla's Cafe, which is creating jobs in the member for Adelaide's electorate. I am inspired by 18-year-old Kbora Ali, whose family arrived in South Australia in 2007 as refugees fleeing the wrath of the Taliban in Afghanistan. Kbora has decided that her future lay not among textbooks and classrooms but in camouflage and combat. She is the first female Afghan refugee to serve in the Australian Army. I am grateful for our Governor, His Excellency the Honourable Hieu Van Le, whose life story is a solid reminder that refugees are extraordinary people with unique skills, resolve and passion that can better communities.

The contributions of refugees are indisputable, from the early 19th century, when Greek and Italian communities operated small businesses creating jobs and leading innovation in South Australia, to 2015, when Bhutanese refugees reached into their own purses to raise funds for those affected by the Sampson Flat bushfire. The willingness of refugees to strengthen our communities is what makes me proud to be South Australian. Indeed, it makes me proud to be Australian.

I am pleased that so many refugees, who have become an integral part of South Australia, will have the opportunity to share their experiences, skills and talents as part of this year's Refugee Week. I strongly encourage all South Australians and, indeed, members of this house, to celebrate Refugee Week at an event in their local community. These events are an opportunity for us all to join together to celebrate our rich cultural diversity. Please visit www.refugeeweek.org.au for more information about events near you.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE

Mr ODENWALDER (Little Para) (14:18): I bring up the 95th report of the committee, entitled Emergency Services Levy 2017-18.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

Mr GEE (Napier) (14:19): On behalf of the member for Ashford, I bring up the 120th report of the committee, entitled Eyre Peninsula Natural Resources Management Board Levy Proposal 2017-18.

Report received and ordered to be published.

Mr GEE: I bring up the 121st report of the committee, entitled South Australian Arid Lands Natural Resources Management Board Levy Proposal 2017-18.

Report received and ordered to be published.

Mr GEE: I bring up the 122nd report of the committee, entitled Kangaroo Island Natural Resources Management Board Levy Proposal 2017-18.

Report received and ordered to be published.

Question Time

The SPEAKER: Before calling on questions, I advise that questions otherwise directed to the Minister for Disabilities will be taken by the Minister for Health.

CHILDREN'S HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): My question is to the Premier. When can the people of South Australia expect the new children's hospital, promised by the Premier in the lead-up to the last election?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:20): We have just received a media announcement, where in 2024 we have said we will be delivering the new women's hospital—

Mr Marshall: The question is about the children's hospital.

The Hon. J.W. WEATHERILL: The children's hospital? In 2019, we will complete the planning phase of the children's hospital, and—

Mr Marshall: So you will have a plan in 2019. When are you going to deliver?

The Hon. J.W. WEATHERILL: I must say that at least they are consistent: they always hate a new hospital. They have consistently—

Members interjecting:

The Hon. J.W. WEATHERILL: We are investing $1.1 billion not only to invest in a new hospital, a new women's hospital, but also to upgrade the suburban network. Not only will this improve the quality of health care in our state and provide a first-class experience in our public hospital system but it will also do something else very important for South Australians, and that is to create 2,890 construction jobs. One of the great benefits—

Mr MARSHALL: Point of order, sir: I ask that you bring the Premier back to the substance of the question.

The SPEAKER: I thought he was bang on substance.

Mr MARSHALL: No, the question was, 'When will the children's hospital be delivered?'

The Hon. T.R. Kenyon: You don't have to like the answer.

The SPEAKER: The member for Newland is called to order.

The Hon. T.R. Kenyon: Thank you, sir.

The SPEAKER: Don't mention it. I also call to order the deputy leader, the member for Mitchell and the member for Morialta.

The Hon. J.W. WEATHERILL: The children's hospital at the current site will, of course, be upgraded; $64 million will be spent upgrading the children's hospital at its existing site. It is expected to—

Mr Marshall: So it's not going to move for a couple of decades?

The Hon. J.W. WEATHERILL: That's right. It is expected to remain at that site for 10 years, but it will be upgraded. So we will have a new women's hospital and we will have an upgraded children's hospital. This contrasts with those opposite. We know that the policies that occurred during the last time they were in government will continue because the same personalities are there. The Hon. Rob Lucas is still there, and the Hon. Stephen Wade, the chief of staff of the former minister for health. The cold, dark hand reaching out from the past to privatise, once again: 'Can we privatise one last hospital, can we cut one last health service?' We make our commitments, we fund them, we build hospitals, we are proud of building hospitals. It is what Labor parties do.

Members interjecting:

The SPEAKER: I am not going to warn members opposite who rose to the bait the Premier offered them, but before the Premier started baiting them the member for Morialta I warn a first time and a second time.

CHILDREN'S HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): A supplementary to the Premier: is it the government's intention to separate seriously ill women from their babies under the new model of care just advanced by the Premier?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:24): No, it's not; of course it's not. Children and neonates—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: No, it's not. The Leader of the Opposition never ceases to astound me with his ignorance or wilful misreading of what is proposed. Neonates will be in the new Adelaide women's hospital. The Neonatal Intensive Care Unit will be in the new women's hospital. Paediatric care will continue in the children's hospital at the North Adelaide site while planning starts on a new children's hospital, which will be near the precinct, which will be a paediatric service.

But the neonatal intensive care—just to make it clear for the Leader of the Opposition, newborn babies will be looked after in a neonatal intensive care unit at the new women's hospital. That is why it is there, and it is important to have it there because the clinical advice is that it is important to have those support services from your highest level acuity hospital next to your women's hospital where you are undertaking some of the most complex and difficult birthing. It is important to have those co-located.

The clinicians who have advised us on this tell me this is world's best practice. Unlike those opposite, I always listen closely to our clinicians. The Leader of the Opposition—talk about come in spinner. I am happy to compare our record when it comes to investment in our health care and our public hospitals to the opposition's any day. If there is one thing you can trust the Liberal Party in South Australia on, it is to do nothing when it comes to investment in our public hospitals.

Mr GARDNER: Point of order, Mr Speaker.

The SPEAKER: Is the point of order that when a minister says, 'Come in spinner,' he is probably going to be less than relevant?

Mr GARDNER: Subsequent to that, he was less than relevant.

The SPEAKER: I uphold the point of order.

QUEEN ELIZABETH HOSPITAL CATH LAB

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): My question is to the Minister for Health.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is called to order.

Mr MARSHALL: Thank you very much, sir. My—

The SPEAKER: I am sure Her Majesty's Opposition would extend to the member for Wright the same liberties they enjoy, namely, three warnings before they go out.

Mr MARSHALL: No, I think we could have a different set, sir. My question is to the Minister for Health. Given that the clinical ambassador for Transforming Health, Professor Dorothy Keefe, told the Charles Sturt Council in November 2016 that The Queen Elizabeth Hospital cath lab would be out of date by May 2017, has the lab been replaced?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:27): No, it hasn't, but we have given a commitment to continuing. We are doing what we have been asked to do and that is to continue the cardiac service at The Queen Elizabeth Hospital. We will continue to use that service; that's what we have been asked to do and that's what we are doing.

QUEEN ELIZABETH HOSPITAL CATH LAB

The SPEAKER: Before a supplementary is asked, the member for Davenport is called to order. The member for Mitchell is warned, in particular warned for interjecting using the Christian name of the minister, which he must know is contrary to standing orders and I take a dim view of.

Mr Marshall interjecting:

The SPEAKER: No, that's right. It's a diminutive. The leader is correct.

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): As always, sir. A supplementary to the minister: when will the government be replacing the outdated cath lab at The Queen Elizabeth Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:28): I don't accept the premise of the question.

Members interjecting:

The Hon. J.J. SNELLING: Well, I am yet to have heard or had any representations to me that the cath lab needs to be replaced and that the equipment there needs to be replaced. I have heard, I have been told, what a great service it is, what a great cath lab it is and why it should continue. Until someone approaches me to tell me otherwise, I will take what I am told, and that is that there is nothing wrong with the current facilities there and they can continue operating safely.

The SPEAKER: I call to order the member for Hartley, who is probably boisterous because of Norwood's narrow victory over Souths, and I warn the member for Davenport.

QUEEN ELIZABETH HOSPITAL CATH LAB

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): A supplementary, sir: was ambassador Keefe correct to say in her address to the council that the cath lab is no longer supported by the manufacturer?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:29): All I can do is reiterate what I have already said. I have no reason to believe that there are any issues with the cath lab or that it can't be continued to be used safely. I am sure if that was the case, then that would be brought to my attention, but that is not something that I have been made aware of. When I asked about this matter of my department, I have been assured that we can continue using the cath lab safely.

Mr Marshall interjecting:

The SPEAKER: I give the Leader of the Opposition a lot of latitude as leader, but I wish he would interrupt a little less, especially when the minister, uncharacteristically, hasn't offered any provocation.

QUEEN ELIZABETH HOSPITAL CATH LAB

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Supplementary, sir: was ambassador Keefe correct to say that The Queen Elizabeth Hospital cath lab would be unable to provide backup to the NRAH during the move?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:30): I am not aware of there being any issues with regard to the cath lab. My undertaking is to ensure that the cardiology services there are provided safely, and we will work with our clinicians at both The Queen Elizabeth and the new Royal Adelaide Hospital to ensure that that service continues and that it continues in a way that is safe.

If clinicians come to government to say that things need to be done to ensure that it is safe, then obviously we will consider that, but I have no reason to believe that the service as it currently is being provided is unsafe and cannot continue to operate in that way into the future.

QUEEN ELIZABETH HOSPITAL CATH LAB

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): My question is to the Minister for Health. Given The Queen Elizabeth Hospital has only one functional echocardiography machine, will the minister commit to providing additional machines to ensure cardiac services at The Queen Elizabeth Hospital are properly resourced?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:31): We will do whatever we need to do to ensure that the service can continue to be provided, as it is at the moment, safely. I haven't heard anyone—anyone—suggest that what is being provided currently is an unsafe service. I am surprised at the sudden interest of the opposition in this particular issue. I would have thought that perhaps they might have been a bit more candid in the past and that they would have said if they really felt that the service that's being provided at the moment is unsafe.

I have no reason to believe that the current service is unsafe in any way and can't continue to operate in its current configuration, but obviously, if I am told otherwise and clinicians come to me with different advice, we will give it the appropriate consideration.

SOUTHERN EXPRESSWAY ROAD DEATH

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): My question is to the Attorney-General. Will the DPP be lodging an appeal in respect to the sentence of the youth who killed Mrs Nicole Tucker?

The SPEAKER: A question I might have asked myself in opposition.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:32): Indeed, and I thank the deputy leader for her question. The matter is presently being considered by the Director of Public Prosecutions. He has a period, if I am not mistaken, of 21 days from the date of the determination to make a decision. I would expect him to—in fact, I am positive that he will be directing his mind to this matter and to asking himself whether or not the trial judge has made what he regards as an appealable error.

If he does come to that conclusion, then I, of course, would expect that what would follow would be that an appeal would be lodged. So I am presently awaiting his study of the matter. He will, within a matter of not too many days, come to a conclusion about the matter and at that point in time we will know how he is proceeding. But I can assure the honourable member that I did speak to him about the matter the other day and asked him whether he was looking at the matter or whether he would look at the matter, and he indicated to me he would.

I believe, for example, this week that the High Court has been here in Adelaide. It wouldn't surprise the deputy leader to know that Mr Kimber is entertaining them on matters, I believe, and therefore is not fully blessed with an open diary for this week, but my expectation is he will get to it as quickly as possible and form a view.

SOUTHERN EXPRESSWAY ROAD DEATH

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): A supplementary to the Attorney-General: in the event that the DPP advises you as Attorney that he will not be progressing with the appeal, will you direct him to do so?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:34): I am simply not going to respond to a hypothetical question but—

Mr Gardner: But you will anyway.

The Hon. J.R. RAU: The member for Morialta has assisted me.

The SPEAKER: And I am pleased to know that the Supreme Court removed all doubt about whether an attorney could direct the DPP to appeal against a sentence.

Ms Chapman: At least you had the courage to do it.

The SPEAKER: I won't comment on that because I know the truth of the matter. The member for Adelaide.

CHILDCARE SERVICES

Ms SANDERSON (Adelaide) (14:35): My question is to the Minister for Education and Child Development. Following on from my question on 20 October 2016, will the minister now advise the house of how long the then 15-year-old hoon driver, under the guardianship of the minister at the time, had been missing for at the time of the incident that killed Mrs Nicole Tucker?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:35): I will take advice from the department about what is able to be said about someone who is under guardianship. Given the very high degree of protection we have for children under guardianship and information being provided, and given that it's possible now to identify that individual, I will take advice about what is appropriate to bring back to parliament.

CHILDCARE SERVICES

Ms SANDERSON (Adelaide) (14:36): My question again is to the Minister for Education and Child Development. Has the minister or her department conducted a review as to why the youth was not at his accommodation or under supervision at the time the offences were committed? If so, who conducted the inquiry and what was the outcome?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:36): Again, I will take advice on what is able to be provided in a public form on that subject.

CHILDCARE SERVICES

Ms SANDERSON (Adelaide) (14:36): A supplementary: can the minister inform the house whether the Guardian for Children and Young People has undertaken an inquiry into this event?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:36): I think, in all reasonableness, that is covered by my previous answer.

CHILDCARE SERVICES

Ms SANDERSON (Adelaide) (14:37): A further supplementary: will the minister now approve a secure therapeutic—

The SPEAKER: If the question is a supplementary, why has the member for Adelaide read each of them from a piece of paper, since they are supposed to be contingent on the minister's answer?

Members interjecting:

The SPEAKER: Does the member for Adelaide have a response?

Ms SANDERSON: I can ask it without the piece of paper, if you prefer.

The SPEAKER: Yes, that would be good.

Ms SANDERSON: Will the minister now approve a secure therapeutic facility for children, as recommended by both Ted Mullighan and the royal commission?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:37): Yes, we have canvassed the topic of a secure facility for children under guardianship for some time here, and it was extensively looked into by Margaret Nyland in her royal commission. As members will be aware, her view was that we should continue to do more work on that.

Recognising that there are a number of different views about it in the community is one of the actions that we are undertaking at present. We will reach a view alongside the community and, in particular, those who represent children under guardianship about the most appropriate way to move forward, whether or not it is indeed a secure facility or what form of secure facility it is, what conditions there are contingent upon having a child locked up and the protections for the child in the situation that we do proceed with that process.

Ms SANDERSON: A further supplementary?

The SPEAKER: We have a limit of three on supplementaries.

Ms SANDERSON: New question?

The SPEAKER: The member for Unley.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (14:38): My question is to the Minister for Health. In what country were the exterior fascia panels used on the new Royal Adelaide Hospital manufactured?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:38): I will have to get some advice, but I can provide this advice to the house. I will just read the small print. All facade and curtain walling on the new Royal Adelaide Hospital complies with the Australian standards and Building Code of Australia (BCA) requirements. The BCA deals with the compliance for fire risks in construction and fire hazard properties. The facade and curtain wall comprise a series of interlocking components, including glass, metal composite and aluminium. Components are extensively tested at the point of manufacture. As to where they were manufactured, I am happy to report back.

The SPEAKER: And the minister's quote was from?

The Hon. J.J. SNELLING: I am quoting from a briefing note that has been sent to me.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (14:39): Supplementary, sir: were the exterior fascia panels independently certified in Australia, or were they certified in the country of manufacture?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:39): Again, I would have to check, but I just reiterate what I said: they comply with all the relevant Australian building codes, and that includes fire resistance.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (14:40): Will the minister now independently test the fascias to ensure that they meet Australian standards?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:40): I would only do that or ask for that to be done if there was some uncertainty. I have no reason to believe that they don't meet these standards and, until such a time that there is some suggestion otherwise, no, I am not. If the member for Unley has some evidence that they don't, and if the advice I have been given is incorrect, I would be happy to hear about it and I would be happy to deal with it, but that is the advice I have been given.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (14:40): Can the minister confirm that the new Royal Adelaide Hospital fire live testing was independently certified before technical and practical completion?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:40): There is some testing that, under the arrangement we have, the commercial settlement with the consortium, it was agreed that there would be some items that would be put off until after commercial acceptance. Those testings don't go to the safety or to the safe operations of the hospital. Whether that particular item falls in one of those, I would need to check, but, with regard to the safe operating of the hospital, all the relevant testing has been ticked off by the independent certifier.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (14:41): Will the minister table the advice that he referred to earlier?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:41): Well, it's a parliamentary briefing note that has been sent to me. We don't normally table parliamentary briefing notes, but I read it into—

Members interjecting:

The Hon. J.J. SNELLING: It's advice that's come from—

Mr Pisoni interjecting:

The Hon. J.J. SNELLING: Well, it's advice that's come from my department. If you have some reason—if you are trying to suggest that that advice is unreliable, then—

Members interjecting:

The Hon. J.J. SNELLING: Well, I have read the advice. I have read it onto the record. It forms part of a parliamentary briefing note that we don't normally table. I don't have any particular reason not to table it. It is a bit hard to table something that sits on my iPhone, but—

The SPEAKER: That's the point I was trying to make earlier.

The Hon. J.J. SNELLING: Indeed. But, Mr Speaker, I have read that advice into the record. If the opposition believe that that advice is incorrect, I'm more than happy to hear what that evidence is.

ESSENTIAL SERVICES COMMISSION REPORT

Mr TRELOAR (Flinders) (14:42): My question is to the Minister for Energy. Why did the minister delay releasing the independent advice he asked for and received from ESCOSA by seven weeks?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:42): ESCOSA published it on their website. It's hardly hiding it.

ESSENTIAL SERVICES COMMISSION REPORT

Mr TRELOAR (Flinders) (14:42): Supplementary: so why did the minister instruct ESCOSA to publish its report on the website and make no other announcement about it, given that he commented repeatedly in the media about asking ESCOSA to provide the report?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:43): Yes, sir, I hid it on the internet where everyone could see it.

ESSENTIAL SERVICES COMMISSION REPORT

Mr TRELOAR (Flinders) (14:43): Supplementary: so, minister, why did you instruct ESCOSA to publish the report on 9 June, which just happened to be the same day as the release of the Finkel report?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:43): I will check with ESCOSA about why they published it on their website on the ninth. Perhaps there is a reason for that; I don't know, but I will endeavour from now on not to hide things on public display on the internet ever again.

