LEGISLATIVE COUNCIL

Thursday, 22 June 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:02 and read prayers.

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

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (11:03): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. MALINAUSKAS: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (11:03): I move:

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

Motion carried.

Bills

SUPPLY BILL 2017

Second Reading

Adjourned debate on second reading.

(Continued from 20 June 2017.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (11:04): I rise to support the Supply Bill, as the opposition always does in this place. We support the bill that—

The Hon. S.G. Wade: We've still got a few grumbles about it.

The Hon. D.W. RIDGWAY: Well, we might grumble about it but we never, ever do not support the Supply Bill. It is important to have the financial resources there for the government to continue to run, even though it is running as poorly as it is at present. It is probably not the fault of the public servants that this Supply Bill will pay; it is the lack of leadership and lack of interest from the current government that finds the state in the situation it is in today. As I said, it allows the mechanism to provide the government with the money to pay the Public Service.

This year it is $5.9 billion, which is an awful lot of money. In 2016, just a year ago, it was $3.44 billion. In 2015 it was $3.29 billion, and in 2014 it was $3.941 billion. It is a bit intriguing that we have bumped up by $2.5 billion from last year the money that the government requires over basically the same period of time. I am not sure why you would have to have that amount of extra

capacity. The budget is always passed. We are not like the Senate here, where we argue over every detail and it takes months and months for that to pass. In some cases, budget measures never pass in the Senate.

By and large in this place, the budget is passed, with the exception of perhaps the last election, when we did campaign very strongly against the car park tax. Of course, we got 53½ per cent of the two-party preferred vote and we saw it as an opportunity to be faithful to the majority of the 90,000 more South Australians who voted for the Liberal Party in that particular election to defeat the car park tax.

I recall a conversation with the Treasurer, the Hon. Tom Koutsantonis, who said that it was a nasty thing for us to have done and that we should not have done it. I said to him that, when the Labor Party gets 53½ per cent of the vote and are still in opposition, if the circumstances are the same, then they might like to pick on a budget measure of a Liberal government at that time. I reminded him of the 53½ per cent. That is what I expect in this chamber, that the crossbenchers would respect that it was a 53½ per cent vote; 90,000-odd more South Australians voted for the Liberal Party than the Labor Party at the last election. It is interesting—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Mr President, can you protect me? I do not want to have these nasty interjections.

The PRESIDENT: Will the honourable Leader of the Government allow the honourable opposition leader to give his supply speech.

The Hon. D.W. RIDGWAY: It is interesting—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: That's right. I could seek leave to conclude in a minute.

The Hon. K.J. Maher: And then we could sit tonight.

The Hon. D.W. RIDGWAY: I don't want to sit tonight. It was interesting that the notes that were prepared a couple of weeks ago for the Supply Bill talked about last year's budget being a jobs budget. Of course, we see that it is all about jobs again. Look at the track record of this government. Sadly, I have a note in my drawer that the Hon. John Gazzola reminded me that it would be a very long time before I would ever be sitting on the other side of the chamber, if ever.

I look at that occasionally and see that it was some 14 years ago that he said that to me; it is a very long time. I recall all the things that have been promised in budgets over that 14-year period and all the hardworking public servants who have been there waiting and the supply bills that we have passed, and I wonder whether we have really made the most of our opportunities in the last 15 years that I have been in this place, if you look at where we are, our status.

The Hon. I.K. Hunter interjecting:

The Hon. D.W. RIDGWAY: Minister Hunter interjects, 'We wonder where we're at.' The government ought to wonder where they are at, given where we are. These figures have often been rolled out: 8 per cent of the exports; now we are down to less than 4 per cent of the exports. Population growth is slow. We all know about the unemployment rate. There is a whole range of factors.

I know we have been having some questions in recent times around the Ice Taskforce and that response. I am reminded that one of the very first acts that the public sector was put to was to put together the drug summit in 2002. My colleague the Hon. Angus Redford was one of the Liberal opposition delegates to that conference and to that summit, and yet we still have the Minister for Police and Correctional Services in here talking about their response to the Ice Taskforce. I always wonder: why on earth have we got to that point?

I remember reminding one of my colleagues yesterday of how the Hon. Mark Brindal, the member for Unley—I am not sure, but I think he was just a few weeks short of being able to call himself 'the honourable'—in our party room, used to talk about the scourge of methamphetamine

and that he was worried about it. I shared four years in the same party with him. Between 11 and 15 years ago Mark Brindal was saying, 'This is a real problem; we need to do more about it.'

The Hon. P. Malinauskas: And then you necked him.

The PRESIDENT: Order! Will the honourable minister please refrain from interjecting.

The Hon. D.W. RIDGWAY: No, I do not think I was involved in his necking. He decided to retire from parliament. But it is interesting—

Members interjecting:

The Hon. D.W. RIDGWAY: It has nothing to do with the member. It was actually the minister who yesterday said I was politicising the drug issue, and now he is being frivolous and out of order.

The Hon. P. Malinauskas interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I make the point that this is a problem that has not just happened yesterday, and we have had to have a task force to look at it. It has been a growing problem in our community. People might think I am a little exuberant with my interjections when we are talking about drugs, but I have a couple of extended family members whose families and lives have been destroyed because of interactions with illegal substances. So, when we are talking about something that is illegal in our community and it has been allowed to grow and get out of control, I get quite upset because I am sure there are dozens if not hundreds of other families, like my extended family, that have gone through those problems.

We are yet to see this as a jobs budget, and we are talking about the jobs of the current crop of public servants that are in place to be funded. I am still questioning why—and I am sure the minister does not have an answer—we have gone from $3.44 billion to $5.9 billion. It is only a simple $2.5 billion dollars more that you need, and it is the same period of time—three or four months—until the budget is passed. You would expect that a CPI increase might be $200 million or $300 million, maybe to take it to $4 billion, but to take it to $5.9 billion (virtually $6 billion), that is an extraordinary amount of money, so I would like some information from the minister in relation to why the government needs so much more.

Last year, it was a jobs budget. It is a jobs budget again. It has been a jobs budget in the last couple of years. Last year's budget predicted jobs growth of only 0.75 per cent, and that was reaffirmed in the Mid-Year Budget Review. That is less than half the national growth. I wonder what sort of growth we are going to see this year. The Mid-Year Budget Review also confirmed that GST revenue this year will be $512 million more than the previous year. It will be interesting to see what the figures are when the budget is handed down today. We expect it could be up by another $400 million. The next GST revenue (next year) will actually be $922 million more than was collected in 2015-16.

Of course, we have the sale of all the assets, the Motor Accident Commission and others, that are propping up the budget that our public sector has been dealing with. We saw today in *The Advertiser* some discussion around the sale of the forests. It is interesting, there was a lot of conjecture that was started, I think, when the Hon. Rory McEwen was minister. He claims he did not ever support the sale; he just wanted to look at a creative way of using the forward revenue. That was his version of what he wanted to do. We now see that the forests are returning about $100 million a year, and the revenue to government, before it was sold, was around $25 million to $40 million—something in that range.

I beg the question of why you would sell an asset. Even if you are committed to the private sale, why would you sell an asset at the bottom of the market when the asset is performing poorly? Surely, anybody with any business sense would—and I wonder what advice the government got—get the asset ready for sale, make sure it is performing well and make sure that you are trying to sell it at the top of the market.

The government is very different from running a small business when the bank manager is breathing down your neck and you have no choice but to sell off an asset or sell something to survive.

Government has the capacity and a massive balance sheet. So, we are not going to sell it at the bottom of the market, we are going to get it ready for sale and will sell at the top of the market. I expect we probably could have got another $500 million to $700 million for the sale of the forests, if it was done at the right time.

I now want to quickly touch on a couple of the areas that I deal with and not go on terribly much longer. It is interesting to see the work that has been done over the years in the two areas of tourism and agriculture. I am going to take a little different approach. At two social functions I alerted the chief executive of the SATC and the chief executive of PIRSA that I will be putting some questions in my supply speech and I will send them a copy of *Hansard.* I will also send a copy to the minister so that when we get to estimates they have had a month's notice rather than saying, 'We will have to take that on notice,' or, 'We don't actually have time.'

It is always unfortunate for shadow ministers in this chamber because we do not get a chance to ask questions. Members will recall the last two Tourism estimates: two years ago it was taken up mostly with minister Bignell's travel and a whole range of things that he had been doing, and last year, of course, it was taken up with Elite Systems and the debacle of seven small businesses losing $1 million as a result of the government not doing its due diligence.

The government knew that Elite were in trouble, but the government did not forewarn the businesses and did not make sure that the money that the government was paying the Motor Sport Board, or SATC was paying to Elite Systems—they put them on weekly payments because of its financial position—was going to the subcontractors. Of course, Elite fell over and the subcontractors were out of pocket to the tune of $1 million.

One, in particular, was about half a million dollars and, to rub a bit of salt into the wound, of course that half a million tipped him over the payroll tax threshold so that he got a payroll tax bill on the wages he had paid. He did pay the wages, but he did not actually get paid for the work that he did, so he got a payroll tax bill. Then, because he did not have the cash flow to pay it, he got a fine on top of that bill for not paying it, yet it was all as a result of the government not doing due diligence and making sure that the money they were paying to Elite was going to the subcontractors.

They were all South Australian businesses. I am not sure, but I do not believe Elite had overseas directors and shareholders, so these were all South Australian small businesses, such as metal fabrication, labour hire, plastic moulding, that were done over and lost money because of the failure of the government. They did not actually have to put their hand up, but just make sure they were paying Elite on weekly payments because they were in financial trouble, that Elite were paying their people. Why did they not make sure that Elite were paying their people?

That was a catastrophe. Clipsal is one of our premier events, and we are proud of it, but there are seven small businesses saying, 'We never want to have anything to do with that ever again. It has cost us $1 million.' I said to both Mr Ashby and Mr Harrex that I would like to ask a couple of questions. The first one I will put on notice, I expect, or I will just send him a copy of *Hansard,* although it is not question time. The question is around the Fujian Clean Food Centres that minister Gago announced when she was minister in this chamber in 2012. I think it was in September/October 2012, so it is not quite the fifth anniversary of it.

These two clean food centres were to be built in Fujian in China. They were to promote South Australian food and wine. There was quite a lot of fanfare. I recall that, sadly, the minister had to abandon a trip at one stage because of a typhoon, but they had a tickertape parade planned for her with a great banner in the main street stating, 'Welcome, Hon. Gago, Minister for Food,' and all the trimmings that went with it. However, because of the typhoon she did not go, but there was a lot of effort put in by the Chinese.

I raised some questions there, and the minister was quite annoyed that I had raised them, so I agreed to attend a meeting with Ian Nightingale, who I think may have been the chief executive at the time, and Mr Sean Keenihan in the minister's office, the same office that minister Maher now occupies as Leader of the Government. They briefed me on this project and said how important it was that we have bipartisan support, and they were a little annoyed that I had asked these couple of questions a day or two before.

So, we stopped asking questions and said, 'If it's a good project, these clean food centres, where we can promote our South Australia produce, we are all for that.' These centres have never eventuated. To my understanding nothing has been built on those two sites five years later. My questions that I would like answered are: what was the actual cost of the program; how much was invested; which staff were involved in it; and what is the final status of the Fujian clean food centres? It is another example of where something is announced, there is a lot of fanfare, and a lot of effort is put in by departmental and agency people and then it falls over.

The question also should be: what due diligence was done on the Chinese people who were putting that project together? There has been speculation around that particular program that maybe good due diligence was not done. I do not expect minister Bignell to sit in estimates and read it out. Estimates is at least a month away, so it gives the chief executive a little bit of time to say, 'Yes, we do need a good update and a full explanation of what has happened with the Fujian Clean Food Centres.

There are another couple of issues in tourism that I would like to touch on as well: one probably crosses over to the Minister for the Arts and one crosses over to the Minister for Infrastructure. There is an event called Hybrid World scheduled for early October this year. All the collateral talks about its being through Events SA, through the South Australian Tourism Commission, as the founding and principal partner of Hybrid World. The funding, from what I can understand, is coming from Events SA.

So, recently I sent an FOI to SATC to find out the facts, and they are interesting. The minister and others say, 'Oh, we don't like to tell people what we are spending on these events because we go into a competitive bidding process and we're not going to tell you.' History has shown we have not been told what we paid Lance Armstrong or what it cost to get the boxing match here earlier in the year. This is not like those: this is an event that we are creating ourselves.

Mr Harrex said to the Budget and Finance Committee that it is not something that we are poaching from somewhere else: it is a new event that we are creating for ourselves. I understand that it is virtual reality, drones. It has been described in *The Advertiser* as a geeks conference, which is a pretty cool way to describe it because it involves that group of people, those who are into modern technology and all the stuff that will surround us over the next 20 or 30 years, such as driverless cars and artificial intelligence.

It was being launched on Friday by the Premier. Mr Harrex appeared before the Budget and Finance Committee on the Monday, and I said, 'Do you know what Hybrid World is?', and he said, 'No, I don't know what it is, I've never heard of it.' I said, 'Well, that's a bit weird, because it's got your branding on it, and on Friday the Premier is launching it.' He said, 'Oh, actually I do know about it, but I can't tell you anything about it.' I guess it was confidential; he did not want to tell us or the media until after the launch on Friday.

There has been speculation that as much as $2 million or $4 million could be going into this new event for two years. It was interesting, so I did the FOI and asked for information around the budget and how much is being spent. Even though the Tourism Commission is the founding and principal partner, it indicated that, 'No, you have to speak to the film corporation because they are actually running the project.'

I will send this little bit of *Hansard* through to minister Bignell, Mr Harrex, minister Snelling and I think it is Mr Peter Louca, the head of Arts SA. If it is a new event and it is successful, that is a great thing because we have not had too many new events that have been successful. We have had two or three old ones that have gone from strength to strength: the Tour Down Under, the Clipsal, Tasting Australia (events that have been around for some time), the World Solar Challenge—things that have survived across a number of terms of government and different sides of politics.

I always congratulate the current government for making sure that those events have been supported. I recall premier Olsen and minister Hall telling me the story about announcing the Tour Down Under. As we all know, after you have a ministerial statement and question time you go into the bar and have a coffee or a scone or something. At the time the member for Port Adelaide, the Hon. Kevin Foley, came in and said, 'What, a bike race? You're mad, nobody will ever come to that.' Well, thankfully, lots of people have come, and it has been well supported. During his time as

Treasurer I am sure that he was very happy to continue to support it. So that has been a good event has been supported by all sides of politics.

This one we do not know anything about, so I would like for either minister Bignell or minister Snelling (and I will send this *Hansard* to the chief executives) to tell us what is the budget, what are the details around it, because nobody knows. It has quite an extensive website; it did not have one to start with, but that is starting to build, and there will be a bit of a conference involved with it.