Members interjecting:

The Hon. A. KOUTSANTONIS: I know. It's like in 2014, when we sent the Economic and Finance Committee a full report about removing remissions on the emergency services levy and hid it when we gave it directly to the Liberal Party and they didn't even read their reports. Of course, this

is typical of the opposition. They are lazy. They don't read reports. They don't do any work. Other people write their questions. They rely on journalists—

Mr GARDNER: Point of order, sir.

The Hon. A. KOUTSANTONIS: —to give them questions in question time. They are the laziest opposition in Australia and the laughing stock of their party.

The SPEAKER: Point of order, the member for Morialta.

Mr GARDNER: No. 98 declines the Treasurer the opportunity to do this.

Members interjecting:

The SPEAKER: I call to order the member for Chaffey and I uphold that point of order. The member for Hammond.

ELECTRICITY PRICES

Mr PEDERICK (Hammond) (14:44): My question is to the Minister for Energy. Given the minister asked ESCOSA to do an investigation into a 10 per cent increase in electricity prices last year, will he now ask ESCOSA to do an investigation into a further 18 per cent increase in electricity prices this year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:44): We don't need an investigation into electricity prices to know what is going on in this country with the broken National Electricity Market. For a decade, we have had the most egregious policy neglect at a national level by our national government, who has fought tooth and nail every inch of the way resisting a price on carbon, and the carbon sceptics over here and climate change sceptics over here have aided and abetted them.

They have been the enemies of rational national electricity policy. They have been the enemies of coherent energy policy integrating climate change policy. This is the single most important reason why there has been a lack of certainty and a lack of investment in energy generation. This is the root cause of all the difficulties in the national energy market. The guilty party is the Liberal Party—the Liberal Party who stand for higher electricity prices, the Liberal Party who hate renewable energy and the Liberal Party who hand around lumps of coal in the federal parliament—and those opposite cheer them on. This is your mess. Get your national colleagues to clean it up.

Ms CHAPMAN: It's not your mess, Mr Speaker. It's not your mess. I'm defending you.

The SPEAKER: The deputy leader is right. It's not my mess and so it would be better if remarks were directed through the Chair, although that would deprive the Premier of a great deal of pleasure.

ELECTRICITY PRICES

Mr WILLIAMS (MacKillop) (14:46): My question is to the Minister for Energy. Does the minister agree with the independent advice from ESCOSA that 'the forward price of wholesale electricity in South Australia has increased significantly', and further that 'the spot price of electricity in South Australia has increased significantly since the closure of the Northern power station on 9 May 2016'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:47): Yes, I do, and the question that members opposite need to contemplate, while they are so upset about the closure of Northern because of its removal of competitive forces in the state, is: if we had subsidised Northern to stay in the market—

Members interjecting:

The Hon. A. KOUTSANTONIS: —if we had subsidised Northern to stay open under the requirements that Northern were asking to stay open—that is, that regardless of our payment to

them, they would retain the right to close that power station with a month's notice—then imagine a situation this summer if Northern was still in the system, knowing what is going on and—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: —let me finish—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: —Northern advised the government on 1 December that they were closing on New Year's Eve? Yes, they will pay us our money back, but what would we pay them to keep them open over the summer period? Again, members opposite can't think moves ahead. They can't see ahead. It's impressive to note—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: The Leader of the Opposition interjected earlier about Victoria's pricing. It's very important to note that Victoria's reset happens on calendar years, whereas New South Wales and South Australia happen on financial years. New South Wales had a price increase of 16 per cent and the ACT had a price increase of 18½ per cent. South Australia had an increase, again for the standing contract offer, of 18 per cent.

It's important to note that these increases are occurring across the entire National Electricity Market and that the forward price in New South Wales, the forward price in Queensland and the forward price across the entire National Electricity Market, is growing rapidly and it is growing because of the lack of any national coherent policy. What is the answer to the forward price in New South Wales being over $100 given it has more coal base load power than any other jurisdiction in the world?

Members interjecting:

The Hon. A. KOUTSANTONIS: Shouting won't change that. Yesterday, the Leader of the Opposition said that we are on the eve of a state election. Where is your energy policy? Where is it? Where is the energy policy? Where is your health policy? Where is your education policy? Where is your transport policy? Where is your public transport policy? Nothing.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is called to order.

The Hon. A. KOUTSANTONIS: We actually had them say to us, 'Wait for Finkel. Wait for Finkel, then we will release our policy.' Now it's, 'Don't wait for Finkel—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. A. KOUTSANTONIS: —wait for the federal government.' Now they are saying, 'Wait for the Prime Minister.' Can you have any policies—just one? One policy would be good. While the Leader of the Opposition just tries to shout me down, for all his shouting in the world he has not one policy on energy—not one.

Members interjecting:

The SPEAKER: I will only call the member for MacKillop when the opposition front bench has finished interjecting. Do you have any more remarks?

Mr Whetstone: Hopeless treasurer.

The SPEAKER: Thank you for that. That will cost you a warning, but it was probably worth it. Does the member for Wright have anything to add? No? Member for MacKillop.

ELECTRICITY PRICES

Mr WILLIAMS (MacKillop) (14:51): Supplementary, if I may, to the Minister for Energy: given that the minister accepts ESCOSA's independent advice that the closure of the Northern power station has had a significant impact on the price of electricity in South Australia, does he now regret

that he didn't take the opportunity to keep that power station open at a fraction of the cost that his government now intends to expend on electricity in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:51): No, I don't, because the cost wouldn't have ended at $25 million. It wouldn't have ended at that price because what would we have to pay AGL to keep its 1,200 megawatts? What would we pay Origin? What would we have to pay everyone in the National Electricity Market to keep operating?

Members interjecting:

The Hon. A. KOUTSANTONIS: They can't even think ahead. They can't think ahead, and that's why they have no policies. Shouting across the chamber is not a substitute for policy. Shouting across the chamber is not a substitute for developing an alternative. The public of South Australia want a debate of ideas. We have released our energy plan. We have released our energy policy. Our energy policy is out there, and when it is implemented it will lower prices.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned a second and final time. There will be no further warnings.

The Hon. A. KOUTSANTONIS: In the absence of an alternative, it's a bit rich for members opposite to be yelling across the chamber. I say this to the former deputy leader again and again: had it not been for the failure of a national mechanism, we would not have lost 5,000 megawatts across the entire National Electricity Market. Isn't it interesting—with the abolition of the carbon price, what have we seen? Prices dramatically increase. With the closure of the Port Augusta power station, what have we seen occur in South Australia? We have seen Pelican Point come back online. We are seeing a $30 million investment in the reblading of that generation.

Members interjecting:

The Hon. A. KOUTSANTONIS: I also point out to members opposite that when our plan is fully implemented it will bring prices down. Yelling across the chamber is not the norm in parliaments. Generally, when you are asked a question, you can respond. In response to this, in the absence of a policy, it is a bit rich to be criticised about the failure of the National Electricity Market. With the failure of the National Electricity Market, we have seen the Chief Scientist come up with an alternative plan to try to lower prices through a clean energy target, which is a lot like the energy security target, yet we can't get members opposite to even endorse the Finkel plan.

They won't even endorse that plan because they are waiting for the Prime Minister, and the Prime Minister won't even endorse the Finkel plan. So, they say, 'Wait for Finkel.' Finkel comes out, and then they say, 'Wait for the Prime Minister.' Well, where is the independent thought process opposite? Where is their own energy plan? They are waiting for their orders from Canberra. We've got our own plan, and our plan will work, and our plan will lower prices.

The SPEAKER: The question from the member for MacKillop was laden with comment and out of order, and the Treasurer's answer was out of order as debate, and both parties were consenting. The member for Finniss.

WIND POWER

Mr PENGILLY (Finniss) (14:55): My question is to the Minister for Energy. Does the minister accept ESCOSA's independent advice that, and I quote, 'Wind-powered generation has...driven out less expensive forms of generation and contributed to more volatile spot prices'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:55): If the argument that I think that the member for Finniss just made is that if renewable energy is so cheap that it's driving out other forms of energy, yes, it is. The reason it is so cheap is that renewable energy is very efficient. Its power source is cheap—wind and sun.

Mr Marshall: The problem is it doesn't have any base load.

The Hon. A. KOUTSANTONIS: 'We don't have any base load power.' I think the people of AGL, Origin and ENGIE would disagree with the Leader of the Opposition. Perhaps he should visit one of our gas-fired power stations and talk to them about how they are not base load. Perhaps if he knew that he wouldn't say such embarrassing things. But, yes, renewable energy is very cheap and it does push out other forms of energy. It's happening all across the National Electricity Market. It's called the transmission for a carbon-constrained future.

Mr Marshall: There's carbon in Victoria.

The Hon. A. KOUTSANTONIS: Victoria has just lost 25 per cent of its base load generation. When their price reset comes in December, who will the opposition blame for that price reset? Will they blame the commonwealth renewable energy target and the subsidies that it pays to renewable energy, or will they blame the Victorian government?

Mr PENGILLY: Point of order: I ask that the minister addresses the substance of the question. I can give it to him again, if he needs it. The question was: does the minister accept ESCOSA's independent advice that, and I quote, 'Wind-powered generation has...driven out less expensive forms of generation and contributed to more volatile spot prices'?

The SPEAKER: My recollection is that the Treasurer said yes to begin with and then added some bonus points.

The Hon. A. KOUTSANTONIS: Thank you very much for your independent adjudication, sir. It's always good to have an independent adjudicator in the house. Thank you, sir. The reality of what the opposition is saying is that they don't like renewable energy. They don't like wind farms. They have done all they can to try to stop them. They don't like solar energy. They don't like transition.

Parliamentary Procedure

VISITORS

The SPEAKER: Could I interrupt the Treasurer to welcome Rosary Primary School of Prospect to parliament today. They are now leaving, so in order to greet them it was necessary to interrupt the Treasurer. They are guests of the member for Adelaide.

Question Time

WIND POWER

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:58): The other question is: what caused Pelican Point to be mothballed?

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Another good question to put. The opposition hate renewal, they hate solar and now they hate gas.

The Hon. M.L.J. Hamilton-Smith: They don't like gas.

The Hon. A. KOUTSANTONIS: They don't like gas. Isn't it amazing how a state that is gas rich the opposition oppose, and we don't have much coal, but they are all in favour of coal? It's an amazing position the Leader of the Opposition has taken them to—the conservative party to hate unconventional gas but love coal, which we don't have. That is a unique piece of positioning by a leader of the opposition. So, renewable energy out, solar energy out; any form of new technologies out; gas, which we have an abundance of, out. What we want is something we don't have, which is coal. If that's the opposition's energy policy, God help us all.

CARDIOLOGY SERVICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:59): My question is to the Minister for Health. Given that around four full-time equivalent Queen Elizabeth Hospital cardiac staff were transferred to the Lyell McEwin Hospital to support cardiac services there, when will The Queen Elizabeth Hospital staff be backfilled to allow the restoration of cardiac services at The Queen Elizabeth Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:59): We will work through all these issues with our clinicians. Obviously, having that second cath lab, and those additional cardiac services at the Lyell McEwin Hospital, is incredibly important. It has been incredibly successful in preventing patients from our northern suburbs, suffering acute heart attacks, having to be moved into the city. It means that they have been able to be treated quickly and safely, and I make no apologies for having additional cardiac staff and a second cath lab at the Lyell McEwin Hospital.

Obviously, we will sit down with our clinicians at The QEH to work through these issues in the cardiac service. The government have made a policy decision that cardiac services and, in particular, the cath lab, will stay at The Queen Elizabeth Hospital, and our clinicians will work through how that happens and how that happens in a way that's safe.

CARDIOLOGY SERVICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:00): Supplementary: when will those staff be returned to The Queen Elizabeth Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:00): There is nothing I can add to my previous answer, and that simply is that we will work through these issues with our—

Ms Chapman interjecting:

The Hon. J.J. SNELLING: We will work through these issues with our clinicians.

The SPEAKER: The deputy leader is warned.

The Hon. J.J. SNELLING: But I make it quite clear that there has never been any suggestion made to me by Professor Horowitz, in particular, that there is anything unsafe about the current service that's being provided. My decision, and the government's decision, has been based upon that advice and that the current service can continue operating as it's currently configured.

We will sit down and work through these issues with our clinicians, and if there's any suggestion that anything additional is required in order to make sure that it's safe, then obviously we will give that consideration. But, to date, nothing has been suggested to me to indicate that the current service as it's currently configured isn't.

JOB ACCELERATOR GRANT SCHEME

The Hon. T.R. KENYON (Newland) (15:01): My question is to the Treasurer. Can the Treasurer update the house on the Job Accelerator Grant Scheme?

Mr Bell: Are you going to talk about the unemployment rate at the same time?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:01): Well, ask me a question. Get on the list and ask me a question. This side of the house understands that small to medium-sized enterprises are the lifeblood of this state, that our state's prosperity grows with their prosperity and success, and that's why every one of this government's economic policies is tailored to ensure that these businesses thrive and South Australia becomes the best place in Australia to do business.

Despite the unprecedented challenges we face with the closure of the Australian car manufacturing industry—courtesy of our commonwealth government—and the global decline in mineral commodity prices, I can inform the house that, as of yesterday, 3,838 businesses had registered for a total of 9,932 positions since our $109 million Job Accelerator Grant program for businesses to employ additional staff was announced. We have added 6,900 jobs in the past 12 months to May 2017.

Businesses in this state are growing and are hiring, and with grants up to $10,000 for each and every job created for eligible businesses with taxable payrolls of $5 million or less, and up to $4,000 for each and every job created by small businesses and start-ups and other employers not liable for payroll tax, we are making things just that little bit easier.

The business community understands that the 2015-16 budget was about cutting taxes so that their businesses are free to invest and grow. They have seen this government deliver the most comprehensive tax package reform in our state's history, which sees us abolishing business stamp duties, returning about $700 million to businesses and families—tax cuts, which we all know that the Leader of the Opposition opposed, saying they would not create a single job and then called on us to bring them forward.

The 2016-17 budget has jobs as its number one priority, and these grants provide a great incentive to encourage small to medium businesses to employ and to unlock more money for them to invest in their businesses. Small to medium businesses are the backbone of our economy, and we want to reward these businesses that are now seeking to grow and help them to grow faster. These grants, which I note that the opposition had a position paper leaked to the media from their shadow cabinet—

Mr GARDNER: Point of order, sir, standing order 98: the minister was asked about his own policy, and he is now commenting on the opposition's apparent position in the media.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned. Treasurer.

The Hon. A. KOUTSANTONIS: It is interesting to note that, even though they were developing a similar policy, the Leader of the Opposition criticises it, saying that it wouldn't work. Can you imagine the internal processes, Mr Speaker? The member for Hartley leaked, or someone had leaked from him, a proposal he had for a similar proposal like this, and then the Leader of the Opposition says—

The SPEAKER: Treasurer, you cannot impute improper behaviour to other members except by dint of a substantive motion. So the allegation that the member for Hartley leaked something is imputing improper behaviour without a substantive motion.

The Hon. A. KOUTSANTONIS: I apologise to the member for Hartley, but it's interesting to note that this policy that was leaked from the Liberal Party shadow cabinet was very similar to the policy that we had, and the Leader of the Opposition is interjecting that these people would be hired anyway. So, it just shows you a mockery of the shadow cabinet's policy-making procedures.

The SPEAKER: I think we'll go to the member for Elder.

HEALTH INFRASTRUCTURE

Ms DIGANCE (Elder) (15:05): Thank you, Mr Speaker. My question is to the Minister for Health. What impact will the recently announced state budget investment in health infrastructure have on jobs for South Australians?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:06): I would like to thank the member for Elder for her question.

Members interjecting:

The Hon. J.J. SNELLING: I can't understand you when you speak like that.

The SPEAKER: The Minister for Health will be seated. The Minister for Health hasn't offered the slightest provocation yet; in fact, he has been unable to say anything, but there has been a barrage of interjections by the member for Davenport, who is warned for the second and final time, by the deputy leader, who is warned for the second and final time, and I am glad, by facial expression, that the member for Schubert confesses and is called to order.

Mr Knoll: I was just going to say that the member for Elder can apply for one of the construction jobs to build the new hospital after she loses her electorate.

The SPEAKER: I warn the member for Schubert. Minister for Health.

Members interjecting:

Ms DIGANCE: Point of order, to the member for Dunstan on just his accusation just then on the flyer that was put out on the last election, accusing me of being racist. I would like an apology.

Members interjecting:

The SPEAKER: The member for Hammond and the leader will rise in their place and withdraw and apologise forthwith or they will be named.

Mr MARSHALL: For what, sir? What did I say?

The SPEAKER: I am not going to repeat the imputation again. They will withdraw and apologise forthwith.

Mr MARSHALL: But can I just ask one point of clarification? Are you relying on what the member for Elder then just reported?

The SPEAKER: Yes.

Mr MARSHALL: Well, then can I ask you, before you ask for this to occur, to check the *Hansard*, because it is very different, sir.

The SPEAKER: I will check the *Hansard* and deal with it after question time. The member for Hammond, however, was caught in flagrante delicto.

Mr PEDERICK: I am happy to withdraw and apologise, sir.

The SPEAKER: No, it's not a question of your mood when you withdraw and apologise; it is the question of rising and withdrawing and apologising.

Mr PEDERICK: I withdraw and apologise, sir.

Members interjecting:

The SPEAKER: The member for Adelaide is called to order.

Members interjecting:

The SPEAKER: I will check the *Hansard* as regards the leader's contribution to see if his remarks were caught, which they may not have been.

Mr Marshall: I would be very happy to listen to the recording, sir.

The SPEAKER: Now, where were we? The Minister for Health.

The Hon. J.J. SNELLING: In recent days, the state Labor government has made a series of exciting announcements about the massive investment we are making through the 2017-18 state budget.

An honourable member: What about for the Repat?

The Hon. J.J. SNELLING: They mentioned the Repat. I can also tell the house of a $200 million investment at the Daw Park Repat site, and are we not proud of that? It is only the opposition—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.J. SNELLING: —who would oppose a $200 million investment at the Repat site. I am very, very, very proud of that. We have invested to modernise and upgrade our public hospitals. This major injection of funding will ensure our hospitals continue to be cutting edge and technologically advanced and that South Australians continue to receive world-class health care. Over the past few days, the Premier and I, and many of our state Labor colleagues, have talked a lot about how this investment will improve health care provided to South Australians in our public hospitals.