We should all embrace this latest technology, because if you do not embrace technology you get left behind. I think there is an obligation to let the people of South Australia and the taxpayers of South Australia know what you spend their taxes on. Given that we are not in the marketplace trying to poach this or buy it from another state or another country, that it is something we are going to create ourselves, let us have a look at what we are doing, what the budget is, and what return on investment they expect to get.

The other one, before I quickly close—I told the minister I had only two or three minutes and I am now up to nearly half an hour—is regarding the Convention Centre. In budget estimates we always have the Convention Centre, Mr Alec Gilbert and his team, turn up, and Anthony Kirchner from the Entertainment Centre turn up. We never call them to the table because we always have some crisis we have to handle with, as I said, Elite Systems or minister Bignell's travel or something else that distracts us. We do not get a chance to ask them questions.

However, the Convention Centre is just about to be completed; from my recollection the opening will be late in August. I think this is more of an infrastructure/DPTI project but, again, I will be sending this *Hansard* to, I think, minister Mullighan and his chief executive to actually get a full breakdown, full budget, on the whole project from when we started: how much they spent, are there budget overruns?

We all support investment in the convention space, and I see in today's paper that minister Koutsantonis is saying that we going to be spending more money on the visitor economy. That is a good thing, because our share of the national pie is shrinking. We are growing, but not growing as fast as the other states, so we would welcome more investment in the visitor economy because if we keep going the way we are, with the small growth we have compared to the other states, we will become less and less relevant.

I will send these details to minister Mullighan and his chief executive to ask whether, at estimates time, they can bring back some sort of report on what they have spent, the budget, the project to budget, the timelines—just a complete report on the Convention Centre. With those few words, I am more than happy to support the Supply Bill 2017.

The Hon. T.J. STEPHENS (11:26): I rise today to speak briefly to the Supply Bill 2017, which seeks to appropriate $5.9 billion in order to patch over government spending between 1 July and the time at which the Appropriation Bill is given assent. Looking at supply bills in past years, this amount seems to be significantly larger than what we have become accustomed to, and I want to know if this is a factor of more unbudgeted spending and blowouts. I dread today's budget and what demons we may find.

It should concern all South Australians that this Labor government requires nearly $6 billion for the day-to-day operation of government for the months between 1 July and whenever the budget may pass. This is an inordinate amount of money, and I find it hard to believe that the South Australian government is operating in its most efficient and cost-effective state. We see today, on the front page of *The Advertiser*, that the Treasurer is now spending the surpluses over the forward estimates. These are surpluses that exist only through the windfall from privatisation of dividend-paying government enterprises. Take ForestrySA for example, it was sold for $670 million, a figure which has proven to be only six to seven years of profit, if recent figures are to be believed.

I have often spoken in this place about the need for governments to realign their priorities and keep their mandate, and therefore spending, to the bare minimum in order to return tax revenue to the taxpayers themselves. Revenue is often used as a term in government as if the money belongs to the government. This is a falsehood. Tax dollars are taken forcibly from citizens in exchange for services. It should stand then that these services are absolutely necessary, because taking citizens' hard-earned money should be a reluctant obligation of any government.

This is why we need a change of government. It is time for a cultural shift in terms of government spending. There is no other way to return tax dollars to their rightful owners other than to limit government spending. Whilst any minister would be reluctant to reduce services, sometimes these things are absolutely necessary in order to govern responsibly, and that is what we seek to do on this side of the chamber. As convention dictates, I commend the bill to the council.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (11:28): I thank all members for their lengthy or brief or succinct contributions on this bill. There was one question that the Hon. David Ridgway asked in his contribution that I think I can provide an answer to before we quickly move through the committee stage. The amount for the bill for 2017 is $5,907,000 to provide sufficient appropriation authority until the date on which assent is given to the main Appropriation Bill 2017. The amount is based on the actual appropriations that will be required for the first five months of the 2016-17 financial year.

Normally, the amount of the bill would be based on the actual appropriations that were required in the first three months of the 2016-17 financial year. This amount would have been $3,514,000. The Supply Bill has increased this year to cover a longer period between the beginning of the financial year and the date on which assent is given to the main Appropriation Bill, so that is the reason for that. It is what I am being advised. With that, I look forward to the speedy passing of this bill.

Bill read a second time.

Parliamentary Procedure

VISITORS

The PRESIDENT: I advise members of the presence in the gallery today of students and teachers from Clarendon High School.

Bills

SUPPLY BILL 2017

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (11:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (POSSESSION OF FIREARMS AND PROHIBITED WEAPONS) BILL

Committee Stage

In committee.

Clause 1.

The Hon. T.J. STEPHENS: As I said in my second reading speech, the Liberal Party supports the bill. The bill is being pushed through a bit quicker than would be the normal convention. I have had no correspondence or concerns from anybody in the legitimate firearms community. As I have previously said in this place, I will always fight for the rights of law-abiding citizens who are firearms owners who do the right thing. At this point, I have had no indication from any of those groups who are legitimate firearms owners that this bill creates any sort of problem. In the future, if concerns are raised with me, then I will bring them back to the parliament. At this particular point, the Liberal Party is happy for the speedy passage of the bill.

The Hon. P. MALINAUSKAS: I want to acknowledge the support of both the opposition and the crossbenchers in moving this bill through relatively quickly. This is an important exercise and I appreciate that we have truncated the process somewhat in order to be able to realise a tight time line, so I want to acknowledge the support of the council and thank them for it.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (11:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 May 2017.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (11:36): I wish to take this opportunity to thank members for their contribution to the debate on the bill. On 16 May 2017, the second interim report of the Select Committee on Statutory Child Protection and Care in South Australia was tabled. The government thanks the members of that committee and those persons and groups who gave evidence to assist the committee to undertake the report. The government also notes the three recommendations made by the committee that were as follows:

1. the Government develop, with community engagement and consultation, a bill to amend or replace the Family and Community Services Act 1972 to better protect children and young people by facilitating early intervention, and by strengthening and supporting families;

2. the Children and Young People (Safety) Bill 2007 or a new bill should be considered by the Parliament in concert with the bill developed pursuant to Recommendation 1; and

3. the Government and the Parliament work together with the aim of passing both pieces of legislation by the end of 2017.

The government is pleased to advise that it has arranged a meeting in June with stakeholders to progress the early intervention work for the purpose of drafting a second and separate statute on this subject. Participants invited to that meeting represent both the government and non-government sector and are from a range of backgrounds and fields, such as research, medical and advocacy service providers in the field of child protection in the state.

Before commending the bill to members, I am advised that the government seeks to clarify comments made by the Hon. Ms Franks during debate on the second reading. Ms Franks' comments in her second reading were as follows, 'I was also informed in my briefing today that the government does not intend to bring forth an amendment to the Family and Community Services Act any time soon.'

As I have already said, the Department for Education and Child Development is currently progressing work on early intervention and potential Family and Community Services Act amendments, and has already made contact with the community sector to progress this work. The representations at the briefing were that the Children and Young People (Safety) Bill did not need to be delayed, and should not be delayed, for the FaCS Act work to progress.

The final matter to be addressed in the second reading is the ongoing debate and concern, both in this place and amongst interested groups and organisations within the community, regarding the emphasis in the bill on the safety of the child or young person; that is, protecting them from harm in lieu of best interests of the child. On behalf of the government, I cannot emphasise enough the

rationale for this approach as continuing the Coroner's recommendation in the inquest into the death of Chloe Lee Valentine. The Coroner made it clear in paragraph 22.12 as follows:

> I recommend that the Children's Protection Act 1993 be amended to make it plain that the paramount consideration is to keep children safe from harm. Maintaining the child in his or her family must give way to the child's safety.

The government undertook that necessary reform just under two years ago and seeks to carry this across into the future, as it has done at clause 7 of the bill. The government asks members to have this first and foremost in their minds when the bill progresses through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I will start by saying that the Liberal Party will seek to report progress immediately ahead of the government's amendments that were filed yesterday, as we will need to consult on the same and also attain party room approval, but we are happy to proceed through committee up until that point.

The Liberal Party has filed a large number of amendments and it is our intention to proceed with those amendments. We obviously have a different view, particularly in relation to clause 7 as expressed by the minister in the summing up of the second reading. Can I indicate to the government that at this stage the Liberal opposition remains unconvinced by the Brokenshire amendments, which I understand are also opposed by the government, and we will not be supporting those at this stage.

The Hon. T.A. FRANKS: Also for the clarification of the house, I indicate that the Greens will be supporting the three government amendments that were filed yesterday. We will be opposing the Brokenshire amendments and we will be supporting some of the Liberal amendments, but not all.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. A.L. McLACHLAN: I move:

Amendment No 1 [McLachlan–1]—

Clause 7, page 9, lines 23 to 25—Delete clause 7 and substitute:

7—Best interests of children and young people paramount

(1) The best interests of children and young people must always be the paramount consideration in the administration, operation and enforcement of this Act.

(2) Without limiting subsection (1), if there are competing interests in relation to a child or young person it is to be presumed that protecting the child or young person from harm is in the best interests of the child or young person (however, that presumption is rebuttable where the risk of harm is outweighed by other interests).

This is the amendment to clause 7 that has been subject to considerable discussion and debate in the community and also in the other place. As the minister outlined in the second reading, it is the government's position that the paramount consideration should be expressed in terms of safety. This, for those of you who take an interest in the other place, was debated at great length and somewhat in a circular fashion, in my view, in relation to what the meaning of the words was and what their effect would be if this bill was passed in that form.

The Liberal Party has consulted widely. It has taken its time to give meaningful consideration to the views of the stakeholders. The Liberal Party party room has formulated the version of the amendment that is before the chamber, which makes the paramountcy the best interests of the child, as has been advocated for by a large section of the community and community groups that have a deep and abiding interest in these issues, but also with a reverse burden where it makes it clear that

the primary starting point, when you are making that consideration, is the safety of the child, but in circumstances (and I would imagine extremely limited circumstances) that can be rebutted. It would be my view that it can be rebutted, using the balance of probabilities.

For the benefit of the chamber for consideration of this amendment, I should say that weight has been placed on the views of the Law Society, the Australian Medical Association (SA branch), the South Australian Council of Social Service, the Child and Family Welfare Association of South Australia, the Council for the Care of Children, the Youth Affairs Council of South Australia and the Child Protection Reform Movement. They issued a joint statement in May 2017, which has guided much of the considerations of the Liberal Party when formulating its amendments.

We have also taken note of correspondence from the Law Society that was sent to various members of the chamber and of the other place in May 2017. I refer to one that came to myself on 5 May 2017 from the President of the Law Society, Tony Rossi. I thought, for the benefit of honourable members of the chamber, I would read the relevant section of the correspondence I received from the President of the Law Society in relation to best interests. It states the following:

> The Society submits that the best interests of the child must be the primary consideration of the Bill. I refer to the Society's reference to with Article 3.1 of the United Nations Convention on the Rights of the Child (UNROC). Acting in the best interests of the child and determining what is in the child's best interests was regularly noted in the Child Protection Systems Royal Commission Report as a key factor and it permeates through the recommendations.
>
> The Bill as it currently stands gives primacy to the safety of the child and by doing so fails to recognise that children have a number of rights which must be considered in reaching life changing decisions about their future. The Bill is inconsistent with the Oversight and Advocacy Bodies Act 2016 (SA) which incorporates the UNCROC principles, giving primacy to the child's best interests throughout.

The Law Society President goes on to say:

> The Society submits that the best interests framework should be consistent amongst all legislation that concerns the rights and interests of children. The concept of acting in the best interests of the child is both well-established and understood. Unfortunately, the Government has demonstrated a lack of understanding in relation to the two concepts.

I will also quote from the joint statement from the stakeholders, particularly the seven stakeholders I have referred to previously. It states:

> Chapter 2, Part 2, Priorities in the operation of this Act must be redrafted. Section 7 must be deleted. We submit that the best interests of the child must be the primary consideration. This is in accordance with Article 3.1 of the United Nations Convention on the Rights of the Child (UNCROC). We accept that in the context of child protection, the 'safety of children' is central and this would be encompassed under the best interests' principles. The Bill as it currently stands fails to recognise that children have a number of rights which must be considered in reaching life changing decisions about their future. The best interests' framework should be consistent amongst all legislation that concerns the rights and interests of children.

It goes on to state, as the Law Society did:

> The Bill…is…inconsistent with the Oversight and Advocacy Bodies Act 2016…

And also that:

> Acting in the best interest of the child and determining what is in the child's best interest was regularly noted in the Nyland Report.

The Liberal Party has placed weight on the views of these bodies. These bodies have, though, taken the view that they would rather the vote not proceed through this chamber and that existing legislation remain in place or, at that very least, that we delay the operation of the bill. The Liberal Party, as I expressed in my second reading, has a longstanding tradition of debating bills and exploring whether the bill can be amended to a point where it meets the needs of the community, and also in understanding that the government is prosecuting an agenda—of which it has made the public aware. With those comments, I might leave it to other members of the chamber to express their views and debate the merits of this amendment.

The Hon. S.G. WADE: I thought I might add to the wise remarks of my honourable colleague by reflecting on some of the legislative history in relation to this clause, which has become a matter for discussion in the context of the amendments. Up until April 2016, the objects of the child protection act included a statement that the objects of the act are to ensure that all children are safe from harm.

The act was amended after the Coroner's inquest into the Chloe Valentine death, and it was done in response to a recommendation from the Coroner, namely, recommendation 22.12, which states:

> …that the Children's Protection Act 1993 be amended to make it plain that the paramount consideration is to keep children safe from harm. Maintaining the child in her or his family must give way to the child's safety.

The Attorney-General, in urging members to support this bill, has referred back to that inquest and to that previous consideration. I make two observations: first of all, the legislation before the 2016 changes did not refer to protecting children from harm, it referred to keeping children safe from harm, but I do not propose to try to unpack whether that is a substantive difference. However, I would make the point that neither this parliament nor the Coroner, in making those amendments in 2016, was suggesting that the best interests of the child was not the paramount consideration.

In that regard, I would like to refer to excerpts from the coronial inquest. This is the findings of the Coroner in relation to the death of Chloe Valentine. Section 5.1 states:

> Social workers working with parents of young children, including such parents who are themselves under 18 years, must act at all times in the interests of the child. They must be trained to see that the interests of the child and an irresponsible parent are in conflict. You cannot act in the best interests of both. Any attempt to do so will inevitably lead to confusion and muddle headed thinking such as we have seen throughout this Inquest.

In 5.3 it goes on to state:

> I am firmly of the view that social workers must accept that the child's best interests can and do conflict with the parents' sometimes. In some cases, such as that of Chloe and Ashlee, they conflicted most, if not all of the time. It was not possible to act in a way that was best for both of them. So Ashlee's needs and interests had to give way to Chloe's. They must become the standard approach in dealing with these cases.

Later in the findings, in section 11.5, the Coroner reflected on, I suppose, the cultural values that influenced this sort of outcome out of child protection agencies, and favourably quotes from writings of a Dr Sammut. Section 11.5 states:

> Dr Sammut notes that the emphasis on family preservation means that child removal occurs only as a last resort. He refers to attempts to work with parents to address bad parental behaviours, particularly those relating to alcohol and drugs. He makes the following remarks which might have been written about Ashlee Polkinghorne and Chloe Valentine.

I will quote Dr Sammut's remarks made by the Coroner:

> Even when parents are demonstrably incapable of properly caring for their children, child protection services failed to take appropriate action to protect vulnerable children with well-founded and ongoing safety concerns.
>
> Too many children are being left in dangerous situations due to the misguided bias towards keeping abusive and neglectful families together, which has swung the pendulum too far in favour of protecting the 'rights' of dysfunctional biological parents at the expense of the best interests of children.

I will just pause and reflect that the contrast that Dr Sammut is referring to at the end of that section is not between the safety of the child and the best interests of the child, it is between the rights of dysfunctional biological parents on the one side and the best interests of the children on the other. I believe that the Coroner's recommendations and his statements reflect the primacy of the best interests of the child.

In that regard the Coroner was completely in concert with relevant landmark reports in South Australia. In particular, I refer honourable members to the Layton report on child protection. The Layton report called for a state plan to protect children, and the second goal of that plan was to ensure a voice for children and young people and promoting their best interests. Again, the Nyland royal commission reasserted the importance of focusing on the best interests of the child.

So, I think it is important that we do not see the best interests of children being in conflict with their need to be safe from harm; rather, I think the parliament should better see keeping children safe from harm as part of their best interests. It may well be that, from time to time, a significant potential benefit should be pursued, in contrast to a relatively less significant potential risk of harm.

The opposition's amendment to clause 7 asserts the paramountcy of the best interests of children but takes up the warning of the Chloe Valentine inquest that the systems in this state and right across the Western world have not been good at focusing on the voice and interests of a child, and that protecting children and keeping children safe from harm is so important that it should be the

starting point of our consideration of their best interests, particularly if people have an episodic engagement with a child and their duty to act to protect the child.

Perhaps even in the context of being a mandatory reporter they may not have all the data they need to assess what might be in that child's best interests. If they are in an immediate situation of seeing harm and responding to it, this amendment says that, if you are in a situation where you can protect the child from harm, you should assume that it is in their best interests to protect them from that harm and act accordingly.

The legislation, of course, is only a framework and I think discussions I have had with a number of stakeholders in this area highlight that whatever we do in this parliament today and in the days ahead will not be enough to address the cultural and other challenges within the child protection services in this state. This legislation needs to be as clear as it possibly can be. We need to have clear policies and guidelines that help people involved in child protection to understand the legislation and to express it through policies and action, we need to have effective training on those policy guidelines and legislation and we need to have effective management to supervise those who implement them.

It is important that we get the principles right. The Liberal Party believes that, consistent with the Layton report, the Nyland report and the Coroner's inquest in the Chloe Valentine case, the best interests of the child should be paramount and those best interests are best served by using protection from harm as a starting point.

In terms of the stakeholders, I appreciate that there is a significant diversity of view, and in this context I particularly acknowledge the views of Belinda Valentine, Chloe Valentine's grandmother, and I certainly support her staunch advocacy for children and the generosity of time and wisdom that she has shown towards myself and the opposition parties to help us as we work through these issues.

It would be fair to say that no stakeholder with whom I have been engaged on this bill is perfectly happy with any particular model, that is why we have so many options on the table. The Liberal Party has tried diligently to come to what we think is the best balance, highlighting the paramountcy of the best interests of the child, but making sure that protecting children from harm is the primary stepping off point.

The Hon. K.L. VINCENT: The Dignity Party is not inclined to support this amendment at this stage, particularly given that, in particular from my conversations with Belinda Valentine, my understanding of her viewpoint is that the legislation as it stands is too vague when it comes to protecting the safety of the child, and that is exactly how we ended up with a situation like the one the Hon. Mr Wade just outlined, where more importance was placed on making sure that Chloe Valentine maintained contact with her biological family, and that outweighed the fact that she was not safe with that biological family.

We believe that the best interests of the child are important, but at the end of the day the legislation is there to set a bare minimum standard, and I believe that we can have policy subordinate to that which will ensure the best interests in that broader context. At the end of the day, we need to tighten this up to ensure that children are primarily safe from harm, and the government's wording as it stands will achieve that.

It is particularly important that we read 'the safety or protection of the child from harm' in concert with the next clause, clause 8—Other needs of children and young people. I quote from that clause as it stands at the moment:

> (1) In addition to the paramount consideration set out in section 7, and without derogating from that section, the following needs of children and young people are also to be considered in the administration, operation and enforcement of this Act:
>
> (a) the need to be heard and have their views considered;
>
> (b) the need for love and attachment;
>
> (c) the need for self-esteem;
>
> (d) the need to achieve their full potential.

In my view the conversation is becoming a little circular, particularly if you read clauses 7 and 8 in concert with each other. I think we have already achieved what we set out to achieve, and my concern is that if we continue this very circular conversation we will end up with something that is just as vague as what is deemed to be problematic at the moment. With those few words, the Dignity Party is not inclined to support this particular amendment to clause 7 but absolutely does understand the intent with which it has been put forward.

The Hon. T.A. FRANKS: I rise on behalf of the Greens to put our position. We will be supporting the opposition amendment, and the reason we will do so is because we have taken the advice of those in the sector and are also highly cognisant of today's joint media release, titled 'Government set to progress flawed child safety bill on budget day', put out by SACOSS, the Australian Medical Association of South Australia, the Child and Family Welfare Association, the Youth Affairs Council of South Australia, the Council for the Care of Children and the Child Protection Reform Movement.

That press release goes on to say that the government had promised a second complementary bill in response to the criticism with regard to this bill, but that there has been limited progress on this front. I ask the minister to clarify what the date is in June that this sectorwide meeting with government and non-government will be held, because we are already well into the month of June and the head of SACOSS has no idea what date this meeting is. While that question is not exactly related to this clause, I do think it is important, in terms of the trust and faith of the sector, that this bill is being debated in good faith with regard to that particular concern.

In terms of this amendment, the Greens do not think this is a perfect amendment but we think the government position falls far shorter than this does. We also note that the best interests of the child in the Valentine case probably would have been to retain a connection with the biological family—being Chloe's grandmother, not her mother. So, I think that is a flawed argument, to think that a connection with biological family was trumping child safety in that case; indeed, a connection with biological family would have been to keep Chloe with Belinda.

The consultations we have had with the sector, those groups I have just read out that have put out this joint press release, are people who are well respected and who deal with these issues day to day. You can, of course, add the Law Society to that list. These are groups that are not looking at a single case; they are looking at a breadth of cases, they are looking to the United Nations Convention on the Rights of the Child (CRC). As I said, I think this particular Liberal amendment, whilst not perfect, does address the concerns that have rightly been raised about having not a clause based on a single case, in some ways, but a clause that will serve the best interests of all South Australian children. With those few words, I indicate that at this stage the Greens support this Liberal amendment, although we find it far from perfect.

The Hon. P. MALINAUSKAS: The government opposes the opposition amendment. The principle of the best interests of the child are set out in the United Nations Convention on the Rights of the Child. The CRC was adopted in 1989 and ratified by Australia in December 1990. It makes the best interests of the child at least a primary consideration, and sometimes paramount, in actions and decisions concerning children.

The principle of the best interests of the child is one of the fundamental principles of the CRC, underpinning the interpretation of all children's rights and freedoms. As the Attorney-General stated in the other place when a similar amendment was moved, the government submits that the bill is consistent with the CRC on the basis that clause 8 of the bill expressly details a range of needs concerning children and young people that are characterised as being in the best interests of the child or young person. Further, clause 8 of the bill is given significant status in terms of priorities in the operation, administration and enforcement of the legislation, which is also consistent with the CRC.

The phrase 'best interests' is also a familiar principle derived from the Family Law Act 1975, which lists the factors that the court must consider in determining the child's best interests. I take the opportunity at this point to identify that the opposition amendment makes no such clarification to the bill in order to provide guidance to those changes with interpreting this legislation. For this reason,

the opposition amendment lacks certainty and will fail in practice due its subjective nature, which is not acceptable to the government.

The bill addresses child protection where the state is required to intervene in order to protect children and young people from harm or from further harm being imposed. Unlike a custody dispute in the Family Court, more often than not there are no appropriate guardians or caregivers available for children and young people whose circumstances invoke the state's child protection legislation. This bill cannot, therefore, be compared on an equal standing with the Family Law Act 1975 as this opposition amendment seeks to do. However, perhaps the most compelling argument as to why this amendment should be opposed is from the recommendation made by the Coroner in the inquest into the death of Chloe Valentine, who made clear in recommendation 22.12 that:

> I recommend the Children's Protection Act 1993 be amended to make it plain that the paramount consideration is to keep children safe from harm. Maintaining the child in her or his family must give way to the child's safety.

As members will recall, the recommendation, amongst others, was implemented by the government in the children's protection amendment act 2016. This amendment, if passed, will completely wind back and undo a reform called for by the Coroner of the state, passed by this very parliament little more than a year or so ago. In fact, it goes further and creates a situation that is even more confusing in terms of its clarity, or lack thereof, than what was in place at the time of the Coroner's recommendation.

For those charged with the administration, operation and enforcement of this legislation, under this amendment that will now have a paramount consideration which itself has a paramount consideration when they are competing considerations, as well as a reverse presumption when there are other interests. This amendment muddies the waters so significantly in terms of its complexity in its practical application that this stands as a compelling reason for members to oppose it. It is for these reasons the government remains firm in its position that this amendment should be opposed and urges members to do the same.

Just one more point, in response to the Hon. Tammy Franks' question regarding when the meeting is taking place, I am advised that it has taken place on the 13th of this month and that SACOSS was in attendance and made a contribution.

The Hon. J.A. DARLEY: Whilst I can understand what the opposition's amendment is trying to do, I am afraid I cannot support it at this stage.

The Hon. T.A. FRANKS: My understanding from my briefing from SACOSS is that they thought that was a private meeting that was then to lead to a more public meeting. Is there a further meeting to be held with the sector and the government to resolve some of these issues and to look at the complementary bill?

The Hon. P. MALINAUSKAS: I am advised that there is an intention to have another meeting, but at this stage we are not aware of what the exact date is.

The Hon. S.G. WADE: I want to respond both to the minister and to the Hon. Kelly Vincent in relation to the relevance of clause 8. I thought paramount means paramount so that, in clause 7, if it states that the paramount consideration is to protect children from harm, that trumps clause 8. Other interests are other interests.

The Hon. P. MALINAUSKAS: Clause 8 is there, I am advised, to underpin considerations, but safety is the paramount consideration.

The Hon. S.G. WADE: With all due respect, minister, I cannot see how protecting people from harm has any relevance to promoting their self-esteem, relating to their love and attachment and pursuing their full potential. I do not see how they underpin protection from harm. They are other needs, and that is why the clause states 'other needs'. My point is that giving paramountcy to protection from harm runs a significant risk of depriving them from benefits.

The Hon. P. MALINAUSKAS: I think it is a bit of a circular argument. I make it clear that, in clause 8, this operates in addition to the paramount consideration set out in clause 7.

The Hon. S.G. WADE: Let me give you an example, which is just my imagination of a case. I am a child living with my mother in a very stable, nurturing environment. She gets involved with a male who is a risk to my safety. Perhaps he is an alcoholic and occasionally comes home drunk. He does not live at our house; he comes back from time to time. He is clearly a risk of harm to me.

The Hon. P. MALINAUSKAS: Is this the child or the mother?

The Hon. S.G. WADE: I am a child in this context. He is clearly a risk to me. This bill, as the government proposes it, states that the paramount consideration is to protect me from harm. My need for love and attachment to my mother, my need for stability in the family, is trumped, in this government's view, by risk—a risk of harm that may be relatively minor.

I do not see how this piece of legislation is consistent with the best interests of the child. With all due respect to the Hon. Kelly Vincent and the government, I think it is muddle-headed to say that a paramount consideration in clause 7 can somehow be fixed by another interest, which is not paramount, in clause 8.

The Hon. P. MALINAUSKAS: I appreciate the Hon. Mr Wade's sentiments and his objects, but it is important when contemplating a case such as the one the Hon. Mr Wade has just outlined that it is considered in the context of the entirety of the bill. It is difficult to contemplate how a particular case might play out without looking at all elements that are relevant.

For instance, a key issue is defining the meaning of 'harm', which is outlined in clause 16. In the type of situation you are talking about, you could look at how harm is defined. I think this is one of those instances where the government is going to respectfully disagree with the opposition. Notwithstanding the intent of the opposition, we maintain our position and look for the chamber's support once the matter is considered.

The Hon. S.G. WADE: I am happy to respectfully disagree, but I remind the chamber that this government has an appalling record in both legislation and action of protecting children from harm. I would also respectfully suggest to the minister that the vagueness of this meaning of 'harm' is no more vague than 'best interests', but at least the United Nations has said, 'Let's focus on the best interests of the child.' The Nyland Royal Commission has said, 'Let's focus on the best interests of the child.' The Layton report has said, 'Let's focus on the child protection review.' I respectfully suggest the government is misquoting the Coroner in suggesting that he demurs from them. Let me take the opportunity to read yet another quote from section 21.5 of the Coroner's report:

> It must be a standard approach for workers to always act in the child's best interest...

The Coroner did not say, 'always act to protect the child from harm'. The fact of the matter is, children face some potential benefits which must be protected in the context of administering these acts.

Again, on this issue of the vagueness of the provision, it is the first that I have heard that somehow 'the best interests' was a vague phrase that should not be used. With all due respect to the rebuttal of the minister, I did not reference the Family Law Act. I could actually reference a whole series of state acts. The legislation in relation to the Guardian for Children and Young People relates to 'best interests'. This is not a vague notion which is the subject of opposition hallucinations; it is a well-established principle in international, national and state law. I believe that it is much better informed than what the minister suggests is clear, which is the phrase 'to ensure that children are protected from harm'.

The Hon. K.L. VINCENT: If I could pick up on a few of the Hon. Mr Wade's points and perhaps ask a question about the scenario he outlined to clarify it in our minds and to assist with the debate. Firstly, as I think the minister has already said, clause 8 provides, 'In addition to the paramount consideration set out in section 7', so I think they are to be read in concert. I do not think one trumps the other; clause 8 very much underpins clause 7. The other point I make is that I have just pulled up Article 3 of the United Nations Convention on the Rights of the Child, which is one of the documents that the Hon. Mr Wade and others have quoted, and I am going to quote a bit from that:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

'A primary consideration' not 'the primary consideration', so it is really important that we look at these things as being in concert because, as the Hon. Mr Wade has pointed out, you cannot deal with the rights of the child or any human being by looking at one facet of their lives; you need to look at things holistically.