Importantly, the significant 2017-18 state budget investments will also support South Australian jobs, with nearly 3,000 direct and indirect positions expected to be created across multiple hospital sites over the life of the project. This is fantastic news for South Australian companies and workers, and it is great news for the South Australian economy. We know that

investment in public infrastructure is smart investment. We have a track record when it comes to investment in our health infrastructure.

Since 2002, the state government has upgraded every major hospital across the state, as well as investing in our new Royal Adelaide Hospital, one of the best modern hospitals in the world. In fact, we have invested over $4 billion to rebuild and upgrade every metropolitan public hospital and every major country hospital in the state. To ensure our investments create local jobs and inject funds into local industries, we established the Industry Participation Advocate in 2013. We now want to strengthen the powers of the Industry Participation Advocate to ensure that public infrastructure projects in this state use more South Australian material and employ more South Australian workers.

Ms CHAPMAN: Point of order, sir: the minister is referring to a bill that is before the house. In fact, it will be on this afternoon.

The SPEAKER: The minister will not anticipate debate.

The Hon. J.J. SNELLING: We have seen about 12,000 workers employed during construction of the new Royal Adelaide Hospital in addition to the current $185.5 million building works at the Flinders Medical Centre, which include the new palliative care unit, state-of-the-art rehabilitation centre and multistorey car park, all due for completion in September. It has supported over 200 full-time equivalent positions during construction. As these projects reach their completion, along with other major hospital upgrades undertaken as part of our $250 million investment in hospital infrastructure since 2014, this state Labor government will continue investing and rebuilding South Australia's public hospital infrastructure.

Through our massive investment into our public hospitals under the 2017-18 budget, we are creating thousands of jobs for South Australians as well as ensuring our patients have access to the best modern health care in state-of-the-art facilities. Unlike the opposition, whose track record includes privatising the management of Modbury Hospital by handing its operation to an interstate company, this government will invest in our public health system ensuring the benefits remain in our great state.

The SPEAKER: The minister is now debating the matter in violation of standing orders and I call him to order. The member for Light.

EXPORT PARTNERSHIP PROGRAM

The Hon. A. PICCOLO (Light) (15:13): My question is to the Minister for Investment and Trade. Can the minister advise who were the successful recipients of round 8 of the Export Partnership Program?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (15:13): I thank the member for Light for his question. I sit here waiting for questions and I thank the member for Light for them. The Export Partnership Program was launched on 5 March 2015. The program has been an overwhelming success: 360 applications have been received to date and over $3.6 million has been offered to 164 successful applicants. South Australia is exporting more than ever, with total exports reaching a new high of $15.12 billion in the 12 months to March 2017.

An honourable member interjecting:

The Hon. M.L.J. HAMILTON-SMITH: They are the ABS's figures, but you don't know how to read them because you are not numerate.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned for the second and final time.

The Hon. M.L.J. HAMILTON-SMITH: Building robust trade and export growth is a pathway to a strong economy and jobs. More than 72,000 South Australian jobs are now supported by exports. Through the EPP, local businesses can apply for up to $50,000 for eligible export projects and activities. Many of those applications come from the electorates of members opposite. Grants may be used to support South Australian businesses to attend key international trade events, as well as

coaching, training, market intelligence and mentoring in order to plan for international opportunities and build their export capability.

This government's international engagement program objective is to boost exports, create jobs and new opportunities. International missions in 2016 created over 1,500 business connections, more than 650 export leads and a combined value of over $300 million, and every department on this side of the house and every minister are working together to support that agenda.

I congratulate the 16 successful applicants in round 8 and advise the house that round 9 of the program closed on 26 May 2017 and successful applicants will be advised shortly. I look forward to updating the house of the panel's recommendations for round 9, as this will include the first applicants for the industry group funding category. The industry group funding category will assist small business associations to work with their members to put together export plans and proposals that will carve an export pathway for those businesses.

I congratulate the following 16 successful round 8 grant recipients and wish them well in their export endeavours: 919 Wines from Berri, $4,300; Adelaide Hills Distillery, Wayville, $25,000; Carey Training Pty Ltd, Hilton, $23,000; Claymore Wines of Leasingham, $33,000; EQUALS International Australia, $11,900; Eyrewoolf Enterprises Pty Ltd in Streaky Bay, $13,800; Geoff Hardy Wines, McLaren Vale, $32,000; Hot Melt Packaging Systems, Export Park, $25,000; Hydro-dis, Holden Hill, $50,000; Lobethal Road Wines, Mount Torrens, $30,000; Made in Katana and MIK Health, Adelaide, $12,500; Momentum Food and Wine, Adelaide, $14,000; Oasis Systems Pty Ltd, Eastwood, $21,900; Pristine Forage Technologies, Edwardstown, $13,000; Tim Adams Wines, Clare, $12,900; and Woodstock Wines and Coterie, McLaren Flat, $50,000.

The government is supporting small businesses to export. We are out there supporting the very people those opposite should be supporting if only they had a policy.

MODBURY HOSPITAL

Ms BEDFORD (Florey) (15:17): My question is to the Minister for Health. Now that calls over a two-year period have been answered with a $9 million commitment to Modbury Hospital for an eight-bed extended care unit in the emergency department, can the minister inform the house what consultation and planning took place with Modbury Hospital staff, when in 2018 will the work commence and when will the ECU be operational, will the $9 million (more than $1 million per bed) provide extra ED beds and additional staff over and above the current levels, and whether attracting staff at the Modbury Hospital, as per my question to you on 16 May, remains a problem? If so, what is being done to overcome the issue?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:17): How long have I got? I would like to thank the member for Florey—

Members interjecting:

The Hon. J.J. SNELLING: The poor old member for Davenport is a bit exercised today. Can I thank the member for Florey for her question and acknowledge the fact that the member for Florey has been a strong advocate for Modbury Hospital and, in particular, has been a big supporter of having an extended care unit attached to the emergency department.

With regard to the staffing, yes, of course they will be appropriately staffed. As part of the EB, there are ratios that are in place within the enterprise bargain, so we always have to appropriately staff beds. If we put in extra beds, as we will be, yes, of course with that will come the operational funding that will be required to ensure that those beds are appropriately staffed.

The construction—I haven't got the exact dates, but they were in the press release on Saturday about expected completion. It doesn't come to me immediately, but it's not a huge project and I think construction is expected to start next year. I will double-check, but I think the expected completion date will be by the end of the following year, from memory. But, as I say, that information is on the press release that was distributed on Saturday. I think that was the general thrust of the questions.

I think this is a great outcome. We have been working closely with the emergency department doctors at Modbury Hospital. They have made it clear that this is something they require. Patients

who at present don't require a full-blown admission in the hospital but do require to be kept in hospital either because they are having tests done or they require to be kept in hospital for observation—so they don't require the full admission, but they do require some observation—at the moment are being kept, generally speaking, in the emergency department.

That's not ideal for a couple of reasons. Firstly, an emergency department is a busy place, a disruptive place, and it is not the best environment to be in for a patient who is recovering from something, so to have a separate area that's nonetheless adjacent to the emergency department is very, very good. Also, we expect that, if the emergency department know that they can keep patients in the ED and they can keep them there safely, it will result in fewer transfers.

Having said that, I was provided with this statistic before the changes, the reconfiguration, that we made as part of modernising our health system. The transfers out of the Modbury Hospital emergency department were 10 per cent of presentations. The percentage of transfers now is 11 per cent, so there has been only a 1 per cent increase in the number of transfers out of the Modbury Hospital emergency department.

But this new development will in fact mean that there will probably be less need for transfers, and this is something that's been worked on in a collaborative way with the member for Florey and other members of parliament, including the member for Newland, I know. The member for Wright and the member for Torrens have been very strong advocates for having this extended care unit—

The Hon. A. Koutsantonis: And the other Labor candidates of course.

The Hon. J.J. SNELLING: —and all the Labor candidates as well. It's a great outcome.

Ms BEDFORD: A supplementary, Mr Speaker?

The SPEAKER: Alas, question time is over.

Ms BEDFORD: That is very sad.

The SPEAKER: That may be so, but the clock tells me that it is over.

Grievance Debate

COREY, MR BILL

Mr GARDNER (Morialta) (15:22): I have extraordinary pleasure today in rising to reflect on the remarkable life of Bill Corey. Bill is a constituent in the Morialta electorate. He lives in Rostrevor in a retirement village just a stone's throw from the street where I grew up and, thankfully, very close to where my office is now. I had great pleasure in visiting him a couple of years ago to spend some time reflecting on his extraordinary war record and range of achievements in community and public service that he has undertaken since.

On 7 August, in coming weeks, Bill will turn 100 years old. He is one of the last two surviving Rats of Tobruk and his life is worth significant reflection. Bill served with the 2nd/43rd Infantry Battalion in North Africa at Tobruk and El Alamein. He served in New Guinea at Lae and Finschhafen and on Labuan Island in Borneo. For five years, he was on the front line fighting the Axis forces.

Bill is a South Australian, and proudly so, whose family has been in South Australia since the 1830s, and he felt called upon to do his duty when his nation needed him. He has been mentioned in this place and others and thanked for that service on a number of occasions but, on the occasion of his 100th birthday, I particularly want to pass on my support, my gratitude and the gratitude of this side of the house and, I believe, the whole parliament.

Bill's mother and father were both pioneer South Australians of the 1830s. His father was born in 1882 in Burra. His mother was born in 1882 and raised by her grandmother who arrived in Australia in 1837. Bill grew up in the country and, after the war, he married his wife Iris. They settled in Adelaide and had two children. Bill enlisted when he was a butcher at the age of 22. His father and grandfather were also butchers. Bill was also a keen dinghy sailor. When he returned home, he again became a butcher and started his own business. For 25 years, he ran a butcher's shop on Glen Osmond Road.

Bill Corey has marched in every ANZAC Day parade since he returned home from the Second World War. Last year, he opened the ANZAC Centenary Memorial Walk just prior to ANZAC Day, and his childhood home in Tarlee is now the Grasshopper Roadhouse, which a number of members would be familiar with.

Today, I particularly pay tribute to Bill's continued connection with the community and the work he does in educating schoolchildren about the trials and trauma of war and the service that our veterans have provided and the challenges they faced. Bill has spoken to me about how much he loves speaking to schoolchildren. He also contributes to the community in other ways. I remember him coming to the Australia Day Citizenship Ceremony at Campbelltown council a couple of years ago because, as he said, he wanted to enjoy the company of those people who were making the commitment to become Australians on that day.

He was very much appreciated by the member for Sturt, Christopher Pyne, myself and Mayor Simon Brewer and all who met him sitting unassumingly in the crowd—humble, modest and giving, as he is. Bill contributes to the history life circles group that meets at the Campbelltown council sharing stories and companionship. I want to conclude this speech by giving some of Bill's own words and reflections. This has been published before, but I think it is worth noting Bill's words in the house:

> Mateship is a big deal to me and always has been. However, after the war…I looked at mateship and Anzac Day differently. It was different because no longer was it a commemoration of the diggers of World War One, but to me it meant that I was going to see mates and chaps that I lived with for five years.
>
> For the first few years after the war, Anzac Day was always hard for me, it brought back memories of my service, I even found it hard to sleep a couple of nights before the day. In those early days is wasn't so much about remembering the war, but meeting up with all the old chaps. But as time has passed Anzac Day has changed again for me. It has turned into a bitter sweet time as over the years most of them have passed on and I am just about alone.
>
> I was a butcher when I enlisted at 22, in June 1940 and I have marched in every Anzac Day since I returned home. I now look forward to Anzac Day. At 98, my son marches with me just in case I don't make the distance, but I wouldn't miss it.
>
> I don't think I am anything special, but I think I am a link between now and that past. I get quite a lot of pleasure out of people asking me if I knew their father or grandfather who served with me in WWII. Talking to these people about their relatives gives me a lot of satisfaction and they think it's wonderful as well. I also talk to school children often, they love hearing the war stories, but I only talk to them about our living conditions and what we ate…

Bill Corey, we thank you for your life of service.

OLD NOARLUNGA

Mr PICTON (Kaurna) (15:27): Last year, the town of Old Noarlunga suffered a very significant flood when the banks of the Onkaparinga River burst during a very significant storm that hit the city of Adelaide. Old Noarlunga has been in the electorate of Mawson since the last election and is poised to return into Kaurna at the next election. I particularly thank the member for Mawson for his advocacy for people in Old Noarlunga during the difficult period they faced. In fact, he and I filled quite a few sandbags together during one of the flood events that Old Noarlunga faced, and we have been working together on issues there since.

Over the past few weeks, I have been visiting people in Old Noarlunga and talking to many local residents. Over the next couple of weeks I hope to have completed visiting all homes in the township. Unfortunately, many of these residents' houses flooded during those floods and they have been faced with the very difficult task of recovery since then. Flood damage to a house is very devastating. The effects are not always understood widely by the community. Intuitively, a flood sounds less damaging than a bushfire, but the effect of recovery after a flood can be similar. It is not simply a matter of getting a mop and a bucket; a house needs huge renovations and works to address a flood.

Many residents I have met have only just been able to return to their home after very substantial works needed to happen and hence they had to leave their home for over six months. Some residents in the area still have not been able to return to their home. Understandably, home insurance has been a key concern for local residents, both in terms of ensuring that residents receive the claims assistance they need from their insurance companies and also that they are able to keep their insurance and not suffer future significant rises in their premiums.

Recently, I have been assisting a strata unit that was encountering significant difficulties with their insurer. I was able to help organise a meeting with that insurer, where those issues were resolved, at least for the time being. We will continue to monitor that. There are obviously concerns about the management of the Mount Bold reservoir to ensure that what happened last year can be prevented in the future.

As people would know, Mount Bold is a major source of Adelaide's drinking water supply, so it is not a dam that is just there to prevent flooding. SA Water has systems in place to manage the water levels, and the predictions of water flows into Mount Bold leading up to the storms were, sadly, too conservative. There was a second storm event shortly after the first one. SA Water was able to better predict the water flows on that occasion and was able to prevent the Onkaparinga River from breaking its banks that time. This experience, I am sure, will better inform their modelling of the dam and rainfall in future.

I have met with SA Water and advocated the views and concerns of residents of Old Noarlunga to SA Water directly. I have also encouraged them to increase their communication and to answer questions at an upcoming meeting of residents. On the night of the flooding, when houses were about to be flooded, sandbags were at the ready but, sadly, there was no sand available to fill them, which is the first of a number of issues people have with the City of Onkaparinga, the local council.

I am advised that the council had used all their available sand that day to address their own council sites, leaving no sand available for residents. Residents had to wait several hours while sand was sourced from other local council areas as none was available locally. This meant that many houses were not able to properly protect themselves. Local residents have also raised concerns about the stormwater system in Old Noarlunga. Sadly, many residents of Loud Street were flooded not from the riverbanks but from flooding coming from the council stormwater system on the night.

The stormwater system has valves installed to prevent this, but on this occasion at least one of those did not work and residents were flooded because of that. Since then, the residents have found it near impossible to talk to the Onkaparinga council to discuss their concerns. I have had one resident say that a senior council person, a senior elected member, told them not to publicly raise their concerns. Others have tried to ask questions but have been getting legal letters in return. In my view, this is not the way the council should behave toward its constituents and ratepayers.

I have written to the council raising these concerns and will continue to raise them on residents' behalf. We have now been able to convince the council to at least help organise a public meeting with all the key agencies in attendance. I have been very proudly working closely with the Old Noarlunga Community Incorporated, in particular Michelle Ward from that organisation, on this public meeting, and I look forward to that meeting as a chance for the community to receive information and discuss their concerns.

Lastly, many people have raised with me the issue of the swing bridge in Old Noarlunga that was destroyed by a tree in the fast-flowing river during the floods. We are working closely with minister Hunter and the environment department, and I am hopeful that this is something that will be able to be restored in the future to restore this important access for local residents and visitors alike. I will continue working hard to represent the residents of Old Noarlunga and ensure their proper recovery after this horrible flood event.

SOUTH EAST COMMUNITY LEGAL SERVICE

Mr BELL (Mount Gambier) (15:32): I rise to talk about the South East Community Legal Service and point out to the house just how out of touch this state Labor government is in reducing the level of service and pulling it back to a centralised model where legal services will basically be done over a telephone with limited face-to-face opportunity. The South East Community Legal Service was established over 17 years ago when the Howard federal government announced that they would fund community legal centres.

A small group of people who recognised that this service would be invaluable for the South-East formed an incorporated body called the South East Community Legal Service. This group consisted of people from within the local community, charitable organisations, the legal fraternity and

other like-minded people within the community. This was when the South East Community Legal Service was established.

Presently, there are eight community legal centres that receive commonwealth funding in South Australia. The South Australian Labor government only contributes just under $1 million each year to the community legal centres, or just 19 per cent of the total funding pool. It is of no surprise that South Australia is the second lowest contributor of any state or territory government in Australia, with other state governments contributing 40 per cent or more.

Over the last 17 years, the electorates of Mount Gambier and MacKillop have received outstanding service from the South East Community Legal Service, which has delivered assistance to low income and disadvantaged people. Leaders of our community have also recognised the essential contribution that the organisation provides, with the City of Mount Gambier providing the building where the service is established at a peppercorn rent. In fact, the City of Mount Gambier was so incensed by these cuts that the mayor held a special council meeting for council representatives to determine a course of action.

Over the last 17 years, the South East Community Legal Service has assisted people from seven different councils within our region, stretching right up to Tatiara. Assistance is provided by the hardworking members of the South East Community Legal Service team by either a face-to-face appointment at their office, a telephone call, an email, online contact or outreach appointments. The team also attends Mount Gambier Prison, which has been subject to a number of expansions under this state Labor government.

To quantify how important this service is to the South-East, in 2015-16, 1,254 appointments were undertaken, 942 face-to-face appointments, 285 telephone calls and 27 advice appointments were provided by mail or email. Of those 1,254 appointments, 49 per cent were civil, 39 per cent family law and 12 per cent criminal law. Interestingly, the demand for the prison has increased since 2011-12, when it started. There were 50 face-to-face appointments at the prison, and in 2015-16 it had grown to 130. Unfortunately, with a reduction in services and the continued expansion of Mount Gambier Prison, many of these matters will not be addressed.