If I can ask a question of the minister, given that he has an adviser there, based on the hypothetical scenario that the Hon. Mr Wade outlined. In the example where a parent starts up a romantic partnership with an alcoholic partner, and sometimes they are in the house while intoxicated, would it not depend on whether that person's drunkenness posed a risk to the safety of that child as to whether they were removed from that environment? I do not imagine they would be removed solely on the basis that someone in the house was sometimes drunk.

The Hon. P. MALINAUSKAS: Our advice is that that is exactly correct.

The Hon. K.L. VINCENT: I imagine, too, that one of the points of this legislation is to try to reduce the number of children removed in the first place, so I imagine the parent would be given advice or support or the drug dependent partner would be given advice or support to minimise that addiction—

The Hon. J.A. Darley interjecting:

The Hon. K.L. VINCENT: —or for the parent to be advised to, as the Hon. Mr Darley is whispering in my ear, get rid of them. Is it fair to assume that that would occur before removal was even considered, given that the connection with the biological family is otherwise stable?

The Hon. P. MALINAUSKAS: My advice is that for all intents and purposes that is right. The department would seek to have early intervention measures in place before any other action would be taken.

The Hon. S.G. WADE: With all due respect to the Hon. Kelly Vincent, I refer to the clear words of the legislation. The honourable member in her contribution quite rightly said that it is important for this legislation to be clear. I do not know how clear it needs to be. The legislation says the paramount consideration shall be protecting from harm. Clause 8, which she refers to as 'other interests', specifically provides, 'In addition to the paramount consideration set out in section 7, and without derogating from that section'. In no way does clause 8 undermine the paramountcy of clause 7. If I could go back to the minister's point about harm. Was the minister's reference to harm relating to clause 16—Meaning of harm?

The Hon. P. MALINAUSKAS: Yes.

The Hon. S.G. WADE: I do not want to prolong the debate, because I imagine we will have cause to revisit this issue later, but I would put to the minister and to the department that if you think that all of the interests of a child are encompassed by protecting them from physical harm or psychological harm, then I think you have underestimated the breadth of interests that a child might need to have protected.

I think the legislation, as drafted, has a clear focus on physical harm, which is reflected in clause 16, slightly expanded by psychological harm, but I draw you back to the heading of clause 7, 'Safety of children and young people paramount'. Safety, to me, yells, 'please protect me from physical harm'. If we want the legislation to be clear, if we want statutory officers, who are trying to protect our young people, who have a duty to protect our children and young people, to have clear legislation in front of them, this legislation, to me, says protecting children from physical harm—their physical safety—is the paramount consideration. I do not think that is a message the parliament should be sending. It is a far too narrow view of what is in the best interests of children and young people.

The CHAIR: The Hon. Mr McLachlan.

The Hon. A.L. McLACHLAN: Did the minister want to respond?

The CHAIR: The Hon. Mr McLachlan.

The Hon. A.L. McLACHLAN: The minister might want an opportunity to respond specifically to Mr Wade.

The CHAIR: He can respond to both.

The Hon. A.L. McLACHLAN: I was interested in what the minister was going to say. I will just have to wait a little bit longer. I thought I might add my own comments to this debate. I am not convinced by the government's arguments in relation to clarity and certainty. If I could add to the Hon. Mr Wade's argument. Together, if you are looking at the operation of this bill on the ground with administration by the department, you have safety, and then you have other needs. I know that one is made subordinate to the other, but they still have a whole variety of factors to balance.

This is difficult in any set of circumstances for individuals, so to argue that our amendment may create confusion in the minds of those administering the act, I think, does not carry considerable weight, given that they are going to have a series of virtually identical considerations in many ways, depending on how you interpret the need for love and attachment and self-esteem. That in itself is difficult. In other contexts, we have that constant debate. We have a continuing debate in relation to that in sentencing, with judges trying to balance different heads of consideration, if I can put it that way.

Just to address something the minister said a little earlier in this committee debate: we have had the Coroner's findings. Like the Hon. Mr Wade, I am not convinced by the government's certainty in relation to what the Coroner was saying. He does mention 'best interests' in his findings, but also mentions keeping children safe from harm. It is not clear that he is giving a pronouncement on the drafting of any future provisions, although I note he recommends that some consideration be given to changing the child protection act. However, I think it is a bit of a long bow to say which exact provisions he was considering. He obviously made it very clear that, in a situation as was presented to him, there are multiple factors, but that incorrect weight was placed on certain of those factors and not enough weight placed on harm.

There is nothing in the Liberal amendments that abrogates from that principle. In fact, we are trying to articulate that we must look at all the factors and weight them accordingly, but that harm is critically important, as it always should be. The degree of harm is always going to be in the eyes of the assessor and the person administrating this bill when it becomes an act, when it is proclaimed. There has been a lot of water under the bridge since the Coroner's findings and where we find ourselves today. From the Liberal Party's perspective, we have a large number of stakeholders taking a very different view from the government, which in our consultations we have placed weight on and the government has placed less weight on.

We also have the Nyland findings that have influenced the thinking of the Liberal Party and have a golden thread of best interests through them. For the benefit of members of the chamber, the Liberal Party has had a considered journey coming to this point. We understand that any drafting of a bill like this will have significant implications, but I think any formulation will present the department with some difficulties. However, we feel that ours is the best option going forward, in respect of the protection of children in this state.

The Hon. P. MALINAUSKAS: In response to the Hon. Mr Wade's concerns, just to be clear, there is no use of the word 'physical' in respect of clause 7. The interpretation from the Hon. Mr Wade—that somehow the focus is on 'physical'—is not something the government accepts because I am advised we do not use the word 'physical' in respect to clause 7. So, the government simply disagrees with the Hon. Mr Wade's interpretation in that respect.

It is also worth noting that the government is preserving the position of the children's protection amendment act of 2016, which was passed by this very parliament only a short time ago. Again, this is a very important and pertinent point to be considered in light of the fact that the government's view is that the opposition's amendment will indeed undo the very protections that were put in place by that amendment act.

The Hon. S.G. WADE: I am not going to revisit the discussions we have already had, but I would like to understand how the government would interpret the other interests in clause 8. For example, could the government advise, in relation to clause 8(1)(d) 'the need to achieve their full potential', if that would include, for example, a child's access to education? In one family they may be able to go to another school, but in another family they may not be able to go to that school. That education, of course, contributes to a child's achievement of their full potential. I suppose—and, if

you like, that is an example—the general question is: is there any interest of a child that would not be covered by clause 781 as a whole?

The Hon. P. MALINAUSKAS: I think the simple answer to your question is no.

The CHAIR: Are there any further contributions? If not, I put the question that clause 7 stand as printed. So, if you agree to the amendment you vote 'No'. All those is favour say 'Aye'; against 'No'. I declare it carried.

The Hon. J.S.L. Dawkins: Divide!

Members interjecting:

The CHAIR: No, I am running the show, I have made a determination, I was quite clear in what I said.

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

The CHAIR: No, I made it quite clear that if you want to support the amendment you vote against it—

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

The CHAIR: And I called it the other way.

The Hon. J.S.L. Dawkins: And I called 'Divide'.

Members interjecting:

The CHAIR: The next amendment is No.2 [McLachlan-1]—

The Hon. T.A. Franks: But then you called it 'carried', as in that the clause stand.

The CHAIR: Yes, that's right, so the clause stands.

The Hon. T.A. Franks: But we voted no and we called 'Divide', so we want a division.

The CHAIR: No, you didn't call 'Divide'.

The Hon. J.S.L. Dawkins: I called 'Divide'.

The Hon. T.A. Franks: Yes, we did.

The CHAIR: I sat and looked around—

The Hon. T.A. Franks: No, you don't look, you listen. We said 'Divide'.

The CHAIR: Just cool down, the Hon. Ms Franks, and contain yourself. I do not need you yelling across the chamber.

Members interjecting:

The CHAIR: We have moved on to clause 8.

The Hon. T.A. Franks: No we haven't. I called 'Divide', and there were more than two voices and I called 'Divide'.

The Hon. R.L. BROKENSHIRE: Just for clarification, the Australian Conservatives will actually be voting with the government; however, I did clearly hear two dissenting voices call 'Divide'.

The CHAIR: Well, I do think there was a bit of confusion on the opposition side, but I am quite happy, if you want to call a division, to ring the bells.

The committee divided on the clause:

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

AYES

Brokenshire, R.L.	Darley, J.A.	Gazzola, J.M.

AYES

Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Maher, K.J.	Malinauskas, P. (teller)	Ngo, T.T.
Vincent, K.L.		

NOES

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

PAIRS

Gago, G.E.	Lucas, R.I.

Clause thus passed.

Clause 8.

The Hon. A.L. McLACHLAN: I move:

Amendment No 2 [McLachlan–1]—

Page 9, after line 34—Insert:

(2a) Without derogating from any other provision of this Act, it is desirable that the connection of children and young people with their biological family be maintained.

This clarifies and adds to clause 8, which puts in a sentence that states, 'Without derogating from any other provision of this Act, it is desirable that the connection of children and young people with their biological family be maintained.' It is not binding. The operative words are 'it is desirable', and this comes again from the submission of the stakeholder group referred to in the debate on the previous clause.

The Liberal Party thinks it is important that a connection with the family be maintained, even in difficult circumstances, but obviously not when there is a risk of harm. Family, as pointed out by the Hon. Tammy Franks, is not just the parents but can be the grandparents. I ask the chamber to consider favourably this amendment.

The Hon. R.L. BROKENSHIRE: I have a question of the mover of amendment (2a). He touched on biological family and grandparents, but there are lots of examples where it is a sister, a brother, an uncle or an aunty, who has the capability, so I assume this is quite wide in the sense of the intent of 'biological family', and that as far as possible he is trying to keep some connection with the biological family rather than absolute removal, if not necessary, and that therefore is a consideration with respect to the child's situation?

The Hon. A.L. McLACHLAN: Yes, it is certainly our intent. It does not stop the removal, but in the circumstances of the application of this act we would like the department to have consideration of the broader family group and maintaining some connection. It does not blunt the sword of harm, but simply requires a reflection by those administering the act that the child's connection with the family is a consideration.

The Hon. R.L. BROKENSHIRE: This is quite important to me, because I have dealt with a number of constituents who have come to me over the years and have said they are not happy with the department because there was absolute removal of a child. There was no disagreement that the child had to be removed from the immediate family, but they were removed right outside of the family when there were loving and caring family members who would have liked to have taken that child into care and, hopefully, in time been able to help develop a situation back with the parent or parents, whatever the case may be.

This is not absolute. By doing this you are saying that at law it does put an onus on the department. If all other things are equal, that there should be some preference to a biological family member if they are available to look after and love that child, is that correct?

The Hon. A.L. McLACHLAN: I would not go as high as onus, given the construction of this bill. The drafting I have chosen is to fit in with the language of the bill. I would not go as high as presumption, but certainly to require a consideration in the administration of the bill, and I accept that is a lower standard. We must also remember that whilst there may well be an abusive parent because of psychotic episodes on drugs, if they clean themselves up there may be opportunities for supervised connection. We cannot always think the worst, and people are redeemable.

So, I am seeing it not only in the immediate context but in a broader context. As you have described the purpose, my intent, it is correct, but I think it is merely a lower level of consideration. It is certainly not binding on the department and, as with all provisions in this bill, we will rely upon the goodwill and competency of the department.

The Hon. P. MALINAUSKAS: The government is opposed to this on the basis that the Children's Protection Act 1993 was amended by the children's protection amendment act of 2016 so as to remove any ambiguity on the hierarchy to be given between various objects of the legislation when it comes to what should usurp everything else. It is now, and will be even more so in the bill which will replace the Children's Protection Act 1993, that the paramount consideration in the administration, operation and enforcement of the act is to protect children and young people from harm. This includes giving way to maintaining a child in his or her family where there is a risk to safety.

As I have already stated, in the implemented recommendation 22.12 of the Coroner in the inquest into the tragic death of Chloe Valentine the government has taken the opportunity, in this bill, to even further refine the legislation to its absolute basics so as to leave no doubt in the minds of those charged with the administration, operation and enforcement of this act that protection from harm is the paramount consideration. To therefore muddy the waters and tack an objective onto clause 8 that a connection to family be maintained is inconsistent with the intention of part 2 of the bill and is, once again, at odds with the aforementioned recommendation of the Coroner.

The Hon. S.G. WADE: I do not want to be disorderly and reflect on a previous vote of the council but I would encourage members to look back on the honourable minister's comments on that clause and think about what we were talking about in the previous clause. The minister was assuring us, and particularly the Hon. Kelly Vincent was assuring us, that the other interests of a child are not being excluded by this paramountcy. The minister's statements then clearly indicated that other interests of a child will be discounted, that the paramountcy of safety in this provision, which he himself said has been tightened and made more of a focus—I suppose you can make it so that it is no longer a primary object but now a paramount consideration. I just think that we, as a parliament, should be careful to make sure that we do not harm children and young people by not recognising the diversity of their interests.

The Hon. J.A. DARLEY: For the record, I indicate that I will be supporting the Liberal amendment, as I will all other remaining Liberal amendments.

The Hon. T.A. FRANKS: Similarly, the Greens will be supporting this amendment. I also reflect that we are talking about a situation here where Belinda Valentine would have been given access and care for Chloe Valentine had this consideration been undertaken.

The Hon. R.L. BROKENSHIRE: I advise that Australian Conservatives on this occasion will be supporting the opposition amendment. I think it is important to place on the record that the department (and this is not aimed at the government but the department) and whoever works in this department into the future, must understand that the community and the parliament expect that wherever possible, if there is an opportunity to take a child who needs protection—and there is no disagreement with that; it has been clearly assessed that this child needs protection—we expect that protection to be of paramount importance.

However, there has been historically with this department an ideology that often it is easier and better to remove the child from any contact whatsoever, and the department knows absolutely best. On many occasions, they would rather put that child into supported accommodation or a motel

with three carers on a 24-hour shift, or whatever, and that is an ideology that I want this department to shift and change. This department has to understand that, more than anybody else, more than any government, it has failed in its duties. In some circumstances, I will go as far as to say that they have been derelict in their duty and we have seen the most tragic of circumstances.

I want CEOs and senior people in the department—and the rank and file often understand this, I have talked to them, but they are overridden by the ideology and the policy of the department. It is the parliament that has the right, on behalf of the democratic principles of the Westminster system for the people we represent, namely our constituents, to make sure that the department understands what the intent of the parliament and the community is. Australian Conservatives have put this sort of argument forward before here. If everything else is equal and there is an opportunity, then the department must understand that the intention is to give that child the best opportunity, which is still with a biological family member. We will be supporting this amendment.