In terms of income source, 64 per cent of the income of the South East Community Legal Service's clients was from government pension benefits or allowances, 23 per cent earned an income, 11.5 per cent had no income at all and 1.5 per cent indicated 'other source of income'. So, 75 per cent were on a low income of up to $26,000 per year, 11.5 per cent were receiving a medium income of between $26,000 and $52,000 per year and 1 per cent were receiving an income of over $52,000 a year.

From time to time, my office has been in contact with the South East Community Legal Service for assistance. I have always found them to be very helpful and professional. Sometimes it is not a legal problem; however, they are always willing to make suggestions on where help may be obtained. I am sure we are not the only office within the Limestone Coast who have approached them for help. I want to commend the board of management and recognise their contribution to this very important service. They include: Suzanne Mutton, Grant Redding, Ebony Cunningham, Michele Osmond, Tracey Wanganeen, Nicholas Kidman and Tasja Barelds.

LIGHT ELECTORATE

The Hon. A. PICCOLO (Light) (15:37): Today, I would like to speak about a couple of things of importance and interest to my electorate. The first one I would like to speak about is that last Friday night I attended the 10th anniversary of Gawler GP Inc., which is a not-for-profit incorporated organisation made up of GPs. The organisation helps us provide in Gawler, through the public health system, after-hours emergency services. We have the Gawler Health Service, which has a normal working hours operation, and then GP Inc., which is made up of general practitioners in the area, provides a service outside the normal clinic hours of medical practices.

This started as a result of some local GPs who were under pressure when trying to provide after-hours services in a growing community. The organisation was established, and they took their first patients as GP Inc. in July 2007. They have a number of doctors on their roster who provide after-hours service, and it is a very important service. It provides Gawler and the surrounding areas

with an emergency department, effectively. Even though it is not a publicly run service—it is run by GP Inc.—they provide a very important service to our community.

The model of care was not a reinvention of the wheel but, rather, an improvement of previous attempts to fund the old northern division of general practice. As a result of the doctors getting together and providing this model, we are very fortunate to have a very good after-hours service. At some point in the future, this may be reviewed but, certainly, at the moment, they provide an excellent service. In fact, the service is so good that last night at my sub-branch meeting (the Gawler ALP sub-branch) a motion was passed to congratulate Gawler GP Inc. on the very valuable service they provide to our local community.

Since opening, they have treated 100,000 patients, which is quite an effort for what is essentially a smaller public hospital, and 85 per cent of those 100,000 patients are residents who live in either the 5116 or 5118 postcode area, which is basically the urban parts of Gawler. It is a very reliable service and, in fact, I have used the service on a number of occasions, either for myself or my children.

In some ways, it is the best of both town and country; in other words, we have an emergency department, but also quality care and attention that you get in a country area. They also work closely with the Lyell McEwin health service, and the government announced yesterday a major upgrade in the emergency department, and that is very important because those two hospitals, the Gawler Health Service with GP Inc. and Lyell McEwin, make sure that people in the north and in Gawler have the best access to emergency care available.

In case people were unconvinced that $52½ million should be spent on the upgrade of the Lyell McEwin emergency department, to put it in context I understand that on any given day the emergency department sees as many presentations as the Royal Adelaide Hospital. The number of presentations has increased, from 35,000 presentations a year, back in 2005-06, to what they are now, which is about 70,000 presentations.

I would like to acknowledge the contribution of the following people who have been members of the board of GP Inc. GP Inc. has had 13 board members over the last 10 years, four of whom have been there for 10 years. I would like to acknowledge 13 members whose contribution is important. They include Dr Anthony Page; my personal doctor, Dr Don Davis; Dr Kendra Powell; Dr Bill Lees, who delivered my children; Dr Keith Brewerton; Dr Adrian Borg; Dr Michael Brown; Mr Mark Foster, first public officer; Ms Amber Parham, current public officer; Senator David Fawcett, former senator and member for Wakefield and first community member; Ms Helen Hennessy, current community member; Mr Eric Moen, previous community representative; and the current chair, Dr Simon Hall. I commend them for the very good practice we have in Gawler.

MORTLOCK SHIELD

Mr TRELOAR (Flinders) (15:42): I rise today to speak on the recent Mortlock Shield football carnival, which is held every year in Port Lincoln on the long weekend in June. It was first held in 1936, but it has not been held every year since, as certainly there was a break during the war years. However, since the war it has been an annual event.

Football leagues and associations from all over Eyre Peninsula have gathered, sending their finest to battle it out on Centenary Oval over a two-day carnival on the Saturday and the Monday of the long weekend. The teams included Great Flinders, Far West, Mid West, Eastern Eyre, Lincoln City and Lincoln Districts (which came out of the Port Lincoln Football League). This year, we were joined by the EP Warrior Sharks—a team made up of Eyre Peninsula expatriate footballers who play football elsewhere and who are prepared to come home for the weekend to play in a competition at a very good level. The Far North, which is an association that hails from Roxby Downs, joined us this year for the first time and made the long trip down. Hopefully, they thoroughly enjoyed their trip.

Congratulations to the Mortlock Shield Chair, Richard Horgan, and his committee, on all the work that goes into preparing for, hosting and pulling off this wonderful competition. There was much sponsorship, but the major sponsor this year came from Bendigo Bank. As a community bank, they have branches in Cummins, Tumby Bay and Port Lincoln, and they have put a lot of money—some millions of dollars—back into small local communities as a result of people banking with them.

Radio 5CC (5 Coast and Country), the local AM commercial radio, provided commentary. I must give Beebs and Reegs a mention; they provided commentary on both Saturday afternoon and Monday afternoon. Darren Allard was pulling the strings, and Dave Barrowcliff (otherwise known as 'Windscreen Dave') was the boundary rider at the Mortlock Shield Life Members' Dinner, which was held on the Saturday night. Our guest speaker was Wayne Phillips, and my congratulations go to Scott Feltus from Mid West, Brock Jantke from Port Lincoln, and Andrew Buckham, also from Mid West, who were awarded their life memberships to the Mortlock Shield.

There was a 1987 Eyre Peninsula football team reunion at that dinner. Not all got along, but many did, and many are still living on Eyre Peninsula. Congratulations to Lincoln City for winning the shield. They managed to win the 1 o'clock game on the Monday and, because the Far West and Great Flinders game was so tight at 3 o'clock on the Monday, and because it is all done on percentage, at the end of the two days there were two teams who had won two games, so it came down to percentages as to who took away the shield. Lincoln City won the shield this year. They have not done so for a while, so congratulations to them, coach David Stoeckel and captain Shaun Maxfield.

The list goes on. Michael Blewitt was awarded Umpire of the Carnival; the leading goalkick for the carnival went to Joel Fitzgerald from Eastern Eyre; Best Under 21 was Jake Warmington from Far West; runner-up to the Best and Fairest Award was Levi Konitzka from Great Flinders; and Best and Fairest went to Xavier Watson, who is truly a wonderful footballer. He plays with Great Flinders—

Mr Whetstone interjecting:

Mr TRELOAR: Indeed, a Princes old scholar, as the member for Chaffey points out, playing his football now with the United Yeelanna Football Club out of Karkoo. Eyre Peninsula is now within the zone of the Norwood Football Club from the SA National Football League, and they have really made their presence felt and are doing a wonderful job, particularly fostering juniors, with many Eyre Peninsula boys now playing Under 18s at the Norwood club.

In closing, I would like to thank the Mortlock Shield for the opportunity to become their patron. It is an incredible honour and I was thrilled to be able to take on that position and be part of the events during the weekend. Of particular interest, and worth mentioning, is the unveiling of a plaque commemorating the life and commitment to football of the late Don McSweeny. I have actually spoken about Don, his life and his contribution, in this parliament in the past, so I will not go over it all again. Suffice to say that he spent a lifetime both as a player and an administrator in Eyre Peninsula. Sadly, his wife, Eileen, passed away recently, but his daughters Raelene and Debbie and their families were present at the unveiling. Vale, Don McSweeny.

MEMBER FOR BRAGG

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (15:47): I am delighted that the member for Bragg is in the house, because I refer to the last week of sitting when, in the third reading remarks on a proposed bill to deal with legislation on the ICAC, she launched a personal attack on me—not in the second reading, where I could have responded, but in the third. So I will take this grieve as an opportunity to answer her concerns.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.L.J. HAMILTON-SMITH: She attacked not only me but also Independent MPs who voted against her rushed and poorly thought-through bill. The member's criticism showed a lack of understanding—

Ms CHAPMAN: Point of order: the member is now reflecting on a vote of this house.

The DEPUTY SPEAKER: I hope he is not going to. He is discussing—

The Hon. M.L.J. HAMILTON-SMITH: I am referring to your actions—

The DEPUTY SPEAKER: We are going to listen to you very carefully, member for Waite.

The Hon. M.L.J. HAMILTON-SMITH: The member's criticisms showed a considerable lack of understanding of a range of processes in the house. This is the person who infamously used parliamentary privilege to lambast an ambulance driver for sleeping while a transplant patient was abandoned, an operation cancelled and a donor organ destroyed. A good story, she thought, but there was no sleeping ambulance driver—the patient made it to hospital and the transplant was a success. It is a story that underlines the importance of proper inquiry and competent research and highlights the danger of public allegations—

Ms Chapman: A bit like dodgy documents.

The Hon. M.L.J. HAMILTON-SMITH: —yes, I will come back to that—against public servants that are later shown to be false.

On Thursday 1 June, the member for Bragg said I supported open ICAC hearings but changed my position 'to sit arm-in-arm with a government of secrecy'. My position has not changed from when the bill introduced when I was leader of the opposition in 2008. Under clause 28 of that bill, provision was made for public inquiry in matters of corruption subject to a set of considerations that included the seriousness of the corruption allegation, the risk of undue prejudice to a person's reputation and the preservation of a person's privacy.

The member for Bragg proposed that hearings into maladministration should be held in public. This is a concept not contemplated in the 2008 bill which dealt with corruption, not maladministration. It also ignores the fact that under present arrangements there is a fully public, fully open disclosure of all information in an unfettered way and in a very public way at the discretion of the commissioner.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.L.J. HAMILTON-SMITH: For the member to ask MPs to rush through such a substantive change to legislation without comprehensive debate and consultation shows her inclination towards haste at any expense and how, for her, a headline outranks the truth. If you want an example of how life under the Liberals' amendments would play out, remember 7 April 2009. On that day, the member for Bragg told the media and the parliament that a heinous thing had happened to a seriously ill man in Mount Gambier. She claimed in a media release:

> An elderly Mount Gambier resident who needed to be flown to Adelaide for a kidney transplant was driven to the airport in a taxi instead of an ambulance and missed his flight and missed out on a new kidney.

The release was headlined, 'Kidney wasted as ambos sleep'.

Staff at the SA Ambulance Service stood accused of an appalling act. The RFDS staff and transplant specialists were embroiled in the saga and a Mount Gambier man left in limbo. But what was the truth of the alleged maladministration? As the health minister told the house that day, the claims by the member for Bragg were simply wrong, wrong, wrong. The patient did catch the flight. He was taken to hospital and he did get his kidney transplant and was recovering well.

What action did the member take to apologise for her false allegations of maladministration under privilege? In her personal explanation on 8 April 2009, the member for Bragg's only concession was that she did not mean all ambulance officers in Mount Gambier—no apology to the RFDS, no apology to the ambulance drivers, no apology to the surgeons or the patient, no apology to the health department's administrators. 'Mistake made, move on,' she said. Reputations were ruined. Move on. Her work was so sloppy I should have done what was suggested by a number of her colleagues who came to my office at the time and sacked her that day because they wanted her gone.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order! I am on my feet. I do not want to be shouting as loud as you. I think it is absolutely outrageous. Did you leave the chamber today? You were on two warnings.

Members interjecting:

The DEPUTY SPEAKER: Order! I can count. I was just giving her the option to tell me if she left because it is not clear. Okay, that means you are on two warnings and there is only a minute to go.

The Hon. M.L.J. HAMILTON-SMITH: Every public servant in South Australia should understand what the member for Bragg thinks of their right to privacy and protection. If you would trust the member for Bragg with your reputation, you are taking a huge risk. Not even her own colleagues trust her. Former leaders John Olsen, Iain Evans, Isobel Redmond and I learnt the extent to which they could trust the member for Bragg. She is like Lady Macbeth on steroids, so treacherous. She is hiding in the shadows of the alley with her dagger, having a sweep at anyone who would walk by. There is much I could say about the member for Bragg, and if she would like to continue her personal attacks I have a long list of responses. It is a testament to what she would be like as attorney-general—a disaster for the state.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

Time expired.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (15:54): By leave, I move:

That Mr Bell be appointed to the committee in place of Mr Pengilly, who has resigned.

Motion carried.

Bills

LAND AGENTS (REGISTRATION OF PROPERTY MANAGERS AND OTHER MATTERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:55): I rise to speak on the Land Agents (Registration of Property Managers and Other Matters) Amendment Bill 2017—

The DEPUTY SPEAKER: As lead speaker?

Ms CHAPMAN: —as lead speaker. This was a bill introduced by the Minister for Consumer and Business Services, otherwise known as the Attorney-General, on 31 May this year to amend the Land Agents Act of 1994. In addition to my duties as shadow attorney, I was recently appointed to assume responsibility as spokesperson for the opposition on consumer and business services. It has been a busy period, I must say, with liquor licensing and other matters to be attended to.

This is a matter that comes before the house ostensibly, as far as the government is concerned, because of a need to have a registration process for property managers. It purports to be as a result of there not being an adequate way to manage the complaint in respect of conduct or misconduct of property managers. This model of registration is to be the basis upon which there will be some relief offered and will provide the opportunity for the commissioner for Consumer and Business Services to be able to deal with those matters, including disciplinary action for the recalcitrants.

In the course of consulting on the bill, the commissioner, Mr Dini Soulio, was kind enough to make himself available to provide information in a briefing arranged by the government upon our request. Today, I was provided with some information about the history of prosecutions and action

taken in respect of alleged acts of misconduct or underperformance of property managers. I thank those who attended to the provision of that information.

Essentially, the bill requires employees of land agents to be registered. These are the property managers, sometimes those who are listed as those managing the rent role of an employer. Currently, a person must be registered as a land agent to sell or deal with land or a business and an employee must be registered as a sales representative. The rules relate to commercial property management but not residential property management. I am advised further that we are the only state that does not have a registration of property managers. Bearing this in mind, the opposition indicates that we will consent to this bill.

There is some information I wish to place on the record. The second reading explanation of the minister asserts that there are some 180 calls per month in respect of the service or lack thereof, or the conduct or misconduct of property managers by both landlords and tenants. Essentially, the Consumer and Business Services department can pursue only criminal charges—that is, the stealing of trust money—and, further, can prosecute only the employer and not the individual employee.

Historically, as I understand it on the information provided, of course an employee can be dismissed from their employment and the employer can be prosecuted, subject to there being some level of knowledge, acquiescence or lack of supervision in relation to that employee. The purpose of this registration is to give a direct link with the party whose conduct or misconduct is under question.

The government claim that they are reducing a regulatory burden on commercial property managers as well under this bill, and there will be a lower overall cost. However, I am not sure how that can be either alleged or endorsed, because the Real Estate Institute of SA has indicated that there are no draft training requirements. No regulations have yet been prepared, and no costs or registration fees have been discussed or agreed to. Consumer and Business Services are apparently to arrange a round table with stakeholders, once the bill is passed.

We have just dealt with legislation in respect of liquor licensing, and we had the same promise from the government with no indication of what is going to be charged, just claims that it will be better, quicker and cheaper. That is the usual chant from the government; I have heard it many times. The reality is that the outcome creates a very different picture, and the observance of this of course is more in the breach.

It is a complete mystery as to what is going to be the required level of training and what the cost is going to be. I am told, at present, by the Real Estate Institute that they offer a course for something like $990. It comprises I think three or four units in an area of expertise and is a four-day course. They obviously provide this service primarily in respect of the legalities and ethics aspects of property management.

We do not know who else is going to be a registered training authority or what agency will be. One can only assume that TAFE will be taking up this opportunity. If they undercut the Real Estate Institute and charge $650 for a course, we are yet to see how that is going to work out and what competition there will be in the market, or what unfair competition might come into the market. In any event, the Real Estate Institute, notwithstanding that it is a registered training organisation itself and is, I suggest, approaching this blind, is supportive of the proposal.

The government's claim in the briefing was that, in respect of the allegations of some theft or fraud of the rent or bond moneys or trust account larcenies, these are matters that are referred to the police. There was some concern expressed at the briefing that there had been occasions when this had been referred to the police, but there had apparently been no appetite on the part of the Commissioner of Police to prosecute these matters.

Today, I have received correspondence from the minister's office, signed by the Attorney, with information that he has doubtless been provided with by the commissioner for Consumer and Business Services. I will reflect on some of this information provided because it relates primarily to what action has been taken for prosecutions that have been referred to the SA Police. Firstly, in 2014 CBS issued 314 written warnings and 70 expiation notices. In 2015-16, they issued 438 written warnings and 57 expiation notices. These largely related to breaches arising out of their annual trust account audits.

It does not necessarily mean that there was stealing, but I am assuming, on the basis of the action taken, that these were relatively low-level infringements. However, they go on to say that there are currently 18 ongoing real estate and conveyancing-related investigations. They of course do not necessarily identify them as being specifically regarding property managers but, in any event, these have been raised. What is important to note is that they also report:

> In recent years, CBS has referred three matters to SA Police for prosecution, with an additional two matters referred by complainants. Matters referred to SA Police by CBS are generally reserved for serious misconduct relating to major fraud. Four matters include alleged trust account theft and fraud of rent and bond monies resulting in a combined estimated total of $1 million in claims to the Agents Indemnity Fund (with over $600,000 paid to date).