The Hon. P. MALINAUSKAS: I simply remind members that clause 8(1)(b) states that the need for love and attachment is something that is taken into consideration. This enshrines in legislation that the connection with biological family is to be taken into account by the department. There is provision for the sorts of concerns that some honourable members have been asking for already in clause 8.

The Hon. A.L. McLACHLAN: To respond to the minister, if we look at the amendment, it does not in any way, nor can it, override, now that clause 7 remains standing as originally drafted. The words are 'it is desirable that the connection' be made, so that is a very low threshold that does not necessarily mean living with. It does not mean regular visits.

Whilst I appreciate the argument over drafting, which is effectively what we are doing today, we believe that we move this amendment out of an abundance of caution and for clarity for the department. Indeed, that is a similar argument to the one the government made on clause 7 about the need for clarity in administration.

The committee divided on the amendment:

Ayes 12
Noes 7
Majority 5

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	McLachlan, A.L. (teller)	Parnell, M.C.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.

NOES

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

PAIRS

Lucas, R.I.	Gago, G.E.

Amendment thus carried; clause as amended passed.

Progress reported; committee to sit again.

Sitting suspended from 13:03 to 14:17.

Parliamentary Procedure

MEMBERS' REMARKS

The PRESIDENT (14:17): Just remember standing order 193 about injurious reflections on a member of parliament, before we enter question time.

PAPERS

The following papers were laid on the table:

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

Public Sector Act 2009—Section 71 Report

ANSWERS TABLED

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

Question Time

GIG CITY NETWORK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question about the Gig City network.

Leave granted.

The Hon. D.W. RIDGWAY: The Gig City Adelaide network was announced in June 2016, with the aim of delivering internet speeds more than 10 times faster than the NBN and at least 100 times faster than the national average. A media release from Investment Attraction South Australia on 9 December last year states:

> Fourteen sites will receive infrastructure to enable them to connect to GigCity Adelaide via the SABREnet dark fibre network that runs north to south of the city centre. They include TechinSA, Innovation House at Technology Park, Tonsley innovation district, Adelaide Smart City Studio, the South Australian Film Corporation and Techport Australia. This phase of the GigCity program is expected to be complete by June 2017.

My question to the minister is: given we are less than a fortnight from this deadline, has the first stage of the Gig City rollout been completed, or will it be completed by the end of June this year? Other than St Paul's Creative Centre, how many of the fourteen sites have received infrastructure allowing them to connect to the Gig City network?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:20): I thank the honourable member for his question and his interest in the Gig City project in South Australia. He describes much of it quite correctly, which I compliment him on—his rare foray into accuracy. The Gig City network builds on the SABRENet dark fibre network we have across Adelaide.

Our three universities in Adelaide, about a decade ago, teamed up with the state government to create SABRENet, a network of fibre-optic cables that runs from the south past Noarlunga up to the north of the greater Adelaide area and connects our three tertiary institutions with a number of other government institutions, including some schools, teaching hospitals and other institutions. It meant that when we launched our Gig City program, with the state government being one of the partners to the SABRENet network, we were able to leverage off the network that was already there to look to connect up with other innovation projects.

It is unique in Australia in that there are a number of other capital cities around Australia that have a network that connects tertiary institutions, but I understand Adelaide is the only one that has the state government as a partner in this. This has meant we were unique in being able to leverage off this. What it does mean is, as we are now part of the Ignite Network—a network of Gig cities across the US that partner with each other in terms of the applications—that they use their gigabit-enabled network to produce innovations and smart solutions.

When we became partnered with the US Ignite Program, we were the first jurisdiction outside the US to do so. So, it is a significant achievement.

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: I am glad the honourable Leader of the Opposition is so interested in these questions and in Gig City. I am happy to give him plenty of background information because I know he is very, very interested. Over the course of the last year, a number of the locations have had the physical infrastructure—that is, the cables that come off the SABRENet network—connected up to them. Certainly, St Paul's is one of them. I know that quite a number of the others now have the physical cable rolled out to them. I am happy to go away and get the exact number, but I know it is quite a number of those 14 sites.

The department has embarked upon a rigorous tender process for an internet service provider to light up those cables that have already been rolled out to many of the innovation precincts, and we are within weeks away from finalising that tender process to light up those cables. As the honourable member pointed out, and I thank him for the credit he gave us, they have speeds of up to hundred times faster than the Australian average to these precincts. It will make us a leader not just in Australia but in our part of the world.

As the honourable member has pointed out, the virtues of this will mean that people who need quick connection via the internet to the rest of the world will, whether they are a start-up or a business expanding, have Adelaide at the forefront of their mind, given the speeds that we will have very soon in many of these precincts.

GIG CITY NETWORK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): Supplementary question: can the minister provide a more accurate estimate of when the service will be provided to all 14 that were mentioned last year? What will it cost each business to join up to the service—the connection fee?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:24): I thank the honourable member for his question. As I said, we are in the final stages of the tender process to award the tender. Once that has happened I'm very happy to sit down with the honourable member and show him the cost structures that individual businesses will incur as part of the Gig City network.

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: This is why I can't imagine the Hon. David Ridgway ever being in government. What he would have us do is set a price and then go to tender—tender around a price. It is a ludicrous idea that you would set a price and then go to tender. You would set a price and go to tender: this is the price that it's going to be, now submit your tenders to that price. That is one of the more ridiculous ideas the Hon. David Ridgway has come up with. In the very near future I am happy to sit down with them and explain how these interweb thingies will work.

GIG CITY NETWORK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Further supplementary question: can the minister guarantee that all 14 businesses will be connected before March 2018—the state election?

The Hon. K.J. Maher: Fourteen businesses?

The Hon. D.W. RIDGWAY: The 14 businesses you announced, will they all be connected before March next year?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:26): I can say with almost certainty that by March next year 14 businesses will be connected to the Gig City network. I can say with almost certainty that 14 businesses will be connected, yes.

CIRCULAR ECONOMY

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation about the circular economy.

Leave granted.

The Hon. J.M.A. LENSINK: On 26 May, the Minister for the Environment, with his Premier, released a study commissioned by Green Industries SA highlighting how the circular economy could create economic growth and potentially 27,500 full-time jobs by 2030. Earlier this year, an Australian Bureau of Statistics report, entitled Employment in Renewable Energy Activities Australia, found that South Australia suffered a 17 per cent fall in renewable energy jobs from 2,360 to 710, and last week the disastrous job figures released by the ABS confirmed the dire job situation, showing South Australia's trend on employment rate had continued for a 30th consecutive month and that South Australia has the highest youth unemployment in the country. My questions to the minister are:

1. Can the minister outline exactly when his circular economy proposal will generate the first jobs out of the 27,500?

2. What resources, if any, are the minister's agencies directing towards it?

3. Can the minister explain how he thinks this circular economy initiative will not go the same way as many of the other Weatherill government so-called job creation plans?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): I thank the honourable member for her most important question and for a very leading question in terms of the renewable economy, for example, and the jobs figure that she mentioned in terms of renewables. Of course she may have conveniently forgotten that it was the federal Liberal government that caused all of the concern in the private sector in terms of the renewable energy targets.

They were the ones who caused uncertainty in the private sector about investment. As I have said in this place before, these are investments of quite a large magnitude which have a long time to pay back. So, businesses that want to invest millions and millions of dollars in South Australia in renewable energy were held captive to an ideological battle and a fight occurring in the federal Liberal and National parties in Canberra over renewables. That is why there was a drop in investment or a stall while people left their projects in the pipeline on the basis of uncertainty and policy at a federal level.

What company would be able to go to its shareholders and say, 'Let's invest in this project because, well, there is uncertainty at a federal level but we are sure it will come good one day'? It was the federal Liberal National government that caused this uncertainty and this investment strike which we are now seeing just come back into the system. Let's not have any churlish comments about employment when it was their party in federal government that absolutely caused this problem.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. Malinauskas: So, don't believe the science; drive up prices. It's a double whammy.

The PRESIDENT: The honourable minister, if you want to contribute to this debate you might as well get on your feet instead of interrupting the minister giving his answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: To start out, I think it was important to remind the Hon. Ms Lensink about the liabilities of her federal party, her federal government, who do not understand how business works. They do not understand how business works in the long-term time frame of investment and renewables, and companies know that and they are telling us every day. They bemoan the fact that

the former party that represented business, small business in particular, now has not the first clue about what small business needs in this community. It is a little ironic that they come to us now and see us as a natural party to support small to medium business enterprise. We are very happy to work with them.

In relation to the issue of the circular economy, it is worth noting that this principle of the circular economy was included in the guiding principles of the Green Industries SA Act 2004. A circular economy, of course, for those who have not been made aware of this recent announcement by the Premier—I think it was at the CEDA function recently—refers to the better use of materials within the economy and it essentially means that we want to keep those materials circulating in the economy for longer, rather than just use and dispose. It involves greater remanufacturing, repair and reprocessing activities. It is a generic term for an industrial economy that is producing no waste, or very low waste and pollution, by design or by intention.

The circular economy concept is gaining attention in Europe, particularly, I am advised, in the United Kingdom, with growing uptake in the United States of America and Asia. The European Commission has endorsed the circular economy action plan, including legislative proposals on new waste directions. The United Kingdom government organisations such as Waste and Resources Action Program and Zero Waste Scotland have also embraced the circular economy rationale, I am advised.

According to modelling by the Ellen MacArthur Foundation, the value of material savings associated with a circular economy globally is estimated to be $US1 trillion. The circular economy presents an opportunity to engage both the commercial and private community to seize new opportunities and address risks associated with the existing linear mode of our economies. The World Economic Forum has also recently created a platform for accelerating the circular economy.

By presenting design and alternative material ownership scenarios, the circular economy promotes substantive action rather than incremental change. Understanding the benefits of the material efficiency aspects of a more circular economy have not been explored in any great depth really in Australia or even in South Australia. It is part of our intention to start talking to industry about how designing into their everyday business practices more aspects of a circular economy is not only good for the environment, it is actually good for their own business.

An essential component of South Australia moving towards a more materials efficient economy is the need to reference reliable information related to the likely impacts and benefits of a circular economy in this state. In 2016, Green Industries commissioned a study to provide quantified, reliable information at a state level about the likely benefits of a circular economy.

On 26 May of this year the Premier released the results of this study via the report 'Creating value: the potential benefits of a Circular Economy in South Australia'. The report provides quantified information about possible impacts on employment, carbon emissions, energy and materials use for South Australia if it adopted certain practices to become a more circular economy. The report is available on the Green Industries website at www.greenindustries.sa.gov.au.

A number of scenarios were examined in the report. I will not go into any of those details here—I could, if you asked me to. They are up there; you can find them for yourself. The assumptions used in the report were related to assessing the potential impacts that were benchmarked against other similar international studies, but were tailored to reflect South Australia's circumstances. Key assumptions, modelling techniques and results were peer reviewed by an international panel of circular economy experts.

Using broad assumptions about a more circular economy, the report's conservative estimate is that by 2030, compared to a business as usual scenario, a circular economy could create an additional 25,700 full-time equivalent jobs, 21,000 jobs by actioning material efficiency gains and 4,700 jobs by actioning efficient and renewable energy gains.

It's not beyond the realms of contemplation that these estimates could be brought to fruition because if you think of where we have come from just 15 years ago in our waste and recycling industry, it was a very low labour force type of industry, with not a lot of high-tech involved in it. Now, because of policy initiatives taken by the government, the waste management levy for example, that

industry now employs about 4,800 people, in an industry that ranges from manual handling to high-tech computer design and industrial conveyor belt technology, using computers and air injections to sort through different sorts of waste. There is a whole range and step up in terms of skills and in terms of employment prospects.

That is a very large increase brought about by the government's policy to change behaviour in this particular industry. If we are to be involved in encouraging industry in South Australia to become participants in a more circular economy as we start out this process, it is not beyond the realm of possibility to think that we can actually create more jobs in this particular sector. Additionally, another benefit, of course, that has come out of the modelling is that a reduction in South Australia's greenhouse gas emissions by up to 27 per cent (7.7 million tonnes of CO_2 equivalent) is possible. That will be a 21 per cent greenhouse gas reduction by actioning efficient renewable energy gains and a 6 per cent greenhouse gas reduction by actioning material efficiency gains.

I have to say, formalising a future circular economy model for the state can help build upon current policy initiatives that we have already initiated, which I have spoken about very briefly, and activities designed to reduce waste, improve material and energy efficiency and decrease greenhouse gas emissions. Potential benefits are obvious. They align closely with the state goals and economic priorities, such as stimulation of employment and resilient local communities and the development of a low carbon economy.

It won't come into existence overnight. We need to talk to the local industries that may benefit from it most and help them to see what improvements in their business activities will mean, not just for the environment but also for their bottom line. And by the way, it may help them to employ more South Australians in a growing industrial sector.

EMPLOYMENT PARTICIPATION RATE

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking questions of the Minister for Employment about participation.

Leave granted.

The Hon. S.G. WADE: From March 2002, the South Australian participation rate rose from 60.6 per cent in trend terms to 63.9 per cent in September 2008. Since then, it has trended downwards to the current level of 62.3 per cent, which is the lowest rate of any mainland state. Male participation in particular has fallen by 3.8 percentage points since September 2008. My questions are:

1. What factors does the government consider are the main causes of people dropping out of the workforce?

2. What strategies or programs does the government have in place to connect and re-engage workers who have abandoned their search for employment?

3. With South Australia's participation rate being so low, what level of participation is the government aiming for?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:38): I thank the honourable member for his question about the participation rate, as measured by the ABS in their monthly jobs figures. It is dangerous to talk about the participation rate from month to month. I know it was steady from this month's figures from the months before. If we look over the longer recent term, over the last 12 months the participation rate has increased 1.3 per cent, from 62 per cent this time one year ago up to 62.3 at the moment, so it has had a 1.3 per cent increase over the last 12 months.

The Hon. S.G. Wade: Isn't that 0.3 per cent?

The Hon. K.J. MAHER: 1.3. Twelve months ago it was 62 per cent participation rate; 12 months later (as in now) it is 62.3 per cent. Sorry, not 1.3 per cent but a 0.3 per cent increase. It has jumped around a bit but we have seen, in particular in last month's figures, an increase in female participation rate. I know there are a number of economic explanations about what may or may not influence participation rate and, when talking to the employment economists in the state government,

it is always a very fraught thing to try to explain away increases or decreases in participation rates to one particular cause.

Certainly, there are those who would advocate or speculate that an increase in participation rates could be a result of people who were not otherwise interested in being part of the job market now interested because of a confidence in the economy. Equally though, economists would argue that an increase in the participation rate can result from people who previously were not at all interested in working wanting to enter the labour force because family circumstances dictate that they need a job that they did not need before. So, there are at least two conflicting views you will get from economists at either end to explain increases or decreases in the participation rate.

From this month to last month it has been relatively steady. Over the last 12 months there has been a slight increase in the participation rate, but there are myriad explanations economists will give for an increase or decrease in the participation rate. I am not going to speculate as to what is a sole cause for a participation rate increase or decrease in South Australia, except to note that it has been steady for the one month, and certainly over the last 12 months it has increased very slightly.

EMPLOYMENT PARTICIPATION RATE

The Hon. S.G. WADE (14:41): Supplementary: I would stress that my figures were trend figures, so it's 3.8 since 2008. Considering the minister's comments, which I don't disagree with, that there are a range of factors in participation, is the government alert to any factors that might explain the particularly poor outcome in relation to male participation? To put the question another way: are there any gender specific factors the government is watching in relation to changes in participation rates?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:41): I understand, and I thank the honourable member for his question. Certainly, something that struck us a couple of months ago was the reasonable upturn in the female participation rate, and there are competing explanations as to why that may be the case.

It happened that, either two or three months ago in the ABS stats (and I can't remember the exact figures), the number of females employed in South Australia very significantly increased, but because the participation rate also increased the figures read that there was a decrease in employment, that is, an increase in unemployment for females, even though from month to month there was a very significant increase in the number of females who were working, but it also corresponded with a significant increase in the participation rate, that is, the number of females who were entering the labour force, looking for a job.

Again, there are explanations and they are counter and contrary explanations as to why there are increases for either females or males. A couple of months ago there was a reasonably significant increase in the female participation rate that led to an outcome where, even though a high number of females were in work, we had greater unemployment for females. Whilst there isn't a single easy to understand explanation, it manifests itself in many ways in the unemployment figures.

COOPERATIVE RESEARCH CENTRES

The Hon. J.E. HANSON (14:43): My question is to the Minister for Science and Information Economy. Can the minister update the chamber on the success of the Cooperative Research Centres Program and its impact on research outcomes in South Australia?

The Hon. I.K. Hunter: I'm sure he can, but will he, is the question.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:43): I can and I will: it's a heaps good question from the Hon. Justin Hanson, and I thank him for his ongoing interest in a whole lot of stuff, including Cooperative Research Centres, which we have occasion to discuss as we are going through various things.

The federal government's Cooperative Research Centres Program was established in 1990 to provide funding to support industry-led collaborative research partnerships between industry, universities, business and the community, to drive research and development and commercialisation. The program supports research that tackles major challenges facing Australia. The state government, through the CRC (Cooperative Research Centres) assistance program, provides funding on a competitive basis through the Premier's Research and Industry Fund to make sure we get strategic benefits from the federal government program within South Australia.

Recently, three CRCs in South Australia focusing on farming, food and transport were successful in their applications for node funding through the CRC program. All three will share in a total of $750,000 of state government funding over three years to drive innovative solutions in key industry sectors, facilitating new collaborative approaches between industry, universities, government and research organisations. These three new CRCs will complement South Australia's reputation as a world-class leader in research, bringing new opportunities to our state's economy for international collaborations, job creation and economic growth.

The new CRCs include the High Performance Soils CRC, which was awarded $300,000 in state government funding, $40 million in commonwealth support and more than $135 million from local and national participants. The CRC partners will develop a greater understanding of soil science, creating tools and products that can be easily and effectively used by farmers, agronomists and other scientists. The lost opportunity resulting from poor soil in some Australian areas costs the economy many, many dollars each year. This will be exacerbated as the world's demand for food is estimated to double by 2050.

An example of a CRC research project is one that involves the Australian Organics Recycling Association, which aims to raise the awareness of the benefits of recycling organic resources. The role of recycling organics resources and enhancing and supplementing agricultural soils may well feature high in the research undertaken by the CRC, with the recovery of nutrients from organic material being a key outcome in this particular bid. Some things the CRC aims to achieve are:

- an increase in crop and pasture productivity on targeted soils of between 50 and 100 per cent;
- to assist farmers to attract price premiums through proving and marketing the higher environmental standards and outcomes of their production systems for consumers;
- to increase employment from the manufacture of related tools, services, fertilisers and materials that are sold in South Australia and exported internationally; and
- to increase economic activity of at least $2 billion per annum after 10 years.

Another CRC is the Food Agility CRC. It was awarded $150,000 in state government funding, $50 million in commonwealth support and more than $160 million from local and national participants. This CRC will develop and use digital technologies for sharing data across the food value chain, providing producers with the opportunity to respond to changing consumer preferences, drive the growth of Australian brands, improve environmental and sustainable practices and increase workforce knowledge and expertise.

The CRC partners are using the internet of things to improve shelf life of things like bagged lettuce, which is dramatically affected by its water content when harvested. Combining on-farm data with data from processing and retailers optimises those harvesting decisions. Just one day of shelf life dramatically improves yield and reduces food wastage, potentially worth billions of dollars to the food industry.

Finally, the iMove CRC was awarded $300,000 in state government funding, $55 million in commonwealth support and more than $170 million from local and national participants to create new knowledge technology and leaders to help deliver intelligent transport systems. Vehicle-to-vehicle and vehicle-to-infrastructure connectivity is rapidly evolving, with a need for higher levels of connectedness, larger data requirements and reduced costs.

This connectivity could improve the travel experiences for passengers with real-time data and more personalised experiences, all the way up to a system-wide level in developing intelligent

infrastructure, and to develop new modelling, methods and software to proactively manage the entire transport freight and mobility network. Success for this CRC will be dependent on the specific research projects undertaken but, overall, the CRC aims to reduce congestion, fuel use and emissions and improve national productivity and competitiveness.

Investing in research and development will drive new ideas and solutions across many sectors of the economy. Certainly, those are priorities for South Australia, helping the state to transition to a modern innovative economy.

FORESTRY INDUSTRY

The Hon. R.L. BROKENSHIRE (14:49): I seek leave to make a brief explanation before asking the Leader of Government Business in this house and a former resident of Mount Gambier some questions regarding the government's decision to privatise the forests.

Leave granted.

The Hon. R.L. BROKENSHIRE: In 2012, against the recommendations of the select committee of the Legislative Council, this government, for short-term expediency, opted to privatise the forests of the South-East for 100 years at a price which was exposed by many experts as way under its true value. The reason the government gave for privatising the forest back then was that forestry was in decline and that it was best that South Australia got out of forestry, notwithstanding that, since the parliament was first formed and after the colony of South Australia, Liberal and Labor governments successively had held the forests in public ownership, obviously for security reasons for the building industry as well.

We now discover that the harvesting rights were undersold by at least $230 million—that's a conservative undersell—and we also discover that in the four years that the private company has had the forests they have actually made profits of up to fourfold what the state government was receiving. In fact, in the last year of state government ownership in 2008-09, ForestrySA received $15.23 million. From 2012-13, once the profits were declared this week, we see the new owner has made up to $125.4 million in just one year. My questions therefore to the minister are:

1. Why did the minister support the privatisation at that time in defiance of what his own residents in Mount Gambier and the South-East clearly said was against the long-term interests of the South-East?

2. Will the minister, on behalf of his government, apologise to the people of the South-East?

3. How can the minister justify that this short-term expedient sale that went into recurrent budget to give a false surplus, like the MAC sale, is in the best long-term interests of South Australia, and does he now agree that his government has sold out annual significant returns to the taxpayers of South Australia to prop up their mismanagement with their budget?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:52): I thank the honourable member for his question. I can answer the last question first: no. It is a bit of a strange argument that the honourable member makes. He complains that forestry in the South-East is now four times more profitable than it was when it was sold. The complaint seems to be that forestry is doing well. Do you know what? I do not agree with that complaint at all. I am very pleased that the timber industry in the South-East is going very strongly at the moment.

Members interjecting:

The Hon. K.J. MAHER: It is going well at the moment. I have been, over the last few years, numerous times, to a number of people involved in timber processing and involved in the services to the timber industry like harvesting, like thinning, like the planting of trees, and the industry is in much better shape than it has been for some time. So, the seeming criticism that the timber industry is more profitable and is doing better, I do not accept as a criticism for one second.

I am pleased the industry is doing well. I do not want it to do poorly. The counterfactual to what the Hon. Robert Brokenshire is saying is that you want the timber industry to be unprofitable, that you want it to be unprofitable and you want it to do poorly. That is not something that I want. I am glad when I go and visit McDonnell & Sons that they are putting on more shifts, that they are buying more equipment—

The PRESIDENT: Will the honourable member address the President and not look back there?

The Hon. K.J. MAHER: Mr President, they are buying more equipment and putting on more shifts and creating more jobs. I am pleased about that. It is a good and healthy sign that a number of companies that are involved in, whether it is harvesting, or carting or thinning of trees, need more skilled workers. It is a positive sign about the state of the industry and the idea that the industry is more profitable being a bad thing—well, I do not agree for one second.

FORESTRY INDUSTRY

The Hon. R.L. BROKENSHIRE (14:54): Supplementary: does the minister agree or disagree that it would be better for $125 million of profit return to come to the taxpayers of South Australia this year than to go to a private company offshore?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:55): That is a hypothetical and somewhat ridiculous question. We are where we are. The forward rotations for I think it is the next four rotations have been sold, and I am glad the company is doing well. The honourable member says it is four times more profitable than it was when it was in government hands. He seems to be implicitly criticising the government workers formerly in the timber industry, and I won't abide by that either.

Having spent a lot of my life in Mount Gambier, I know that many of the workers, when the timber industry was in government hands as the old Woods and Forests, worked exceptionally hard and have done very well. I won't abide by the implicit criticism being handed out by the Hon. Robert Brokenshire. I will restate: I am very pleased that the industry is healthy in the South-East, that the towns around the South-East are doing well and that we are seeing more jobs, more shifts, more equipment and more people in the supply industry.

FORESTRY INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:56): I have a supplementary question arising out of the minister's answer.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway has the floor.

The Hon. D.W. RIDGWAY: Does the minister now concede that the whole South Australian economy would benefit from a change in management?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:56): Let's have a look at the counterfactual from us managing the economy at the moment. What will we have? We know they want to sell off SA Water. They would sell off SA Water. We would see skyrocketing water prices. We saw what happened to the economy under their last term of management. They sold off ETSA. We see from the polls that are published that they blame that mob for electricity prices, because they are right. They sold off ETSA. A new change of management will sell off SA Water and we will see the same thing. For the good of this state, I certainly hope that this mob is never inflicted on this state.

FORESTRY INDUSTRY

The Hon. R.L. BROKENSHIRE (14:57): A supplementary based on the minister's answer: does the minister agree that the privatisation of ETSA went through a democratic process, namely the parliament, but that the privatisation of forestry did not?

The Hon. I.K. Hunter: You voted for it.

The Hon. R.L. BROKENSHIRE: You flogged the state off, mate. You flogged the state off. You should be ashamed of yourself. Does the minister agree that he would not allow the democratic processes to occur—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: —with the privatisation of ForestrySA by bringing it into the parliament? Gutless, they were.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:58): I thank the honourable member for his question about the democratic processes involved in the sale of ETSA. We went to an election in 1997, when the Hon. Robert Brokenshire's mob was the Liberals at the time. He has been in two or three different parties since then. Many years ago, they went to an election. They went to the biggest democratic process we have in this state, a general state election. Hand on heart, the Hon. Robert Brokenshire and his mates said, 'We promise not to sell ETSA.'

That's what they did, so I am happy to talk about the democratic processes. 'We promise we won't sell ETSA,' they said. They got into government and what did they do? Exactly what they said they wouldn't do. They meekly say, 'Oh, maybe we won't sell SA Water.' Let's look at what they do, not what they pretend to say. I thank the honourable member for his question about the breach of faith that he was part of in the democratic process.

The PRESIDENT: The Hon. Mr Dawkins.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins has the floor.

VIRGINIA IRRIGATION ASSOCIATION

The Hon. J.S.L. DAWKINS (14:59): I seek leave to make a brief explanation before—

Members interjecting:

The Hon. J.S.L. DAWKINS: I can shout over the top of you. I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding the Virginia Irrigation Association and the Adelaide Plains reclaimed water system.

Leave granted.

The Hon. J.S.L. DAWKINS: The Virginia Irrigation Association was formed in the mid-1990s by a group of local market gardeners from this major horticultural area. Its current membership is around 700. Seeking to implement a reliable water source for vegetable growing, the VIA received a $10 million grant under the then federal government's better cities scheme to implement and build a reclaimed water pipeline through the region. This pipeline had the effect of stopping water from flowing into Gulf St Vincent untreated, which, of course, was proving a major issue for SA Water and the EPA. However, several years into the construction of the pipeline, it emerged that additional funds were needed to complete the project.

At that time, SA Water took over ownership and responsibility with the understanding that the price for water should be less, going forward, as the infrastructure had been paid for. It was also acknowledged that the contract would need to be renewed in 2017. I understand that VIA and SA Water have had four meetings but are yet to reach agreement on the price of the water. Given this, my questions to the minister are:

1. Will the minister indicate the current status of the negotiations between SA Water and the Virginia Irrigation Association?

2. Will he also indicate the level to which SA Water acknowledges the need to set sustainable pricing for the irrigators?

3. Given that the population and urban footprint in the northern suburbs closely adjacent to the Virginia horticultural area continue to grow rapidly, do the minister and SA Water acknowledge the win-win aspect of the VIA being able to utilise this water as its quantity inevitably also grows rapidly?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:01): I thank the honourable member for his very sensible question. Whenever I go out into the north of Adelaide, I hear from the people I talk to out there, particularly around water issues, that the only Liberal who ever pokes their head up in the north of Adelaide is the Hon. Mr Dawkins. He's the only one they see. They invariably say that he was out there the week before I was and saying nice things about me, so I thank him for that. Well, I might be embroidering the edges around that bit a little bit.

The Virginia Pipeline Scheme provides recycled water from the Bolivar Wastewater Treatment Plant for horticultural irrigation to around 360 customers, I am advised, in Virginia and the surrounding area. The scheme comprises a system of distribution pipelines, two pump stations and an uncovered storage lagoon at Bolivar. I understand the existing VPS contract started in 1997 is between SA Water and Water Reticulation Systems Virginia, a legal entity wholly owned by Trility. The contract expires on 31 December 2017. This whole exercise, this whole build, was in fact a build, own, operate and transfer (BOOT) contract, which enables SA Water to take ownership of the scheme at the end date of the contract.

I understand that SA Water will utilise this right on 1 January 2018, assuming ownership of the VPS and customer management. That has some benefits for everybody. By owning both the wastewater treatment facility and the pipeline scheme as one integrated unit, SA Water can offer some benefits to customers and directly manage the service they give to those customers, capitalise on systemwide efficiencies and directly invest in infrastructure upgrades, instead of doing it through the company.