The letter then goes on:

> Notable outcomes in recent years have included a successful prosecution, eight public warnings issued, four assurances accepted and a referral to the Australian Criminal Intelligence Commission. Further, three additional matters were referred to SA Police by registered land agents for trust account thefts by employees (unregistered property managers). The agents were subject to written warnings as the Commissioner was satisfied with their actions of self-reporting and personally rectifying the issues (i.e. terminating employment, replacing trust monies and strengthening safeguards against further misconduct).

What is not clear from that information is why only one of these matters was successfully prosecuted, and, more importantly, which commissioner made the decision to issue written warnings in respect of matters that were serious enough to report to the police for prosecution and have been identified as being from a serious misconduct relating to major fraud, yet they were not apparently prosecuted.

It may be that the Commissioner of Police and/or the commissioner for Consumer and Business Services took the view that the explanation given by the employee, or the commitment to repay the moneys or leave the employment and go and work somewhere else (hopefully not perpetuating that conduct anywhere else), was sufficient to deal with the matter. So, I think we need some explanation as to what is going on here.

If on the one hand cases are being referred to the police and they elect not to prosecute, or they make a determination that there is inadequate evidence or insufficient support statements from witnesses or documents to corroborate the evidence in respect to the charge, then I think we should note that. If they have simply elected not to proceed with the investigation and prosecution of these matters, then I think we need an explanation, because if these are—which is stated in this letter—matters of serious misconduct relating to major fraud that are being referred, then we as a parliament need to know that they are being acted on.

Certainly, we have seen fraud in the Attorney-General's own office, in his own department. We have seen a major fraud in recent years in respect of the Victims of Crime Fund, which was under his very nose. More recently, there has been a very significant fraud in the Public Trustee, so, frankly, I do not have a lot of confidence that there is adequate supervision under the Attorney-General's watch. However, I do expect that if an enforcement agency has referred to it serious matters from the commissioner of Consumer and Business Services, particularly serious misconduct relating to a major fraud, it should be acted on and, if it is not acted on, we should know about it. That is not a matter that should, in my view, attract some lesser action, particularly when the government is now coming to us saying that we need to have a registration process with a significant stick, namely, enabling us to empower the commissioner to implement disciplinary action or prosecution, with penalties up to $100,000 and/or five years' imprisonment.

There is not much point in coming to the parliament and asking us to support a regime that may or may not be effective in ensuring that we have a better system in respect of the services provided by property managers, more particularly to provide a means by which there can be adequate discipline in relation to this field if in fact, with the law as it currently stands, they are not actually acting on it. I think we do need some answers from the government as to what is going on in this regard and not just impose another level of bureaucracy, for which the terms and conditions are yet to be defined, on that particular profession.

I say that because this is a professional service provided to the public, in this case to ensure that the rights and entitlements of a tenant and a landlord are properly administered and that there is a process for the payment of bonds, the maintaining of properties in a fit state and, of course, the provision of services in them on a fit-for-purpose basis by the landlords for the tenants. There are

interests to be protected on both sides, and the property manager has significant obligations in respect of that in addition to the management of the timely return of bonds and the like when, inevitably, there is a transfer of tenancy or one party seeks to leave the arrangement.

That is frequent in the residential tenancy world for lots of reasons—I am not casting any aspersions on that—but obviously people's employment changes, they go to live in another town, state or suburb and they need to change their residential arrangements. It is a fairly high turnover, possibly much higher than in the commercial tenancy world. I make the point that we offer, and have offered for a number of decades, a residential tribunal-type process for the speedy management of tenancy disputes. Recently, it was absorbed into the new South Australian Civil and Administrative Tribunal, but it essentially operates in the same manner.

Consistent with that, we need to make sure that there is a process to ensure that the standard of the profession of property managers is maintained. I think that members can see that I am not overjoyed at the prospect of having another level of registration and regulation, and I do want some answers in response to why there has been no following through on the prosecutions by the police and/or the commissioner, whoever made that decision, in respect of the information that has been provided. Otherwise, the opposition will not oppose the bill.

In respect of tenancies generally, I think that two things need to be looked at; one is the electronic equipment and program used by SACAT for the purposes of the receiving and return and/or adjudication on bonds. I am told by those who work in the profession that a number of circumstances have been raised with the government in respect of the timely attention to the payment out and/or debiting against and/or refunding of the bond. This is obviously unsatisfactory for both landlords and tenants and needs to be remedied. Multiple concerns have been raised, and I think that matter should be addressed.

If it is not going to be addressed in this week's state budget, I think the Attorney-General needs to beef up his position in the cabinet and make sure that some of these things happen. It is not acceptable in this area of the property world—namely, the tenancy management for which property managers and the real estate industry generally pay very significant fees, and will pay a lot more and be involved in funding the costs of further training and, while we are at it, providing an annual revenue to the state of nearly $9 million net or probably more in this financial year. In fact, this is the only part of the Attorney-General's responsibility that actually makes money for the government.

I just make the point that you cannot rape and pillage those in the industry because they are bound by a licensing-type scheme or registration and expect that they not have adequate and proper services, including the electronic management of bonds, in this case, for the industry in which they are regulated. The Attorney-General clearly needs to step up and say, 'You can't just rape and pillage this industry. You need to make sure that they have proper services that go with it.'

The other matter I want to raise is that, as the Attorney knows, we have passed legislation in this parliament to deal with prescribed addresses that are identified as bikie places of occupation. This was largely to deal with the non-consorting of members of bikie gangs. In that legislation, we have listed a whole lot of proscribed addresses. The purpose of that was to identify them as places where there is not to be any meeting of more than two persons in an outlaw motorcycle gang.

This proscriptive process was a rather novel approach. Nevertheless, we worked with the Attorney to try to make sure that we were not unfairly dealing with not just the subsequent use but whether the government were inadvertently including in their list of proscribed addresses those that had lawful and legitimate tenants in them. In fact, when the list first came to the parliament I think two properties were identified as having families living in them.

For some reason, they were put on the list, and we had to redo the list and they had to be removed. I think there was a list amongst the outlaw motorcycle gangs of a poor, innocent and hapless motorcycle club that was accidentally put on the list, and we had to take that group off the list when it was found that it was just a group of 60-plus blokes who liked wearing leather jackets and riding around on motorcycles in a perfectly lawful way.

Here is the problem now: we have created a system in which the identification of these properties has been made. As best I can see, it has had the desirable effect of breaking up a meeting

place for the outlaw motorcycle gang. I drove past one out towards Wakefield Road the other day and saw that it was completely demolished and being rebuilt into another premises, which is pleasing to see. Hopefully, the next enterprise will be lawful, productive and useful to the community.

The process of being able to move on and have that address removed as a proscribed address, as being a place at which there was a fortress or headquarters of a bikie gang, appears to be very cumbersome and can take months and months. If the property is sold and it is determined that the purchaser wants to redevelop the property for the purposes of a lawful enterprise, that exercise is both expensive and time consuming and it needs to be looked at. When the Attorney-General considers the practical implications of that legislation, I would ask him to look at that aspect.

If it is established that the person or entity who has acquired the property clearly has no association with the former group—that is, the outlaw motorcycle gang, most of whom are now operating just over the border in Victoria or in their lounge rooms in South Australia, so we have not got rid of them or their activities per se—they ought to be able to get on with the development of those assets ASAP. That is a matter I ask the Attorney to have a look at.

I want some answers in relation to the prosecution—there is not much point in setting up a new system if, in fact, they are not even utilising the old one—and I would like some commitment in respect of the programming of the material and bond moneys that go in and out of the CBS. Finally, while he is at it, I would ask him to look at the proscribed places for the purposes of serious and organised crime and the impediment that is having on the prospects of redevelopment of those properties in a timely manner for a productive and lawful purpose. With those few comments, I indicate that we will not be opposing the bill.

Mr WHETSTONE (Chaffey) (16:20): I rise to speak to the Land Agents (Registration of Property Managers and Other Matters) Amendment Bill. The bill amends the Land Agents Act 1994. Currently, a person must be registered as a land agent to sell or deal with land or a business. An employee must be registered as a sales representative, and the rules relate to commercial property management but not residential property management.

The bill requires employees of land agents to be registered, similar to the sales representative registration, and I am advised that South Australia is currently the only state that does not have registration of property managers in this area. According to the state government, around 180 calls are received regarding this issue through Consumer and Business Services per month, and I know that my electorate office has had some of those people call with concerns in respect to the service or conduct of property managers by both landlords and tenants.

The government claims it is reducing regulatory burden on commercial property managers, and it will be an overall lower cost. However, consultation with the Real Estate Institute of South Australia indicates there have been no draft training requirements, costs or registration fees discussed or agreed, and I am sure that the deputy leader will be asking those questions in her examination during the committee stage.

The Commissioner for Consumer Affairs will have the responsibility to implement, maintain and enforce the registration and/or conduct of property managers under the bill, and if you are seeking to register as a residential property manager you will need to hold the prerequisite qualifications to show that you are fully qualified with the necessary skills and knowledge base to work in the industry. Under the changes to the bill, the Commissioner for Consumer Affairs has greater powers to take action against unprofessional property managers.

As I understand it, the registration system will apply only to people employed as residential property managers and not to those individuals with a less formal arrangement, such as managing a residential property for a relative. It is important to note that the majority of landlords and tenants do the right thing, but there are instances where people can take advantage of the system. Stronger powers mean that there are clearly defined consequences for those doing the wrong thing.

In many instances, agents and managers do the right thing. Those who do not do the right thing are playing with people who are trying to sell or move. They are dealing with someone's life savings. They are dealing with something that in many instances people have been working all their

working life to be able to afford. If those people put their trust into someone who is not doing the right thing, or who cannot be trusted, they are playing with danger. If I drive past a home or property in the Riverland that has a home-made For Sale sign, it always rings alarm bells with me and sends a message that the sale is not going to be undertaken by a professional agent.

The Real Estate Institute of South Australia CEO, Greg Troughton, has said on the proposed changes to the bill:

> Walking the quagmire of balancing the needs of the landlord and tenant is not an easy thing to do, and licensing will better ensure, for generations to come, that they meet the training requirements to undertake this very important balancing act in the South Australian community.

A newspaper column opinion piece by a professional in the industry published late last year touched on the impact of unprofessional agents. It went like this:

> It still surprises me that people think you can survive in this industry and be a crook. If you can't believe agents do it for the good of their hearts then understand most real estate agencies survive off peer review. A good experience sees a rush of business, a bad experience sees agents with no homes to sell.
>
> Governing bodies…have done an exceptional job in advancing the level of professionalism in our industry. But obviously, like in any industry, there are some bad eggs.

It is just like in regional areas such as the Riverland; feedback about real estate agents is particularly important for their business, as word of mouth plays a large role. I am sure every member in this house will understand that word travels fast—particularly in small regional communities—and that bad news or a bad experience travels even faster, so it is in the agent's best interest to do the right thing to remain in business for the long term. Again, that really does ring true. In a small suburb in Adelaide news travels quite fast, but it does not travel as fast as it does in a small regional community such as the many in my electorate in the Riverland.

In conclusion, I support any measures that provide further support to ensure that those seeking to work in the residential real estate industry are fully qualified and provide the most professional experience possible.

The Hon. A. PICCOLO (Light) (16:26): I rise to speak in support of the Land Agents (Registration of Property Managers and Other Matters) Amendment Bill 2017. This is an important bill that seeks to provide a much stronger and professional residential tenancy sector to better protect the interests of all parties, tenants and landlords alike.

I agree with the comments made by other members that, in the main, most property managers act in an appropriate and professional manner; that is certainly my experience in my area. However, there are some property managers where the kindest word to describe them would be 'rogues'; unprofessional, unethical and a whole range of other adjectives would fit their role. Unfortunately, I have one of those in my town. They are quite celebrated in the media (I say 'they' so that I do not give away their gender), and I am sure that the commissioner has heard their name mentioned once or twice in dispatches from tenants and landlords alike. I say that because this particular property manager does not discriminate; they are just as obnoxious towards tenants as they are towards landlords. It does bring the profession into disrepute, and this bill goes a long way to making sure that we have appropriate standards of behaviour in that industry.

The private rental market will play an increasingly important role in the housing system, and is the fastest growing type of tenure in Australia. With an increasing number of people not being able to afford to buy a home, there will be an increasing number of people who will be tenants, and there will be an increasing number of people, obviously, who will be landlords. That relationship between landlord and tenant requires professional mediation at times, and that is where the property managers come in. They must be beyond reproach and must have the skill set to make sure they can manage the business well.

I understand that approximately one in four South Australians rents privately, so we must ensure that appropriate safeguards are in place to address any wrongdoing by those who seek to undermine the credibility of the real estate industry. The proposed registration will ensure that property managers have satisfied minimum probity requirements and possess the knowledge and skills required to perform property management duties.

Further, it will ensure that the commissioner can take action against individual property managers where appropriate rather than their employer, the registered land agent. I understand that property managers are required to be employed by a registered land agent unless they are operating as a stand-alone rent-roll business, when they must be a registered land agent in their own right. For employees, there is currently no training or probity requirements; only their employer is liable for their actions.

I have had constituents, both landlords and tenants, share their stories with me. Just the other day I put a message on Facebook asking people to share their stories, and I must confess that it was probably my Facebook entry for the week in terms of people who accessed it, so there are obviously issues that need to be addressed in this particular area of the profession. Also, one of the major stories I hear from both landlords and tenants is about managers in regard to their property management knowledge and entering their home for an inspection, etc. That would be clarified.

All other jurisdictions require some form of licensing and registration of residential property managers. I believe that in South Australia property managers should also be accountable and subject to minimum checks. Similar to builders and electricians, property managers enter people's homes on a regular basis. It is reasonable to ask that they provide a police certificate to the regulator and are deemed fit and proper to work in the profession.

I know that I would not be comfortable with the property manager who has been convicted of dishonest offences or the like in my home, let alone to carry out an inspection. I understand that the commercial property managers in South Australia are currently required to be registered, not like residential property managers. However, they must be land agents or sales representatives. This can be costly, requiring qualifications that are just not relevant to the work they are performing.

I am pleased to see that the government has not revisited the proposal from the former national occupational licensing days when the scope of a sales representative would have included property management. This would have extended the existing regulatory burden and unnecessary qualifications for commercial work to residential property management as well. Rather, the government has achieved a fair balance, in my opinion, between regulation and consumer protection.

The changes proposed introduce a third tier of registration specific to property management. This means that qualifications can be targeted to the scope of work the registration entitles the person to perform. I understand that the new property manager registration will be cheaper and require fewer qualifications in recognition of the difference between this occupation and sales representatives. This will save commercial property managers time and money for both new entrants into the industry and existing commercial property managers who may wish to downgrade to the cheaper registration.

The government has not taken this step lightly. There has been a thorough review of available data and evidence, which has determined that there is a regulatory gap and demonstrable need for this registration. I am sure that many of my colleagues would have heard many stories from both tenants and landlords concerning property managers. However, as I said earlier, I do not wish to paint the profession in a bad light. Most property managers are reputable and skilled and do their job properly.

I believe they would tend to agree with me that not just anyone can walk into the role and perform their job effectively. They need knowledge of tenancies legislation, including the rights and obligations of tenants and landlords, and an ability to negotiate. By 'negotiate', I do not mean hurling abuse at their tenant or landlord. A particular property manager who is infamous in my town is an expert in hurling abuse and invective, not only at landlords and tenants but at any regulatory authority as well. They are not immune from abusing police officers, certainly not immune from abusing my staff or making comments on my Facebook and Twitter in all sorts of descriptions about my personal self.

I must confess that it is water off a duck's back, but I have had people from the Salvation Army come and talk to me about people in need who were almost driven to suicide by the way they were treated by this property manager. It is appalling behaviour. These are the rogue elements in this industry we need to weed out.

Mr Duluk interjecting:

The Hon. A. PICCOLO: No, I am not going to name them. I take my responsibilities seriously in this place and I will let the law speak for itself when it is passed. The law will do what has to be done. Mind you, I am sure this property manager will go to my Facebook page and out themselves tonight because they just will not be able to help themselves.

Ms Chapman interjecting:

The Hon. A. PICCOLO: Yes, they will not be able to help themselves. One day I will tell you some of the stories that involve this property manager. It is not a laughing matter; it is quite serious. Also, property managers advise on market rents and represent the landlord at tribunal hearings. This property manager is also well known at the Residential Tenancies Tribunal. I am sure they are pretty well known at SACAT as well. In fact, there are special arrangements when this person turns up to hearings.

Ms Chapman interjecting:

The Hon. A. PICCOLO: Sorry?

Ms Chapman interjecting:

The Hon. A. PICCOLO: Yes, just to mention a few of their attributes. While this may come with experience for some, minimum training requirements is how we approach this with other occupations, and for good reason. A person's suitability and competency need to be considered before they can perform the role without supervision. Unfortunately, within any occupation you can get some bad eggs, as I indicated, and this affects people's views of the profession.

These changes will not only protect tenants and landlords but also underpin the professionalism of the sector and help protect the credibility of reputable and trusted property managers. Unfortunately, because they are not registered sales agents or sales representatives, the Real Estate Institute cannot take action against them either, so these people actually have no regulation at all at the moment, in effect.

I understand that some of the evidence and data highlighted that Consumer and Business Services receives over 180 calls a month regarding alleged inappropriate or poor behaviour, or a lack of knowledge and understanding of legislative requirements. The Real Estate Institute of South Australia reports receiving over 150 calls to its advisory service and another 200 direct to their property management expert.

Further, Consumer and Business Services issued 438 written warnings and conducted six investigations throughout 2015-16. I am advised that some of these investigations related to tenants reporting faults but no repairs being done. Imagine not having hot water and the person you are meant to be reporting it to fails to do anything about it. Often, the landlord is at a loss and does not know either.

Yes, there are avenues in place to pursue the matter, such as the tribunal, but first and foremost the property manager should be accountable. I do not believe it is reasonable that a person needs to apply to the tribunal because a property manager has failed to inform the landlord, and that does happen. There have also been allegations of property managers billing landlords for work never performed, etc. This is unacceptable and I strongly support the commissioner having appropriate powers to address such misconduct and re-evaluating a property manager's entitlement to be registered.

The bill also proposes some changes to trust account breaches. Presently, I understand that the commissioner can only take action against a land agent where trust money has been misappropriated, regardless of whether it was one of their employees. Land agents may have the best of intentions, but their livelihood and reputation can be at risk due to the actions of some rogue employee.