SA Water has advised me they are currently considering the model for operating and maintaining the VPS upon its transition to SA Water. Under the existing contract, SA Water is required to offer a new customer contract to existing customers for a 15-year period on the same terms and conditions as the existing contract, with the exception of price. That's how it was laid out when we entered into this contractual process. That's for fairly obvious reasons because prices go up. I am advised that the current pricing of the VPS is partially subsidised by SA Water's wastewater customers.

I think it is important that we understand the distinction there: the provision of this water service to Virginia Pipeline customers is subsidised not by every SA Water customer, but by South Australia Water's wastewater customers (which will usually be a general water customer, but not in every case) as the pricing does not include all of the treatment operating costs incurred in producing recycled water for the VPS. With SA Water now regulated, the Essential Services Commission is encouraging SA Water to move towards direct cost recovery.

SA Water is contractually required to negotiate an agreed price with the Virginia Irrigation Association, which was involved in the development of the original VPS. SA Water has made considerable effort, I am advised, to understand the needs and interests of VPS customers. I think the Hon. Mr Dawkins said that they have had at least four meetings in recent times. I am advised that they have built relationships with many customers, both individually and through associations such as Hortex, the Vietnamese Farmers Association, AUSVEG SA and the Horticultural Coalition of SA.

SA Water has formally met with the board of the VIA on five separate occasions, I am advised, since March of this year to progress the negotiations, the most recent being on 13 June. I understand that SA Water representatives are currently undertaking negotiations with the board of the Virginia Irrigation Association to negotiate pricing under the new contract. SA Water has

presented pricing proposals and described the real costs associated with owning, operating and maintaining the VPS and it is crucial that we also understand that, whilst in fact the infrastructure is in place—and, yes, paid for—there is an ongoing cost associated with operations and maintenance and the upgrading of infrastructure in any program such as this. These costs are not currently reflected, I am advised, in the current pricing structure.

I am aware that the Virginia Irrigation Association has also presented a counterproposal to SA Water—I might say a rather cheeky proposal—but I am advised that these negotiations will continue. The VPS provides benefits to both SA Water and its customers, obviously. I understand that SA Water is committed to an outcome which ensures that the VPS remains affordable to the irrigators but also, importantly, is sustainable into the future and, at the end of the contract period or at some stage through a negotiation process, we come to a cost recovery figure for the water that has been provided so that other customers of wastewater services—that is sewerage customers generally—aren't subsidising this service into the long-term future.

If an agreement is not arrived at by the mutual parties then I understand that the next step is arbitration to finalise a potential contract. We are not at that position yet, I am advised, but it might be if negotiations are not harmonious and come to a conclusion that is mutually satisfactory to the parties, and that might be the final course of action.

VIRGINIA IRRIGATION ASSOCIATION

The Hon. J.S.L. DAWKINS (15:06): I have a supplementary question. I thank the minister for that response. Given the detail that he has brought to us and the knowledge of the complex issue, will the minister be prepared to consider organising a meeting with the executive of the Virginia Irrigation Association?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:07): I thank the honourable member for his supplementary question. I am always open to meeting with interested stakeholders. I am hesitant to say yes absolutely because of the contract negotiation process. I am not absolutely sure that it would be appropriate for me to meet at this point in time but I will take advice on that and if my advice is, yes, that's all hunky-dory, then certainly I would be happy to meet with them, and the Hon. Mr Dawkins might like to attend the meeting with me. If that is not the case and it is inappropriate during contract negotiations, then I will have to decline and perhaps meet at a later stage.

CLIMATE CHANGE

The Hon. J.M. GAZZOLA (15:07): I'm just waiting for the camera! G'day, mum. My question is to the Minister for Climate Change. Will the minister update the chamber on the most recent developments in South Australia, Australia and the world with respect to climate change?

The Hon. K.J. Maher: Your other side is the better side.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08): Thank you, I wasn't aware that I had a particular side that was better than the other, but I will take advice from my leader, as I always do. This is a very timely question, particularly in light of the recent developments at the federal level regarding climate change and energy policy, and I thank the honourable member for being on the spot again in terms of his question.

I have spoken previously in this chamber about the calls from the community and business for bipartisanship when it comes to climate change. I referenced that earlier in terms of the RET debate and in response to a question from the Hon. Michelle Lensink. Sadly, it is still the case, unfortunately, that the Liberal Party, at the federal level at least, is incapable of accepting the science of climate change, at least wholly across the government. While other conservative governments around the world are taking action and accepting the need to limit global warming to 2º or less, the same cannot be said of the Liberals at the national level.

A damning example of this happened last week. Following the release of the Finkel review, the federal Liberals spent the whole week debating climate change science rather than seriously

looking at the challenges facing our country in terms of energy policy. If we are to meet the Paris Agreement requirements that we signed up to as a government and as a nation of decarbonising our energy sector, which frankly is worth about a third of our emissions profile, and if we had a bipartisan approach to energy policy, it would be the easiest way of actually acting on emissions reductions across the country, because there is already considered agreement across industry, NGOs, the community, many politicians and most state jurisdictions, including the Liberal government in New South Wales, on energy being the easiest way forward to act quickly.

We are still struggling with federal Liberals like Tony Abbott, the former Liberal leader, who said that climate change was crap, who led his troops into battle once again in the party room, discrediting and debating the merits of climate science all over again. The science is very clear. To achieve the ambitious targets set out in the Paris Agreement of limiting global warming to 2º or less means decarbonising the economy and it means more clean renewable energy. It is clear from across the country that there is a set of ageing energy infrastructure which has to be replaced. Much of this currently is coal-fired energy production.

I am advised that two-thirds of existing coal generators are more than 30 years old and that by 2025 (less than 10 years away) only four gigawatts will be less than 30 years old. The challenge is: what do we replace these ageing production units with? The answer has to be, I would think, the cheapest, most efficient, least cost alternatives. The answer these days, obviously, is renewables. That's the solution that the markets are telling us to adopt and yet, at a federal level, the party so-called of business, of the free market, is unwilling, in this case, to adopt that advice.

Last week, Bloomberg New Energy Finance released their 2017 New Energy Outlook and it's worth looking at the summary of their findings. A Bloomberg's analysis showed that the levelised cost of new electricity from solar photovoltaic generation falls by 66 per cent by 2040 and for wind this falls by 47 per cent. Bloomberg New Energy also estimates that the battery storage market will become a $20 billion a year global market by 2040.

But, as we have seen with so many issues of the federal Liberal Party, they are no longer the lions of the market. They are the keepers, the last bastion of protectionism for old, failing industries, because they want to build coal-fired power stations using the Clean Energy Finance Corporation. That's their answer. They want to intervene in the market, using taxpayers' money to build dirty, expensive coal-fired power stations. That's their commitment to the market. This is despite energy companies in Australia, energy companies that run the energy system, saying they won't build coal-fired power stations.

Mr Andy Vessey is the chief executive of one of Australia's largest energy companies, AGL. He has had over 30 years of experience in the industry. His company has the dubious honour of being one of Australia's biggest polluters. He is someone who probably knows a thing or two about energy and he knows a thing or two about coal. This is what he said yesterday, 21 June, I am advised:

> The fundamental is this. Technology is driving us in a direction. What's the new baseload for us? It's going to be large-scale renewables, it's going to be firmed up by probably open cycle gas until storage comes down, that's what it will be. We don't see anything baseload other than renewables, but yet you will hear people tell you, no coal—it can compete. Look at the numbers, I can give you the numbers, I've looked at the numbers, I've come to a decision and the decisions I've come to are going to direct billions of dollars of investment ultimately, so I think I've looked at it pretty hard.

Andy Vessey has doubled down on his assessment in an opinion piece in today's *Australian*, writing:

> Given the technology is changing, investors are increasingly sure that the cheapest source of electricity is likely to come from renewables supported by firming or storage and it is highly unlikely to come from baseload coal or gas—technologies which haven't changed a great deal in decades.

Not only won't energy companies build coal-fired power stations, insurers won't insure them and Australian banks won't finance them. The coal-loving approach of the Liberal Party is not worthy, I say, of a party in government, certainly not one seeking election to office. As I have summarised previously, it is worth repeating a quote from Michael Bloomberg:

> Government can no more save the coal industry than it could have saved the telegraph industry or the horse and buggy industry a century ago. Pretending otherwise only hurts those in coal communities—trapping them in a dying industry instead of helping them acquire new skills and gain access to new career opportunities.

It is no wonder that the approach of the Liberals is shunned by the Australian Industry Group, the Business Council of Australia, the Australian Aluminium Council, the Australian Energy Council, the Cement Industry Foundation, Chemistry Australia, and the National Farmers' Federation, amongst many others, who have called for action on energy and climate change. It is particularly worth looking at what the National Farmers' Federation contribution has been in recent times, and I don't often quote them. In an op-ed published in the *Australian Financial Review* on 6 June, Miss Fiona Simson, a farmer from the Liverpool Plains in New South Wales and the NFF's national president, wrote:

> Farmers are also focused on the future. They are the frontline of the impacts of climate change—and most accept that as a climate nation we must contribute our fair share to reduce our greenhouse gas emissions. The farmers I talk to know that a transition away from cheap, coal-based power generation is inevitable as assets age and new technologies become more affordable.
>
> Likewise, as the peak representative body for Australian farmers, the National Farmers' Federation sees integrating renewables into the electricity supply as critical to meeting Australia's emission targets. We know the transition to clean energy generation is not free, but the threat of climate change makes the sacrifice worthwhile.
>
> Minimising the transition cost is possible only if we have stable and coherent policy settings that send the right signals. Investors in large-scale generation want certainty to spend big money to underpin generation capacity.

That is the National Farmers' Federation. It is long past time to get on with the job. After nearly a decade of inaction caused by sceptics in the Liberal Party who have continually challenged the science, we need the federal government and the Prime Minister to actually act and to actually lead. We know what is needed. The time for debate is long gone.

It is time for Australia to transition to a low-carbon economy. I call on the Liberal Party in this state to help us try to convince the federal party to embrace the changes that are being espoused in the Finkel report. It is not nirvana. It is not the most optimal solution, but it is one that both parties can agree to. Let's get on board.

PUBLIC TRANSPORT CONCESSIONS

The Hon. M.C. PARNELL (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Police representing the Minister for Transport and Infrastructure about public transport concessions.

Leave granted.

The Hon. M.C. PARNELL: One of the most common complaints from South Australian tertiary students when travelling interstate is that their university or other student cards aren't recognised for the purpose of obtaining a concession fare on public transport. They have to pay the full price even though they may be on a very low income. The situation is the same in the other direction. Many South Australians study interstate and, when they come home for holidays, they find that their interstate university or TAFE card isn't accepted here.

In fact, it is not only tertiary students. Interstate full-time secondary school students aged 15 or over have to pay the adult fare because South Australia doesn't recognise their interstate high school student ID, and the same when South Australian high school students visit interstate. But this isn't the same for other categories of concession cardholders.

For example, commonwealth concession cardholders are recognised in South Australia and in other states, seniors from interstate are entitled to concession fares in South Australia and even some of the special categories of concession are recognised, even though their cards might be issued interstate. For example, if you are vision impaired, your interstate card will be accepted, and quite rightly so. So, reciprocity is clearly possible. Reciprocal arrangements exist for some types of concession categories but, if you are a secondary or tertiary student, forget it, you are paying the full price on the bus, train or tram.

My question of the minister is: what will the government do to promote reciprocal arrangements so that South Australian secondary and tertiary student public transport concession cards are recognised interstate and that visiting interstate students can also get concession fares on South Australian public transport?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:18): I thank the honourable

member for his important question. It is a situation that I personally am familiar with, having once been a student and regularly travelling across the border and using public transport. Obviously, being a question that principally fits under the area of the Minister for Transport, I am more than happy to take that question on notice and seek a response from the responsible minister who sits, of course, in the other place.

ICE TASKFORCE

The Hon. J.S. LEE (15:19): I seek leave to make a brief explanation before asking the Minister for Police a question in his role as the chair of the Ice Taskforce.

Leave granted.

The Hon. J.S. LEE: In the minister's recently released document, titled 'Stop the Hurt: South Australian Ice Action Plan', it is stated that the government is considering a model for mandatory assessment and/or treatment for those at extreme and immediate risk, which is based on the Victorian Severe Substance Dependence Treatment Act 2010.

The Victorian act allows for a brief period (up to 14 days) of detention and compulsory treatment of people where it is necessary as a matter of urgency to save a person's life or prevent serious damage to their health. One of the biggest concerns for the community is that ice use in South Australia is increasing rapidly. My questions to the minister are:

1. Does the minister consider the mandatory drug treatment orders for persons under 18 a necessary undertaking and the most effective measure as part of the proposed model?

2. With the action plan stating the government is considering the model, can the minister indicate what he believes is a reasonable time frame to finalise such a consideration?

3. Will the minister adopt the Victorian act by detaining and providing compulsory treatment of people in emergency circumstances and, if so, when will this policy be implemented?

4. Does the minister concede that mandatory drug treatment is most fundamental in dealing with drug use?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:21): I thank the honourable member for her question. She is right to refer to the Ice Taskforce document and one of the findings that came out of it in and around mandatory treatment orders. As the Hon. Ms Lee has stated, this is our effort to analyse and thoroughly work through the Victorian model and see if it is delivering the results that everyone desires, which of course is a reduction in the consumption of ice, and as part of that having those people suffering from addiction getting access to the appropriate treatment.

I have to say that the idea, philosophically and logically, of having mandatory treatment apply to those people suffering from an addiction of any description, but particularly a drug addiction of the likes of ice, which we know can cause so much damage, appeals to me. It seems to make a lot of sense that, if an individual is suffering from an ice addiction and is incapable of making decisions consciously as a result of their addiction and wants to kick that habit, that person be subjected to some form of mandatory treatment in order to be able to achieve the desired outcome.

As we went through the task force process—and we heard from experienced clinicians, members of the community, providers of drug and alcohol treatment services—I spent a lot of energy trying to listen to everything they said with a view of finding evidence that indicates that such an approach works, and it was difficult to come by. Overwhelmingly, people who work within this sector tend to argue that mandatory treatment is something that doesn't work.

I know that sometimes defies logic, but I think it is really important, when policymakers are seeking to introduce a response to a significant issue, that they try, to the best extent possible, to ensure that that policy is informed by evidence, and that is exactly what we have done here. There are some instances around the country, in Victoria, where there are mechanisms for mandatory treatment to occur. Victoria strikes me as probably the best example of where that is operating and we want to do a thorough analysis to look at how the Victorian model is operating, and if there is evidence that suggests it is working well then South Australia can look at adopting a similar method.

In terms of the time line, SA Health is working with the Attorney-General's Department to undertake that review of the Victorian model. We have not put a specific time line on it, but needless to say—and I think this has been demonstrated by the fact the task force has responded in a very timely way—we are committed to addressing this issue as quickly as we possibly can.