I understand these changes will ensure that the person who has misappropriated the money is liable. These are serious breaches. I saw in the news in recent months that an agent in Queensland misappropriated $230,000 in the wake of the 2011 Brisbane floods. They spent the money on propping up a failing business and gambling. The agent abused a position of trust and deliberately

falsified records to avoid detection. Again, this is unacceptable behaviour. This behaviour can have serious ramifications for the affected tenants and mum-and-dad property owners.

I think it is very important to point out that this legislation is designed to protect not only tenants but also landlords. If we have a professional group of property managers, they will make sure that, first, properties are on the market and, secondly, that tenants can actually live in peace as well. I strongly support the increased penalties to better address this misconduct, which is $100,000 and/or five years' imprisonment. However, I note that if the matter relates to major fraud then South Australia Police may still consider prosecution, which can attract penalties of up to 10 years' imprisonment.

I commend the Attorney for this considered and fair approach to closing this gap with other jurisdictions, with commercial property management and with similar occupations. I am also aware that the Attorney, the department and the commissioner have undertaken extensive consultation and that this proposal is supported by the Real Estate Institute of South Australia. I am certain that these changes will increase protections for all parties in the tenancy sector, as well as support the hardworking and reliable professionals in the property management sector. I think the bill creates a win-win for not only the industry but also important elements of that industry, being the tenants and landlords. I commend the bill to the house.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (16:39): I would like to thank all the contributors to the second reading, and I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: I raised questions during the debate on this matter as to which commissioner elected to deal with two of the three cases, or it may have even been four of the five cases because two came in via complainants, in respect of alleged major frauds. Firstly, which commissioner determined that? Was it the Commissioner of Police or the commissioner of Consumer and Business Services? Secondly, why were those cases not prosecuted?

The Hon. S.E. CLOSE: As the member for Bragg rightly foreshadowed, I will need to take that on notice and provide the information between the houses.

Clause passed.

Remaining clauses (2 to 24) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (16:41): I move:

That this bill be now read a third time.

Bill read a third time and passed.

INDUSTRY ADVOCATE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2017.)

Mr WINGARD (Mitchell) (16:43): As the lead speaker, I rise with great pleasure to speak on the Industry Advocate Bill. As we know, the bill is an attempt to make the Industry Advocate a statutory body. The Industry Advocate has been doing quite a bit of work around town, and we need to have a look at why this position is in place.

The Industry Advocate has been put in place to help industry talk with government and help with getting South Australian products into government procurement. If we look at why this is so important, we know it is very important to have South Australian products in South Australian government procurement, and it is very important to be exporting South Australian products interstate and overseas. It is also very important to be growing our economy, and that is potentially why this position has taken on greater focus and more importance.

So when we look at why the government is keen to have this position, we need to look back at the statistical history of South Australia. We know that the trend unemployment rate in South Australia is currently at 7.1 per cent. We have had the highest unemployment rate in the nation for 30 months in a row, so we know employment is a very big issue and, more specifically, unemployment in South Australia is in a very, very dire position. We also know that youth unemployment in South Australia is the highest in the nation.

The Labor government promised to produce 100,000 jobs back in February 2010. That was the commitment, to produce 100,000 jobs. Have they produced 100,000 jobs in that time? No, they certainly have not. In fact, they have produced only 17,200 jobs. Again, we can see that jobs is a very key point. South Australia's economic growth was 1.9 per cent in 2015-16. South Australia's gross state product grew 1.9 per cent compared with 2.8 per cent nationally. Only Tasmania and Western Australia grew slower than our state. So we are six out of eight when it comes to that measure as well.

Exports were $1.09 billion in April 2017—$11.05 billion in the 12 months to April 2017. Those figures show that exports fell 5.2 per cent on an annualised basis compared with the previous 12 months. The government's target is $18 billion by 2017, including services, so we are a fair way off that target as well. Another thing to take into consideration is interstate migration. People are leaving South Australia. In the year ending September 2016, it was minus 6,484. That is a massive exodus of people from this state. There are more people leaving than there are people coming, which is another big setback for South Australia.

We know that water prices in South Australia have again increased 233 per cent between 2002-03 and 2016-17. CommSec's State of the States ranked South Australia seven out of eight in terms of economic performance. That is the background. That is why it is important to fight for every position. That is why the government has put a real focus on the Industry Advocate and brought this bill before the house.

We need to do everything we can, and we understand that, but we need to have the background as to why it is absolutely vital for South Australia to fight for every possible job because we are in a dire state. We are in a very, very bad position. When we rank ourselves against all the other states in the country, we are doing incredibly badly. The unemployment figure is the key indicator. When it comes to unemployment, we have been at the bottom of the pile for 30 months in a row. That is the history. As I have said, 15 years of state Labor have put us in that position.

The member for Kaurna brought this bill before the house. We need to work out what the Industry Advocate is going to do. The member for Kaurna is adamant that the Industry Advocate will help to grow jobs in South Australia. He is saying that we need that conduit between business and government. A lot of people I have spoken to have begged the question: why are business and government not talking better? Why are they not communicating better? Why have we got to the point where we need to have an industry advocate in place?

It is a very fair question. Why have we come to this point? Many are concerned that it is the mismanagement of this government that has created that poor communication and that poor relationship between business, and South Australian businesses most importantly, and government procurement. The solution is the Industry Advocate. Whilst there may be some upside to it, there are some concerns as well, and I will run through a few of those as we go through this.

The member for Kaurna highlighted the use of steel. We know about the problems in Whyalla and Arrium steel and using South Australian steel in projects that the government is procuring. In his speech, I note that the member for Kaurna talked about the Northern Expressway and Arrium steel, and I am really keen to know how much Arrium steel from Whyalla—not Arrium steel from other sources—will be used in the project.

The recording, as the member for Chaffey says, is a very important point because it is the recording of where the steel comes from that we need to keep an eye on. The member for Kaurna says that there will be more Arrium steel in the Northern Expressway. We will hold him to that and we will keep checking on that. However, we have asked about the NRAH, the Convention Centre, the Adelaide Oval and other projects around South Australia. We have asked what steel was used, and how much South Australian Arrium steel was used? They say, 'We don't know. We didn't record it. We didn't keep it.'

We have reached a situation where now we need to have an industry advocate in place to make up for the government's shortfall in not knowing and not having that information at hand. It appears that the Industry Advocate is in place to cover the backside of a government that has not kept checks and balances on its procurement processes and what has happened. That seems to be the reason this is actually happening.

We know that the intent of the bill is to give South Australian businesses an opportunity to be involved in government procurement. The Industry Advocate will also resolve complaints, remove impediments to South Australian businesses and improve the procurement practices and processes I talked about. The Industry Advocate will maintain the Industry Participation Policy, and we understand the reason behind that. A fining system will also be in place for the Industry Advocate, should someone not adhere to the proper terms and conditions, and they can fine up to $20,000, which is interesting, too.

Speaking to different industry groups and getting feedback from different industry groups, I think the need for the idea is the very important factor here. The need for a body to facilitate between government and South Australian businesses to help with procurement has been brought about by 15 years of Labor's leadership, if you want to call it that—lack of leadership is probably a better term, I think—in South Australia. That is why the Industry Advocate is being put forward.

There are a couple of other interesting points regarding the bill. Speaking to some of the key stakeholders, they support the role of the Industry Advocate but they have concerns and questions and a number, including the Master Builders Association, questioned whether it needs to be a statutory position. Of course, the bill enshrines it as a statutory body, yet what some of these people are suggesting to me, and what a number of stakeholders have suggested to me, is that surely we should reach a position where government and industry have a very firm relationship and where they are working through that and a third party is not needed.

A number of stakeholders, including Business SA and the Ai Group, are concerned about the red tape and the cost it is going to add—and that is one of the big concerns about the bill. In principle, we understand what the government is trying to do and, like everyone in this room, knowing those stats and figures I reeled off at the start, we need to be doing everything we possibly can. The Ai Group has also raised a concern about the five-year term for the Industry Advocate as opposed to potentially a three-year term being more appropriate.

Again, I think they are coming from the same view, that if we can get this right and get this fixed then perhaps the Industry Advocate may not be as pertinent in the future because it is a problem that has been created and, if it could be resolved, will the Industry Advocate be needed in the future? Whilst the situation has meant that we need this position at the moment to help manage the problems we have, will it be needed down the track? Time will tell. The big issue, when we put these positions in place, is whether they will put a burden on industry.

Business SA has raised that with us, as they are concerned that this could put an unreasonable burden on the supplier. Added costs are another concern, as I have already mentioned. They are a couple of the issues that industry is talking about when it comes to this bill and they are things that we will very much be keeping an eye on during the passage of this bill. Another point I would like to make, and the member for Bragg will be mentioning this, is the concern centred around transparency. The bill calls for the Industry Advocate to be exempt from the Freedom of Information Act.

There is a grave concern about this state Labor government not wanting to be transparent and wanting to hide things. We think that the government should be transparent and should be accountable for what they are doing. To have this position exempt from the FOI Act is alarming, and

the member for Bragg will speak more about that. We notice that the Small Business Commissioner is not exempt from the FOI Act, yet the government are looking to make the Industry Advocate exempt from freedom of information laws.

We know there have been a number of issues in the past. We have an ICAC, and the government has blocked a number of our moves to open up freedom of information and make things more accessible. We know the goings-on with Oakden at the moment in relation to not revealing what is happening, not wanting to be open and transparent, being a closed government and keeping the people of South Australia at arm's length. It is alarming that under this bill the government wants to make the Industry Advocate exempt from FOI, and that raises some concerns for us, and others have also raised the issue with us.

On the whole, we want to make sure that South Australian companies and businesses are growing, that we are giving them every opportunity, and with procurement opportunities that is absolutely fantastic. We know from the figures I reeled off at the start, including the economic growth in South Australia of 1.9 per cent, that we are below the national average, which is 2.8 per cent, and that is a fair indicator that South Australia is not going so well. We also mentioned the unemployment rate. I do not want to bang on about it, but 30 months in a row—you really need to have a look at that and work out why South Australia is going so bad and why we are in such dire straits.

I stress again that we want to give every opportunity to every South Australian business, but the focus must be on growing the pie, making sure that we are growing outside South Australia and overseas. That is why we on our side have policies in place, such as increasing the number of trade offices overseas so that we can sell more of our goods and services to other countries and grow the size of our pie. At the moment, South Australia is shrinking. We are being strangled under this state Labor government and everyone is feeling the pinch.

When I go doorknocking in local streets, I hear families talk about their children being forced to move interstate or overseas to work because there are no job opportunities in South Australia. That must be changed; it must be turned around. If the Industry Advocate goes a little way towards helping that, then all well and good, despite a couple of concerns raised by some key industry groups. The focus must be on the bigger picture, on growing the pie for South Australia, and that is what we on this side of the house are very focused on. With those few words, Deputy Speaker, I thank you for your time.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (16:56): Can I commend the member for Mitchell for his contribution as the shadow minister for small business. I assume from his contribution that the opposition intends to support the bill. For that, I congratulate and commend them because I think it is a case of bipartisanship being the best course for this particular matter.

Could I start, as the Minister for Small Business, Investment and Trade and Defence Industries, by responding first to some of the interesting points that the member for Mitchell raised and then cut to the substance of the bill. First of all, could I extend to the member, as the shadow minister, an opportunity for a briefing on any small business matter. I would be delighted to make the Small Business Commissioner, the Industry Advocate or the Simpler Regulation Unit or DSD available at any time. If he would like to let my office know, we will set it up because I think there is lots of scope for us to work together. We all want small business to flourish.

The issues of unemployment raised by the member for Mitchell are well known. It is true that 6.9 per cent is an unemployment rate we would all prefer not to have. Being realistic, historically South Australia for the last 30 to 40 years—in fact, really since it was created—has faced some fundamental disadvantages compared with other states. It has meant that we have always bounced around in the bottom half of the employment figures and it has always been a struggle. We are at the end of the river, and we do not have the abundant natural resources of states like WA, which exports 42 per cent, I think, of our entire export output, or of Queensland, of the mountains of coal New South Wales enjoys or the dynamics of population growth seen in Sydney and Melbourne. We are the driest state in the driest continent.

Going back to Playford, there is a need to be very creative. Playford was the classic example of creativity in the way that he went out there and created the whitegoods industry, motor vehicle manufacturing, weapons research establishment and all the collaboration that went on with Defence both here and in the UK to establish a lot of key industries. Of course, in a protected economy, with a protected dollar, with barriers up, that strategy worked. Now we are transforming and we need to change the way we are doing things. Getting that unemployment rate down will be an ongoing challenge for whoever forms government for the coming decades.

It is a case of needing strategies and answers, rather than talking about the problem. I know that it is the natural tendency of many commentators, both in the media and in the political class, to discuss the problem—and we do need to discuss the problem—but it is always helpful if there are also some policies or solutions on what to do about the problem that come with that conversation. The government is certainly endeavouring to do that, and I think the Industry Advocate Bill that we are debating is one of those solutions that the government has developed.

Of course, there is the non-accelerating inflation rate of unemployment—that natural rate that is presumed, generally, to be around 5 per cent. It is very hard to get below that, and New South Wales has just edged below it, but there will always be a group in the community who, for one reason or another—disabilities, drugs and alcohol issues and certain other factors—economists generally recognise will not be employed for one reason or another, and that is generally around that 5 per cent mark.

You can take the view: is the cup 93 per cent full, or is it 7 per cent empty? We can ruminate, but there have been times when unemployment has reached 12, 13, 14 per cent. Certainly, in some of the countries I have visited it is remarkably higher than where we are and they would love to have our problem. Nevertheless, being at the bottom of the list is a title we would rather not have, and you make the right point that we all need to strive to fix it.

The issue of population growth comes up as well. Again, that is linked to the general economic paradigm that has been South Australia's story for a long time. Once the nation made decisions to float the dollar, deregulate the banking system and engage in an international economy, certain fundamentals kicked in that have culminated, ultimately, with the closure of the motor vehicle industry that cannot compete. As the member knows, they were decisions made by the current federal government, and it could have been avoided, but there was probably—

An honourable member interjecting:

The Hon. M.L.J. HAMILTON-SMITH: What was that?

The DEPUTY SPEAKER: He should not be interjecting, and you should not take any notice of him.

The Hon. M.L.J. HAMILTON-SMITH: I apologise for inviting him to do so.

The DEPUTY SPEAKER: Ignore him.

The Hon. M.L.J. HAMILTON-SMITH: I lost myself—I am probably looking for a barney. I think that most commentators would agree that there was a certain inevitability to the motor car industry, eventually, and there were some strategic reasons for that. How did the two countries that lost World War II manage to emerge from it with the most sophisticated motor car industries—Japan and Germany? I would argue because they were smart—very smart—and they decided that innovation, quality and excellence would be their paradigm in their motor car industries, and they produced Porsche, they produced Audi, they produced Mercedes and they produced Lexus.

We fell into a strategic paradigm of producing 'me too' motor vehicles from GM, Ford, Chrysler and then, later, Mitsubishi—those cars that are at the high volume, middle range, lower value and can be produced more effectively overseas. If we were producing Ferraris, Audis, Porsches, and so on, it might be a different story. We made some mistakes strategically as a nation over many decades and we have ultimately paid a price, in that the motor car industry will no longer be with us.

Anyway, we are where we are, and the question is: how do we emerge from that? How do we restructure the economy for change? It all needs to be built around intellectual property. It all

needs to be built around international engagement. We need to be producing smart, savvy products that are low volume, high value, high margin. For example, the wine industry provides a very good example. The food industry generally is producing high quality products that are sought after because they are good—very good—and our primary producers and winemakers are to be commended. We need to really emulate that across other industry sectors, including manufacturing, construction and services.

I was pleasantly surprised and uplifted when I saw the recent figures on services exports by the ABS—a growth of 11 per cent in South Australia, outperforming the nation, which is at 9 per cent. It signals that tourism, education and professional services, including construction and so on, are growing faster in South Australia than in other states, and that is a very good thing.

The economy of the future is going to look different. It is going to be built more around high-tech manufacturing, like naval shipbuilding and submarines, medical devices and advanced manufacturing in the food and wine sector. It is going to be about those dramatically different things. It is also going to be about looking at the 3.5 billion customers in our region, rather than at the 25 million customers in Australia. But it is also about making sure that government expenditure is wisely expensed and made accessible to all businesses, both federal and state. At the state level, by creating the Industry Advocate the state government has taken a step towards enabling small businesses and companies generally to access government work more freely.

I do remember—when I was leader of the opposition, actually—being asked to go out to the Northern Expressway by the civil contractors, who were very concerned at the time at the amount of interstate work being given on that project. I must say I was shocked to see three or four items of plant out of every five on that roadway with interstate licence plates. It was jolly outrageous, and I agreed with them that it was just terrible when you are spending state taxpayers' money and the work is going off interstate to companies in Queensland, Victoria and New South Wales—often because we simply had not made it easy for our people to get a slice of the action.

We are in a federation, and we cannot legislate or predicate that South Australian companies must get the action; we would not want that either, because we want South Australian companies to be able to bid for work in Victoria and New South Wales and Queensland. Many of them depend upon it. We cannot do anything that contradicts the constitution or strikes against federal laws. So the Industry Advocate was charged with finding solutions, and it has been a pretty good outcome.

South Australia is a small business state, and it is these small businesses that are the key to creating jobs in a growing economy. The Industry Advocate Bill will secure the government policy of assessing and rewarding economic contributions to our state in the SA government procurement process. The introduction of the Industry Advocate Bill—and I commend the member for Kaurna for his hard work on this—and the changes to the South Australian Industry Participation Policy signal the state government's strong commitment to help the continued growth of the state's small to medium enterprises by providing the right conditions and equipping businesses with the tools to innovate and grow.

The importance of government expenditure in stimulating economic growth has often been recognised overseas because of its ability to create an environment that is growth friendly. The government established an industry advocate position in 2013 to provide independent advice and recommendations to the government about procurement reforms. The aim was to use procurement as a policy tool to increase economic growth in South Australia. Under this bill, the Industry Advocate's role will be strengthened to make sure that, wherever possible, the government is purchasing from locally based suppliers and suppliers who source inputs locally, thereby maximising the economic contribution being retained by the state.

I must say it is part of a broader strategy. When I became small business minister I set up an immediate weekly communication forum between myself; the Industry Advocate; the Small Business Commissioner, John Chapman; the DSD head of agency, Adam Reid; and Julie Holmes, the head of the Simpler Regulation Unit. We meet every week, we share information and talk about what we can do to help small business thrive. There is regular communication. Those agencies report to other ministers and coordinate regularly with the member for Kaurna and the Treasurer and the Assistant Treasurer. We all collaborate to the benefit of small business, and this bill is largely a result of that collaboration.

Since the establishment of the Industry Advocate, as much as 90 per cent of the value of goods and services contracts let with suppliers located in South Australia has been achieved. This compares with 51 per cent in 2012-13, showing just how successful the Office of the Industry Advocate has been since it was established. There has been a similar outcome with the state government's major projects consistently showing 80 to 90 per cent going to local subcontractors and suppliers, which is spent on local jobs and manufactured products sourced from within South Australia, as well as raw materials supplied or sourced from within the state, all directly benefiting the state economy.

The Office of the Industry Advocate runs a Meet the Buyer series of events, and a Supplying to Government event, which brings together senior project and contract managers with the state government and local businesses. I have spoken at a lot of these, as the Minister for Small Business, and they are remarkably successful. You really do have a situation where small businesses can meet the people who are writing the contracts for that road, that school, that sewerage or waterworks project and so on. We have done them in Adelaide, we have done them in Whyalla, we have done them in Mount Gambier, we have done them all over the countryside, in the regions as well as in the city, because this is something that goes to every single corner of the state.

The positive feedback I have received as Minister for Small Business very much confirms the points made by my parliamentary friend the Assistant Treasurer about the state's Industry Advocate being seen by industry itself as a very significant asset. The government's Industry Participation Policy is being well received by businesses across the state. Mr Phil Sutherland from the Civil Contractors Federation sums up much of this sentiment with his comment, 'Don't ever think that the role of the Industry Advocate is not making a serious difference, because it is.' They are the very civil contractors who quite rightly pointed out to me all those years ago that too much of the work was going interstate without South Australians having had an opportunity to have a crack at it.

Grant Eckert, Group Manager for stationery group, Ancol, says, 'We are indebted to the Industry Advocate because, quite simply, without his services KW Stationers would no longer be trading in our current form. Having a dedicated advocate for local businesses was key in providing the confidence to invest $1.5 million in a new warehouse facility.' Given the relatively small size of the South Australian economy, local small to medium enterprises (SMEs) can be heavily reliant upon winning work let by state and local governments. There is also evidence in regional South Australia that this is the case, particularly when considering the value of procurement across 68 council regions.

I know the Industry Advocate has been helping the Local Government Association develop a model of economic participation policy for councils. My parliamentary friend the Minister for Local Government confirms that point. I would hope that most of the state's local councils will adopt this policy and actively apply the economic contribution weighting method used by the state. It is not about special treatment or price preferencing, but rather about assisting local businesses to be engaged in government procurement as a fair and efficient competitor who uses local people to fill jobs and sources materials locally whenever possible.

Finally, as the minister responsible for South Australia's trade and engagement internationally, it is my intention to build on the success of these strategies to increase the number and to diversify the number of businesses from South Australia winning work through the Asian Development Bank and World Bank procurement projects. This is a very important point. What we have done here is quite unique. It is showing national leadership. I do not think there is any other state that has the formula quite as right as we have. We are spreading that joy to local government.

Our challenge now is to go to the nation and to the world. I am encouraging the Industry Advocate now to embrace the procurement processes in Victoria, New South Wales, Queensland, Western Australia and everywhere, to be in a position to explain to South Australian companies what they need to do to compete for that work interstate. They are similar processes, and it is a matter of being aware of the tender sites and what the buyers expect, meeting them and going after the work.

We can replicate what we have achieved at the state government level interstate and then overseas, as I just mentioned, by going to the Asian Development Bank in Manila and the World Bank, and understand their procurement processes and get that message through to our own

businesses so that they can compete; then we will truly be internationally engaged. There are much bigger markets out there in Australia and the world for us to tackle using the same devices pioneered by the Industry Advocate that we have created here at the state level.

We are being looked at as a role model. The Industry Advocate recently gave evidence to a Senate subcommittee on Defence procurement in Port Augusta, and there was considerable interest in what we are doing. For example, Defence is spending quite a significant amount of money in Woomera, Cultana and Adelaide at Edinburgh and various places. What we do not want to see is material brought across the border—whether it is bread and milk or whether it is bricks and mortar—to fulfil Defence contract requirements because Defence happens to have a contract with a company based in Melbourne or Sydney and our companies, through lack of knowledge, simply did not know how to compete for that contract when it was put open.

We are trying to make sure that the commonwealth procurement processes are made known to our people so that they can go after the work. In that way, we will create jobs everywhere from Mount Gambier to Ceduna and from Coober Pedy down to Kangaroo Island. South Australia, through its procurement practices, builds local capacity, skills and expertise. A better understanding of dealing with governments will position our local businesses to participate more fully and competitively in a national and international setting.

Again, as the Minister for Small Business, I thank the member for Mitchell for his contribution and the opposition for signalling their support for this matter. I think you will find, going into the future, that this will deliver real and tangible outcomes for the people we are here to represent, the small business men and women of the state and their employees. I thank the member for Kaurna for bringing the bill to the house and I commend him for it. I commend the bill to all members.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:15): I rise to speak on the Industry Advocate Bill of 2017 and acknowledge the Assistant Minister to the Treasurer's introduction of the bill on 31 May. It had a gestation period of consultation over a number of months and follows the government's announcement that they would initiate this statutory body. Essentially, the bill proposes to enshrine the role of the Industry Advocate by statute.

Currently, Mr Ian Nightingale is the Industry Advocate, appointed in February 2013, so he has operated over a number of years to date. That followed the government's introduction of an industry participation policy in July 2012, which they claimed aimed to deliver an economic benefit to South Australia via procurement. Essentially, in that regard, where appropriate, it is to give some weighting for local employment, product and service in the procurement that is offered by contract in the development of their infrastructure, etc. It is a valuable pool of money, so it is not hard to identify the significant extra economic benefit to the state if, in fact, local produce and labour are employed.

It should be noted that the government continues to maintain a procurement board, which provides an annual report to the parliament. The State Procurement Board report for 2015-16 was published and I wish to refer to three features in respect to that report. Firstly, the functions of the board, as far as affecting members of the public, are described as follows:

> As the Government's principal procurement body for goods and services, the Board's objective is to oversee a system of procurement for public authorities directed towards obtaining value for money in the expenditure of public money, providing for ethical and fair treatment of participants and ensuring probity, accountability and transparency in procurement operations.

Whilst there are a number of strategies that support this board that it operates under, including to ensure that there is a level of probity in respect to the procurement offered by a number of public authorities, it clearly identifies a value for money principal objective. It seems to me, with the establishment of the Industry Participation Policy and development in that regard (through a different entity, admittedly) that there needs to be some consistency.

Clearly, the public authorities, which are basically the government departments and which operate under the rules that are applied and supervised by this board, have a number of exemptions. Included in those are a number of statutory authorities, such as the Motor Accident Commission, the Return to Work Corporation and the Urban Renewal Authority. If ever there were a body that should be under supervision, it ought to be that body, in my view. Fortunately, there are other means to

manage some of the projects they undertake, not the least of which is the one sitting out the back of this building and which seems to have haemorrhaged into dysfunction in recent times.

Let me go back to the fact that the State Procurement Board, under the Freedom of Information Act, is obliged in its annual report to the parliament to tell us about information that is to be published pursuant to section 9 of that act. I mention the fact that it is not an exempt agency under the Freedom of Information Act. The member for Mitchell has identified that we will be supporting the passage of the bill. There has been a call for the commitment to ensure that there be an industry participation policy and that we have some process by which to implement that.

Over the last three years, that has been under the supervision of the Industry Advocate, as I have said. It seems, on inquiry to Mr Nightingale, that there has not been, in the three years of his office, one single occasion when he has sought information from a contracting party under the definitions of this act, or anyone else he might have asked, for that matter, when information and documents have not been provided for his scrutiny. So, it begs the question why it is necessary to introduce a regime of a statutory body under which there is a penalty of up to $25,000 for failing to provide information or documents.

As others no doubt will identify, including the Law Society, there is no definition in this bill of what is to be covered by 'information or documents'; nevertheless, the potential $20,000 penalty for noncompliance is there. Members should be aware that there is also a confidentiality obligation and a proposed penalty of up to $20,000 for noncompliance with that on a person, who is presumably the Industry Advocate or any employees in his mini-department, who receives information or documentation.

There is one aspect of that I find concerning; that is, it is confidential, subject to legal proceedings. There is no identification of what the legal proceedings are. I raise this in respect of the question of how we deal with the obligation under this proposed legislation on someone who is a party to a contract, within the definition, but is also a party to litigation with the government in respect of a legal dispute, to produce a document to the Industry Advocate. Quite clearly, in those circumstances, we would suggest there should be no obligation to produce that material.

Let me raise a couple of other general matters in respect of the bill. The government claims that the bill is modelled on the Small Business Commissioner Act, which is an entity established by the government. John Chapman is the Small Business Commissioner in this state, and he has a role to manage and mediate disputes, frequently between contractors—small business—and the government because they are not being paid or whatever. Nevertheless, he is playing a useful role in that sense.

We from our side of the house did not see that as a necessary statutory role, but that does not mean he is not doing good work in trying to manage what has really been a burdensome job for the small businesses of South Australia in dealing particularly with government in respect of their rights being enforced. Notwithstanding that, it should be noted that the Small Business Commissioner model, under his act, does not make provision for that agency to be exempt under the Freedom of Information Act. They, too, have a model in which there is a penalty for not complying with a request to produce information or documents.

The Kangaroo Island commissioner is another commissioner of this government. There are plenty of them. In the last 15 years that I have been here, we seem to have been swimming in them. That is another one where there is a financial penalty if you do not produce documents or information. Indeed, even contracts of a local government have to be produced. There is a financial penalty together with this powerful weapon of reporting them to the parliament if they do not do as they are told.

If the education department at Kingscote does not tell the KI commissioner about what they propose to do in a certain area, they can report them to the parliament. Presumably, the KI minister, who I think still is the Attorney-General, is then able to march into the cabinet, armed with this report from the KI commissioner and say, 'These are naughty people from the other departments. Minister Close, what are you doing in your education department? Why haven't you given this information?' It is almost laughable.

Nevertheless, we have this concept where people have a financial penalty if they do not comply, or in the case of the KI commissioner, they are reported to the teacher. Under this bill, we are also going to have a report to the teacher process, where you give a report to the minister if they do not do what they say they are going to do under a contract. Presumably the Industry Advocate rings the minister—presumably he already does this if there is some difficulty in this regard—and I am not sure which one it will be yet. Let us say it is the Minister for Finance; he says, 'Dear minister, we've got a recalcitrant party here and we want some action.' 'Well, report to the teacher.' Big deal, I say.

In any event, the KI commissioner, under her legislation, is not exempt, an exempt agency. We have exempt agencies under the FOI Act for the ICAC commissioner, for SAPOL, for the Ombudsman's office. There are obviously investigative agencies, not a statutory inspector, for the government, which is what the advocacy bill will produce. They are not, and should not be, an exempt agency. It is as simple as that. There is no basis whatsoever for that to occur.

What has been presented to us is that there needs to be a level of trust by the people who are going to give the information that there will not be a breach of confidentiality in respect of what is commercial-in-confidence. Well, hello—that is exactly what is already in the Freedom of Information Act, which enables a document, or a part thereof, to be redacted or withheld on the basis of something being commercially sensitive, along with other things, including being exempt for the purposes of being a cabinet document, including personal information and the like. That is all in the Freedom of Information Act.

We do not need that in this act by declaring this an exempt agency and then having some clawback in clause 17 of the bill that purports to exempt in a sort of reverse way the agency, save and except for the financial and administrative information relating to the operation of the Industry Advocate—whatever that is—and statistical information that does not identify any particular personal business. There is no definition of these matters in this new bill. It is completely novel in this legislation.

It is completely unnecessary in the context of it being a freedom of information exempt agency because the Freedom of Information Act makes it very clear that the protections that are sought in this regard are already covered under the Freedom of Information Act. Is there not already an anticipation that the government will say that there should be some very explicit provision in this bill and it should be done in the reverse? There should not be an exempt agency under the Freedom of Information Act. In my view—and I will move an amendment accordingly—clause 17 should be deleted. There should not be an exempt agency at all.

I agree that proposed clause 13 can be amended to specifically protect commercial-in-confidence documents. That can be specifically there. It has to be in the same wording as the Freedom of Information Act. Furthermore, as has been pointed out by the Law Society, it is completely unacceptable that the government should be given the right via the Industry Advocate or any other party to demand, under threat of penalty of a major fine, documents or information when the party concerned may already be in litigation with the government. They are the party to these contracts. It is totally unacceptable. It is a backdoor disclosure or discovery process that is completely unacceptable. I am absolutely amazed that no-one from Business SA or anyone else, other than the Law Society, has screamed out about this. It is just completely unacceptable.

I say to the government: if you want to have this statutory provision in respect of the Office of the Industry Advocate, so be it, but do not try to cherrypick out bits of things that you say are going to be a helpful instrument in trying to ensure that procurement and the local use of a product or service or employment is going to be an advantage economically for the state by using this as some battering ram for the purposes of obtaining information in circumstances that you should not, or, further, using it as a means by which you can protect yourself against scrutiny, the same as any other government agency, in respect of what you do. That is the message I give clearly to the government.

Can I say that there must be some capacity to review an industry advocate's notice to demand the production of information. It is administrative law; it is administrative law 101. It is not acceptable that a person, whether they call themselves an industry advocate, a commissioner, the head of a department or anyone else, has the power to require a certain thing to happen and there

is no capacity for administrative review, other than to apply to the Supreme Court of South Australia as an administrative act, and that in itself is limited.

What is entirely appropriate here, the same as for any other act of a public sector employee or, indeed, a minister in this regard, is that there must be a review process. We would suggest that be via an option through the SACAT, which is supposed to be the streamlined, new, efficient, humming, multijurisdictional tribunal for the purposes of sorting out with a quick and efficient capacity of review.

I say that, with those three matters to be considered in the amendments, which I will move in committee, it is important that the government recognise that the importance of accountability is very, very significant here. It has some ironing out to do in respect of its inconsistency with the Procurement Board. I hear Mr Nightingale's plea not to overload him with the current work of the Procurement Board, and it may be that issue has to be looked at, but certainly some streamlining of the strategy needs to be dealt with. It does not have to be put into statute, but we need to have it dealt with.

Finally, in respect of transparency generally, the Freedom of Information Act needs reform, and we have been waiting years for the government to undertake Mr Lander's recommendations in respect of freedom of information reform. It still sits languishing, just like the whistleblower reform in this state—and that is deadlocked in a conference at this point and the government seems to have no appetite to move—and consistent with that is the government's approach not even to have open hearings for ICAC in respect of maladministration and misconduct matters.

At every level, the government appears to be closing down, shutting down and excluding the capacity for anyone to scrutinise their management or mismanagement of this state. The secrecy surrounding the information on which they rely, closeting it in a bubble of concealment, is completely unacceptable. By all means, move to a statutory body if you want to. It seems there is no reason that we have to have a statutory body. It seems there is not one single case of anyone not complying—and, frankly, why would they not comply? Most of them are desperate to get a job. They want the contract signed.

Nevertheless, if that is the way the government want to go through, we can see how that operates. In the meantime, do not try to cover it up with some secret cover and cloth of concealment as though this is going to be some agency of economic benefit for the state but it has to be done in some secret Star Chamber, unreviewable and with no protection for those who may find themselves prosecuted for their failure to provide a document or information.

As I said to Mr Nightingale during the briefings, it is not just the documents that you say you are going to rely on for the modelling, etc., that are later attached to the contract stating how many local people are going to be employed, what steel is going to be used, etc. The information is not defined. You can ask, 'Are you sleeping with the contractor's wife?' There is absolutely no definition in this bill, and we need to have some idea about what the rules are going to be.

The government, and in particular the Assistant Minister to the Treasurer, has a little bit more work to do. I hope that he will look sympathetically at our amendments because they are presented in good faith and try to make the Industry Advocate role continue to be productive, which I think it is. There is no provision in here for an annual report to the parliament—there is a report to the minister, and goodness knows what happens to it after that—but I think there should be. Nevertheless, I ask that we maintain some transparency and accountability and that the amendments are considered favourably.

The DEPUTY SPEAKER: The member for Hammond.

Mr Hughes interjecting:

Mr PEDERICK (Hammond) (17:34): Are you speaking?

Mr Hughes: I am going to speak, yes.

The DEPUTY SPEAKER: I have asked the member—

Mr Hughes: I will let you go first and you can listen to me last.

The DEPUTY SPEAKER: Order! The member for Hammond is on his feet and has the call. If he does not want to speak, he will sit down.

Mr PEDERICK: Thank you, Madam Independent Deputy Speaker. I rise to support the Industry Advocate Bill 2017. The bill establishes the role of the Industry Advocate as a statutory position and strengthens its powers to hold contractors to the commitments they make to utilise South Australian workers and materials. It seeks to capitalise on increasing community and industry stakeholder support for a 'buy South Australian' type policy, and this noise from the industry and community has come over recent years.

As we heard in earlier contributions, people are shocked when they visit some of our roadworks projects and see all the interstate plates on roadwork machinery. This bill essentially locks in the current advocate—and that is Ian Nightingale—for a five-year term and gives the advocate greater powers to require information, and that can be a penalty of up to $20,000. It also recommends action by the minister for noncompliance with commitments under a tender.

Quite a few stakeholders have been consulted on this bill, such as Business SA, the Australian Industry Group, the Civil Contractors Federation, the Australian Steel Institute, the Australian Subcontractors Association and Consult Australia. Broadly, they have all been supportive, although some have raised questions about details in the bill. There was concern raised by some about the role of the Industry Advocate. They questioned the need for it to be a statutory position. Concerns have also raised about the possibility of increased costs to taxpayers from the increase in red tape and government intrusion into the private sector. However, there has not been outright opposition put to us about this piece of legislation.

The bill enshrines the role of the Industry Advocate by statute, currently held by Ian Nightingale, who has been in that position since 2013. This followed the government's introduction of its Industry Participation Policy in July 2012, which aimed to deliver economic benefit to South Australia via procurement. As has been stated on this side of the house, there are clearly some deficiencies in the drafting of the bill, but we are concerned about the proposal to make the Industry Advocate an exempt agency for the purposes of the Freedom of Information Act 1991. Certainly, the deputy leader, the member for Bragg, will be putting an amendment in regard to clause 17 of the bill, which, except in limited areas, seeks that the Industry Advocate be an exempt agency.

The bill purports to be drafted on the Small Business Commissioner model, which, as I indicated, has a fine of up to $20,000 for a person who is a party to a contract who refuses a request to provide documents or information to the Industry Advocate. I note that the Small Business Commissioner is not an exempt agency for the purposes of the Freedom of Information Act. Currently, the list of exempt agencies includes royal commissions, ICACs, SAPOL, the Auditor-General, the Parole Board, the Crown Solicitor, the department of public prosecutions and the like. Over the last 15 years, we have seen the creation of a number of commissioners, providing status and, presumably, security of employment for these positions, but they have not even made the Commissioner for Kangaroo Island and exempt agency.

In regard to some of the legal advice we have received about the bill and the procurement process at present, the two documents and the tender process include the formal tender, which is treated as commercial-in-confidence, and, secondly, the local industry participation and job creation document. The Industry Advocate confirmed that the latter becomes an attachment to any contract in due course, but clause 13 could be amended to specifically protect against documents identified as commercial-in-confidence.

Certainly, we understand that the government have declined to accept a recommendation by the Law Society to define 'information' in the bill. They point out that it would be, at the very least, to compel someone who might be in dispute to request information relevant to it. I also note that there is no provision for a review of the Industry Advocate's notice, and this should be included, with an appeal available to SACAT, for example.

We believe that provision for the Industry Advocate to be an exempt agency is certainly not justified. There are protections already in the Freedom of Information Act—for instance, in regard to whether personal information, commercial-in-confidence, cabinet documents (and we have had

some discussions about cabinet documents in here recently), and documents, including communications between members of the Industry Advocate office and/or to the minister, should be available.

We on this side of the house have always maintained a strong commitment to transparency and accountability of government. As has been indicated recently, the government has certainly been brought to the table kicking and screaming in respect of the Office for Public Integrity and ICAC and still refuse to progress the whistleblowers act reform, including the right to go public after three months, and freedom of information reform has certainly stalled. We note that the Police Complaints Ombudsman reform took two years and that shield laws have consistently been opposed. We have seen all this go on under this government.

I would now like to talk about the different support of different people who represent this great state at a federal level and the use of local industry. Yesterday, the member for Grey, Rowan Ramsey, put a motion that, should the Adani coalmine go ahead, the order for $74 million worth of steel from Arrium in Whyalla should be used for the rail line to take the coal from the mine to the coast. I certainly acknowledge that the member for Barker, Tony Pasin, supported it, but then we note that Rebekha Sharkie, the member for Mayo from the Nick Xenophon Team, did not support it. She said that the project is only 2 per cent of Arrium's debt. How outrageous! We have a federal member of parliament representing this state not supporting—

Ms Chapman: It's incredible.

Mr PEDERICK: —yes, it is incredible, as the member for Bragg said—local work for South Australians in Whyalla, in the member for Giles' area. It is completely, absolutely outrageous, and people need to be aware of these things because we have a state election coming up, and when it comes up people need to take note of how people reflect on supporting local industry in this state.

In regard to the Nick Xenophon Team, they are not supporting local industry in this state in relation to the potential use of $74 million of steel produced at Whyalla for the Adani project. It is outrageous. It is outrageous to have that position, to just knock that amount of work out of this state on some green ideology, because of the Xenophon team's 50 per cent renewable electricity target. It is crazy stuff where ideology again rules the waves.

We have seen it here in this state with the clean energy target of this state Labor government of 50 per cent renewable energy, and we saw what happened: we saw Black Wednesday on 28 September last year, we saw blackouts earlier this year and we will see more blackouts this summer, unless they bring a Turkish ship along that is usually moored off places like Iraq supplying emergency power to Third World countries. We are probably going to see a ship off the coast that can generate hundreds of megawatts of energy using either fuel oil or diesel. We might see 200 huge 40-foot containers, diesel generators. So where is everyone's climate change policy now? We just melt down a bit more diesel to get us through summer, and that is what will happen.

It is interesting to note that with all this opposition to coal, the Finkel report acknowledges that 58 per cent of our energy in Australia at the moment comes from coal sources, and in 2030 we will still be needing a generation capacity of 56 per cent of coal to keep our power supply going in this country. People really need to have a look at what people are saying around jobs. They need to talk about the targets. On this side of the house, we support the federal government's energy target of 23.5 per cent; that is a far more realistic target in regard to energy generation in this state and this country.

I just want to reflect on Peter Humphries. From what I am told, he was anointed and just had to go through the preselection process for the Xenophon team to be the lead candidate in the other place, the Legislative Council. Yet on the same day that the member for Mayo was on the radio, he was on the radio condemning their climate change policy, so guess what happened to Peter Humphries? That was the end of his state political career. From what I understand, he got a text that afternoon from Nick Xenophon and it was all over—all over just like that. He should have held his fire and at least got through the preselection process, and then they would still have done him over, I guess.

People need to look at the ideology of different political parties in this state. They need to have a darned good look at what people are actually saying. I note, though, that the Labor Party in South Australia—even with their mad, ideological response to green energy and fast-tracking it and imposing darkness on this state with their 50 per cent clean energy target—from what I understand actually support Arrium steel going into the Adani coalmine project, if it goes ahead. Good on them for that, because none of this should be standing in the way of those jobs at Whyalla and the jobs that flow on from those jobs at Whyalla—the freight of that steel, the handling and everything else that goes along with that production. People need to have a good look and reflect on anyone who discounts any job opportunities in this great state of ours; they need to have a darned good look.

We support this bill in regard to the Industry Advocate. It does seem amazing that we need to legislate that governments have to have a certain percentage of procurement from South Australian contractors. You would think it would be just common sense, but I guess common sense does not come into play and we have to legislate to make sure that ministers do the right thing as far as procurement goes with major projects in this state. We certainly support it; we will be looking at some amendments in the committee stage of the debate but, in the main, we support the bill. I commend its speedy passage through here and the other place.

Mr HUGHES (Giles) (17:48): I think I might be a bit briefer than some of the other speakers, but it is very tempting to chase down some of the tangents that have been produced in this debate. I acknowledge that the opposition, in the main, supports the bill. I am a strong supporter of this bill, and also the work of the Office of the Industry Advocate, both Ian Nightingale and Nari Chandler as well as the other people who work in that office, and the good work they do. They were recently up in Whyalla at the Meet the Buyer get-together up there. A lot of businesses turned up and it was a very productive day. I think the businesses I spoke to found it a very useful exercise.

Of course, my interest in the Office of the Industry Advocate and the work it carries out has centred for some time now around the future of the steel industry. Before getting on to that, I will chase down one of the tangents because we had Adani in Whyalla with the Acting Prime Minister at the time, the national resources minister. It was somewhat strange to see all these people coming to Whyalla to witness the signing of a memorandum of understanding. It was not actually the signing of a done deal. It was the signing of a memorandum of understanding and the Acting Prime Minister was there.

People talk about ideology, but ideology was clearly on show at that time. I know a lot of people who work in that part of the steelworks that produces rail. I know people at the finishing end at the rail plant. Indeed, I have a son who works as a fitter in that part of the steelworks. It is interesting to put the Adani contract into some sort of context. We produce over one million tonnes a year of steel in Whyalla, and the Adani contract would represent over a two-year period something over 50,000 tonnes of steel. You need a bit of context.

The thing that angered me about the visit to Whyalla was the way it was staged to get some headlines in the media, especially in *The Australian* which gave it the front page before they got to Whyalla. Bear in mind that this is a community that has been facing an existential threat, and the headline was that if the mine goes ahead, this Adani contract would be a lifeline for Whyalla. That is nonsense. The workers at the steelworks felt that they were being used in quite a cynical political exercise.

If the mine goes ahead, we welcome the steel contract. We will sell steel to anyone. Rail projects are good projects to get. There is a regional margin on rail, but the inland project would be a far more useful contract to get, a far bigger contract. When it comes to the federal government and the federal member for Grey, Rowan Ramsey, and when we start talking about procurement, I have had the debate with Rowan in our media some time ago before we all became friends again because we want to secure the future of the steelworks.

When I talked about steel procurement in my community and said that the federal government should mirror what we have done in South Australia when it comes to steel procurement, he rejected it out of hand. In fact, he did not even understand the policy in South Australia. So, I think that the federal government has a responsibility to ensure that it maximises the use of Australian steel in projects that it supports in the various states around Australia.

When we were having this argument, he said that procurement should just be a state responsibility when it comes to projects, notwithstanding that a lot of these state projects require a very significant financial input from the federal government. It would have been very easy for the federal government to insist, as a result of their funding support for the various states, that they use Australian steel which, to me, is a no-brainer. I find it bizarre that other countries have no problem in going in this direction nationally and have gone in this direction for many years.

I will get back on to the bill itself now, but I just had to mention some of those bits and pieces. As the member for Giles, I can tell you firsthand how important this bill is to securing jobs in critical industries like the steel industry in our regions. I know that the Office of the Industry Advocate is now starting to focus on the regions. It is good to have Ian Nightingale in that office because for part of his life Ian was the head of a regional economic development board based on Eyre Peninsula, so Ian knows the importance of supporting business activity in regional South Australia.

The Industry Advocate Bill commits the South Australian government to maintaining its Industry Participation Policy, including as a key objective the economic development of the steel industry. It also strengthens the Industry Advocate's power to ensure contractors on state government projects follow through on their commitment to use local steel, steelworkers and fabricators.

Our Industry Participation Policy mandates that reinforcing and structural steel used on projects funded by the South Australian government must fully meet Australian Standards. Steelwork procured for public works in South Australia must also be sourced from independently verified fabricators that are capable of meeting quality requirements to ensure its quality and safety, levelling the playing field for the local steel industry even further.

The South Australian government believes the quality of locally produced steel and steelwork creates a competitive advantage for our steel suppliers and fabricators that should be capitalised on. Government projects that use significant amounts of steel include a 20 per cent industry participation weighting at tender that measures commitments to local jobs, investment and supply chain opportunities.

It is really important to understand how that policy works because it meshes with a standards-based approach. One of the usually naïve criticisms is that a standards-based approach is not sufficient and that is all that we have, because it is clear that there are mills overseas capable of producing steel that meets Australian standards. A lot of the steel that has come in to Australia does not meet Australian standards, which is another failure at a national level, the fact that we have substandard steel that comes into this country. That has also sorts of implications; it has cost implications and safety implications.

When you speak to boilermakers who go to do their work on some of this imported steel, they are amazed at the incredible poor quality of the steel that they have to work on, which is often impossible to weld. Even through one section of steel, you can get varying degrees of quality in a section of steel. This stuff has been coming in to our country because not only the private sector but also some public sector entities have been using this steel because they think, 'Oh God, this is a bargain; this is cheap,' but it is a false sense of economy.

We know what happens when you do not adequately ensure compliance with standards, and it goes beyond steel. The building industry is rife with it and the consequences of that are sometimes incredibly serious. Look at what has happened in London; apparently, that material did not meet the standards and I think it was actually illegal. I seek leave to continue my comments.

Leave granted; debate adjourned.

NATIONAL GAS (SOUTH AUSTRALIA) (PIPELINES ACCESS-ARBITRATION) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:59 the house adjourned until Wednesday 21 June 2017 at 11:00.

Answers to Questions

ABORIGINAL AFFAIRS AND RECONCILIATION DIVISION

245 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 5, page 83—where will the Aboriginal Regional Authorities be located, how often will they meet and what monitoring will be undertaken by the Department of State Development to ensure regional priorities are delivered?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Minister for Aboriginal Affairs and Reconciliation has received the following advice:

On 4 July 2016 the government announced the recognition of the following Aboriginal Regional Authorities (ARAs) under the South Australian ARA Policy:

- The Adnyamathanha Traditional Lands Association, which represents the Adnyamathanha people of the Flinders Ranges and the surrounding areas.
- The Far West Coast Aboriginal Corporation, which is located in Ceduna and represents the Far West Coast Aboriginal People, made up of the Wirangu, Mirning, Kokatha, Maralinga Tjarutja, and Yalata Peoples, as well as the descendants of Mr Edward Roberts.
- The Ngarrindjeri Regional Authority, which is located in Murray Bridge and represents the Ngarrindjeri People of the Lower River Murray, Lakes and Coorong region.

Over the past nine months, the Department of State Development has worked with the ARAs and government agencies to agree a set of regional priorities in which to work together. These were formalised in Recognition Agreements signed between the Minister for Aboriginal Affairs and Reconciliation and each ARA on country during March and April 2017.

The Recognition Agreements establish a leader to leader relationship between relevant ministers and ARA leaders, and a regular forum for discussing activity relevant to the agreed priority areas. This forum will take place at least once per year or more frequently as required.

Activity in the agreed priority areas will be progressed at the agency level. With the last of the three Recognition Agreements signed on 18 April 2017, the Department of State Development will now support implementation of the agreements across government.

ABORIGINAL BUSINESS CONNECT

247 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, volume 4, page 68—how many businesses are currently registered with Aboriginal Business Connect and what assistance is provided to these businesses after they have registered?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Minister for Aboriginal Affairs and Reconciliation has advised:

As at 3 April 2017, 74 South Australian Aboriginal businesses are registered and searchable on Aboriginal Business Connect, with an additional 35 business in the process of completing their registration.

In April 2016 two FTEs were appointed to the Office of the Industry Advocate as part of the Aboriginal Economic Participation through Procurement Project to liaise between businesses listed on Aboriginal Business Connect and government agencies, and ensure Aboriginal businesses have the capacity to take advantage of procurement opportunities by linking businesses to a range of supports.

Supports are offered according to the needs of individual businesses, and include, for example, the Office of the Industry Advocate's Meet the Buyer and Supplying to Government program.

The Aboriginal Economic Participation through Procurement Project has seen a 40% increase in the number of suitable Aboriginal owned businesses engaged by Industry Participation consultants over the last quarter. Presently 54 Aboriginal owned businesses providing goods and services suitable for procurement by state government agencies are actively account managed by the Office of the Industry Advocate. This will increase further with the reach into the regions by the Office of the Industry Advocate.

Of the 54 businesses, 38% have been referred for assistance to other state or federally funded government programs.

CHILD PROTECTION

In reply to **Ms SANDERSON (Adelaide)** (21 September 2016).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

The development of a northern office of the Department for Child Protection is being progressed in consultation with staff as well as external stakeholders.

The Gawler office will not form part of the merger.

TRANSFORMING HEALTH

In reply to **Mr DULUK (Davenport)** (2 November 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): I have been advised:

The budget papers and Auditor-General's statements provide a summary and detailed plans of the savings requirements for the department. These were developed at the operational level across the portfolio.

PELICAN POINT POWER STATION

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (14 February 2017).

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): On 8 February 2017 at 6:31pm (ACDT), after checking on the status of the unit and making gas supply arrangements, ENGIE informed the Australian Energy Market Operator that if directed the off line unit could be available to synchronise by 7:30pm (ACDT). Therefore, it would take one hour.

The full sequence of events has been thoroughly documented by the Australian Energy Market Operator in their System Event Report for South Australia for 8 February 2017.

SCHOOL GOVERNANCE

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (21 February 2017).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

The implementation of the Hon Bronwyn Pike's *Review of Government School and Preschool Governance in South Australia* is progressing, with completion of all recommendations due in July 2017.

To date, five recommendations have been implemented. These recommendations were prioritised by the department for immediate action due to the impact they have on governing councils, these include the:

- employment of a dedicated Governance Adviser to provide direct support for governing councils and a central point in the department for governance matters (recommendation 4)
- development of a governing council portal—the portal is a 'one stop shop' for governance that contains information on the roles and responsibilities of council and councillors, employer details and information on how to work with committees (recommendation 1)
- delivery of face to face training during 2016, which was delivered to over 154 preschools and schools, with approximately 540 people attending. (recommendation 2).
- delivery of Parents in Education Week in 2015 and 2016 (recommendation 5)
- provision of model contracts for governing council employees (recommendation 14).

The remaining recommendations relate to system reform and policy development, with a focus on meeting local needs. New policies and procedures are currently being drafted to reflect this approach to governance (recommendations 3, 6, 7, 8, 9, 10, 11, 12 and 13), and where appropriate will be embedded in the new Education and Children Service Act. This is due for completion in July 2017.

CHILD PROTECTION

In reply to **Ms SANDERSON (Adelaide)** (28 March 2017).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

As at the end of March 2017 there were a total of 159 children in out of home care recorded as having come into care because there was no caregiver available, willing or able to provide care.

There were an additional 280 children in out of home care at the end of March 2017 who were recorded as having come into care under a three month Voluntary Care Order. These short term Voluntary Care Orders are utilised where there is agreement by the parents to place the child in care. This can include children whose parents are experiencing difficulty in providing the necessary care for their child.

RENEWABLE ENERGY

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 March 2017).

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): For 2015-16, South Australia's renewable energy production amounted to 43 per cent of the State's total generation.

The state's renewable energy production is calculated at the end of each financial year following publication of the relevant data by the Australian Energy Market Operator (AEMO).

Data for the 2016-17 financial year will be confirmed once it is published by AEMO.

Estimates Replies

MANUFACTURING AND INNOVATION PROGRAM

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (27 July 2015). (Estimates Committee A)

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Minister for Manufacturing and Innovation has advised:

A review identified savings in program expenditure of $1.2 million due to programs ceasing earlier than originally planned and underspends relating to the delayed commencement of programs.

In addition, operational savings of $1.3 million were due to a reduction of two FTEs in 2014-15 and three FTEs in 2012-13 (full effect felt in 2014-15) as well as the division exercising fiscal restraints in spending moneys on goods and services including travel, contract staff and printing.