I think it would be unwise, with an evidence-based review of this nature, to put a specific time limit on it, apart from saying that we want it to be achieved as quickly as possible. And if there is evidence that suggests that this is working and can continue to work and the resources are there to be able to ensure that it can be applied in its best format, then that is something the state government is very interested in pursuing.

I think we are all collectively, in a bipartisan way, or indeed across the parliament, committed to seeing an ice reduction. If that requires legislative reform, then I think collectively in this parliament we are capable of pursuing such a reform and passing it in due course.

Parliamentary Procedure

BUDGET PAPERS

The following papers were laid on the table:

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

Budget Paper No. 1—Budget Overview 2017-18
Budget Paper No. 2—Budget Speech 2017-18
Budget Paper No. 3—Budget Statement 2017-18
Budget Paper No. 4—Agency Statements—Volume 1 2017018
Budget Paper No. 4—Agency Statements—Volume 2 2017-18
Budget Paper No. 4—Agency Statements—Volume 3 2017-18
Budget Paper No. 4—Agency Statements—Volume 4 2017-18
Budget Paper No. 5—Budget Measures Statement 2017-18

Bills

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 June 2017.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:26): I thank those members who have contributed to the debate on this bill. The initiatives in the bill are aimed at addressing the growing incidence of drug driving in our community. The statistics are concerning and it is incumbent upon us as legislators to send a strong message to those who are willing to risk their own lives and the lives of other innocent road users that drug driving will simply not be tolerated.

The bill introduces a three-month licence disqualification for a first drug-driving offence. The bill also increases the court imposed disqualification period for a first offence from a minimum of three months to six months, which will not be able to be reduced or mitigated in any way. A high court penalty is appropriate to deter those who would take their chances in court if the penalties were the same.

The bill increases the minimum court-imposed licence disqualification period for repeat drug-driving offences from six months to 12 months for a second offence, from one year to two years for a third offence and two years to three years for any subsequent offence. The bill also creates a new offence of high level drink or drug driving when a child under the age of 16 is in the vehicle. This new offence will require the driver to undergo a drug or alcohol dependency assessment and the offender will not regain their licence until they have been assessed as non-dependent by a clinician.

Finally, the bill increases the penalty for driving unlicensed at the end of the disqualification period. For those who choose not to undergo a required dependency assessment, or drive after

being found dependent, they will face an increased penalty of $5,000 or imprisonment for one year and disqualification from holding or obtaining a licence for not less than three years.

The Hon. Mr McLachlan has asked a number of questions on the bill and the government policy around drug driving, which I will seek to address now. The Hon. Mr McLachlan asked about the success of increased drug-driving disqualifications in other states and how this data is collected and measured. First and foremost, the state government is concerned with data collected in South Australia with respect to drug driving. There has been a steady increase in the proportion of drivers who test positive for drugs from roadside tests.

In 2008, 2 per cent of those drivers tested by SAPOL returned a positive drug test. This rose to 11 per cent of drivers tested in 2016. Drugs have now surpassed alcohol in terms of involvement in road fatalities. Since 2014, the total number of drivers or riders killed, testing positive to drugs, has overtaken the number of drivers or riders killed with an illegal blood alcohol content in their system. In 2016, 30 per cent of drivers or riders killed tested positive for drugs. These statistics are obviously incredibly concerning.

Changing attitudes and behaviours around drug driving requires a multifaceted approach, involving a strong penalty regime, visible enforcement and dedicated education programs. It would be extremely difficult to ascertain which of these many factors has changed driving behaviour. However, we know we must have a dedicated focus on all components to ensure we achieve the change we are after.

Currently in South Australia an expiated drug-driving offence carries no disqualification period. In comparison, most other jurisdictions do carry a disqualification for a first drug-driving offence. Loss of licence is known to be a strong deterrent for road traffic offenders. Further to that, research in South Australia has found that increased penalties and the risk of being caught motivate people to change behaviour. Introducing a three-month disqualification for a first expiated drug-driving offence and increasing the disqualifications for repeat drug-driving offences is expected to be a strong deterrent.

The community rightly expects a strong government response to the incidence of drug driving. The Hon. Mr McLachlan has asked about education campaigns to accompany legislative changes. The Motor Accident Commission manages the state government's road safety campaigns in South Australia, including in drug driving. MAC will run a targeted drug-driving campaign to coincide with the introduction of new laws. For each of its education campaigns the Motor Accident Commission uses a third-party market research agency to evaluate the campaign against its objectives. This process will continue.

The Acting President has also asked about the sharing of information across government departments and the legislative authority, which will permit the sharing of this information. I am advised that information identifying offenders who have been convicted of or expiated an offence of drink-driving or drug driving with a child in the car will be provided to the Department for Child Protection for the purposes of their investigations into child safety. The information about offences will be provided regardless of whether a finding of drug or alcohol dependency is made.

In terms of the legislative authority, the Motor Vehicles Act allows information to be disclosed in accordance with guidelines prescribed by the regulations. The regulations will be amended to allow the Registrar of Motor Vehicles to disclose information to the Department for Child Protection that will identify offenders who have been convicted of or expiated an offence of drink or drug driving with a child in the car for the purposes of their investigations into child safety.

The Hon. Mr McLachlan has asked about training of SAPOL officers on appropriate handling to ensure the integrity of samples is maintained. I am advised that SAPOL officers presently undertake a one-day screening course and two-day oral fluid analysis course on the collection and handling of oral fluid samples. The training includes the requirements as described and outlined in part 3 of schedule 1 of the Road Traffic Act on oral fluid samples. This training will be ongoing.

The requirements include placing the sample oral fluid in approximately equal proportions into separate containers marked with an identification number distinguishing the sample from other samples of oral fluid and sealing the containers; ensuring each container contains a sufficient quantity of oral fluid to enable an analysis to be made of the presence of a prescribed drug; and to

take such measures as are reasonably practicable in the circumstances to ensure that the sample is not adulterated and does not deteriorate so as to prevent a proper analysis of the presence of a prescribed drug in the oral fluid. I will seek advice from Forensic Science SA on their procedures and will provide this information to the honourable member.

The Hon. Mr McLachlan has asked about drug testing being limited to the three drugs prescribed, being THC, methylamphetamine and MDMA. There are a number of reasons why these are the three drugs tested for, including the availability of appropriate roadside screening technology, the drugs most prevalent in drivers killed or injured in casualty crashes and associated road safety benefit.

Analysis undertaken by the University of Adelaide Centre for Automotive Safety Research is that the three prescribed drugs currently tested for in South Australia is appropriate. This analysis is based on: the group of psychotic drugs that if used by drivers could possibly increase the risk of crashing; the effects of drugs on driving-related skills; the most relevant finding of epidemiological studies of the risk of crashing; the prevalence of different drugs in various Australian populations; and the prevalence of illegal drugs detected through random drug testing operations.

It is important to note that drivers impaired by drugs, either prescription or illicit, can be prosecuted for the existing offence of driving under the influence of an intoxicating liquid or drug. Current research suggests that other drugs such as cocaine or heroine are not prevalent in injured drivers' blood, unlike methylamphetamine for example, therefore the road safety benefit would not be sufficient to pursue the inclusion of these drugs in testing.

The Hon. Mr McLachlan has asked questions relating to SAPOL's roadside testing regime which I will now seek to address. A drug screening test conducted at the roadside costs $27 (ex GST). The revised program, as indicated in the bill, will incur a cost for an oral fluid collection of a person who is positive to a drug screening test. The cost is presently unknown. It is anticipated that Forensic Science SA will see an increase in samples for laboratory confirmation, which is predicted to be in the order of approximately $95,000 per annum.

The initial roadside test will continue to only detect the presence of the three drugs prescribed in the legislation. The roadside drug screening test indicates a positive or negative result for the presence of one or more of the prescribed drugs. It does not determine a level of a drug if one is present. Results received by SAPOL from Forensic Science SA on the analysis of the drug do not advise of a level of a drug present. It is reported that a prescribed drug is either detected or not detected.

The equipment that is used by SAPOL has cut-off levels for particular drugs or limits as to how low a concentration of a drug will go for the equipment to work. Cut-off levels are provided to ensure accuracy and the detection of a prescribed drug and to prevent cross-reactivity to other drugs. At this point in time, it is not possible to establish meaningful BAC-equivalent concentrations. A zero tolerance approach is therefore appropriate for the drugs currently tested.

CASR's research has reviewed international research on whether it is possible to establish concentration levels for different drugs that are the equivalent to those used for drink-driving. CASR advises that while research has been undertaken in other countries in an attempt to establish a reliable relationship between the concentration of the drug and the level of impairment, this has not been possible.

With respect to the Hon. Mr McLachlan's reference to critics of Australian drug-driving policy, the government's view on this is clear: the use of illicit substances is illegal. We know that these drugs have a range of effects on a person's physical and mental state that are incompatible with safe driving practices. Drugs affect a person's judgement and may result in dangerous driving behaviour if the drug driver feels impatient, aggressive or has a heightened sense of their own abilities.

In relation to the Hon. Mr McLachlan's question on whether there have been any cases in which a drug test has been found to be inaccurate or incorrect, all samples that result from a positive drug test are sent to Forensics SA for confirming analysis.

SAPOL would only commence a prosecution after the laboratory confirms that a drug is present. SAPOL's prosecution is based on the laboratory outcome, not on the initial screening test

done by police. In relation to how different people may metabolise drugs, it is true that people with different metabolic rates, ages and general health status will tend to break drugs down within their systems at different rates. If two people consume the same amount of a drug, they will most likely have different concentrations of the drug in their system over time. If a drug is present, regardless of concentration, the result will be positive and an offence will be committed.

The screening devices used are able to detect THC for several hours after use. The exact time will vary depending on the amount and potency of the cannabis used and the individual's metabolism. Inactive THC residue in the body of a driver from use in previous days or weeks will not be detected. Methylamphetamine and MDMA may be detected for approximately 24 hours after use. Again, the exact time will vary depending on the size of the dose and other drugs taken at the same time, as well as the differences in the individual's metabolism.

Should a driver return a positive drug test on the roadside, SAPOL officers will issue a direction in writing to that person not to drive. The current time frames vary depending on the drug. A person who is positive to THC will receive a direction for five hours and a person who is positive to methylamphetamine or MDMA will receive a direction for 24 hours.

The Hon. Mr McLachlan has asked about whether the bill reflects recent advancements being made with respect to medical marijuana. A person who uses cannabis for medicinal purposes would need to ensure that the THC is no longer present in their system prior to driving. The screening devices used are able to detect THC for several hours after use. The exact time will vary depending on the amount and potency of the cannabis used and the individual's metabolism. Inactive THC residue in the body of a driver from use in previous days or weeks will not be detected.

In relation to prescription medications such as Valium, drivers impaired by drugs, prescription or illicit, can be prosecuted under section 47 of the act for the existing offence of driving under the influence of an intoxicating liquor or drug, commonly referred to as 'driving under the influence'. Benzodiazepines, in particular, can increase crash risk when used at recreational levels. At this time, roadside screening technology can measure presence but not concentration. When technology is sufficiently developed, it would be appropriate to consider including these drugs in roadside drug testing protocol at above therapeutic recreational levels.

The Hon. Mr McLachlan has asked for further statistics on the presence of drugs in those drivers and riders killed on South Australian roads. In the last five years, of the drivers and riders killed, 24 per cent tested positive for cannabis, methylamphetamine, MDMA or a combination of these drugs.

In a media release dated 11 May, I provided a figure of 22 per cent of drivers and riders killed having tested positive for drugs, which was based on the five-year average from 2011 to 2015. At that time, the 2016 result for road crash fatalities was not finalised. However, taking that into account, the five-year average is now 24 per cent. I seek leave to insert a table into *Hansard* showing the breakdown of drivers and riders killed and the percentage of those testing positive to THC, methylamphetamine and MDMA over the years 2012 to 2016.

Leave granted.

Table 1: Drivers and riders killed and the percent of those testing positive to THC, Methylamphetamine or MDMA, South Australia, 2012-16

Year	Driver and rider fatalities	Driver and rider fatalities tested	Percent tested positive to drugs
2012	65	60	22%
2013	60	56	18%
2014	63	61	25%
2015	64	58	24%
2016	49	47	30%
5 year average 2012-16	60	56	24%

The Hon. P. MALINAUSKAS: Of the 24 per cent, 9 per cent tested positive for cannabis, methylamphetamine or MDMA, or a combination of these drugs, and also tested positive to alcohol at a level of .05 or more. The remaining 15 per cent tested positive for cannabis, methylamphetamine or MDMA, or a combination, and had a zero level of alcohol or a level below 0.5. On average, eight driver or motorcycle rider fatalities per year had THC only in their system. A further four per year had methylamphetamine or MDMA in their system, and two per year had a combination of THC and methylamphetamine and/or MDMA.

Over the last decade, the trend of drivers and motorcyclists killed found with methylamphetamine or MDMA in their system has increased in number compared to those with THC. The number of drivers or riders killed who tested positive to THC has decreased on average by 3 per cent per year over the 10-year period from 2007 to 2016. In contrast, the number of drivers or riders killed who tested positive to methylamphetamine or MDMA has, on average, increased by 6 per cent per year over the same period.

Despite an overall decline in the road toll over the last decade, the number of drivers and riders killed on our roads who test positive to drugs has only marginally decreased. As a result, driver and rider fatalities with illicit drugs in their system have become a proportionately more significant part of the road toll. Since 2006, the number of drivers and riders killed who have tested positive to an illegal BAC has decreased by an average of 8.9 per cent for the year. The number testing positive to drugs has reduced by only 1.1 per cent. Each year, since 2014, the number of drivers or riders killed testing positive to drugs has overtaken the number of drivers or riders killed with an illegal blood alcohol content.

In relation to the Hon. Mr McLachlan's question on drug testing being more targeted than alcohol testing, a roadside drug test costs approximately 100 times more than the cost of a drink-driving test. Police officers have the discretion, when stopping a vehicle, to determine which test they will submit the driver to. Testing may be undertaken through static or mobile roadside testing, as well as in prescribed circumstances when someone has committed a driving offence or been involved in a crash.

Intelligence can also direct when and where testing occurs. For example, alcohol detections can be late in the evening or during the night, whereas drug detections can occur anywhere at any time due to the detection window of drugs being up 24 hours. Testing of drugs is undertaken across all locations, taking into consideration high-visibility policing and educating the public on road safety and prevention as well as detection. Traffic operations will direct testing, for example, on long weekends where there are high traffic volumes on roads and the risk of serious injury and fatal crashes is greater. Another example is around areas where there are vulnerable road users, such as school locations and entertainment precincts.

Most drug-driver testing is currently undertaken by specialist traffic police in the country and metro areas. Driver drug testing operates in the same way as random breath testing and will continue the same way into the future. In situations where the police officer is trained in the use of such equipment, they will be equipped with drug-testing devices.

The Hon. Mr McLachlan has asked for specific statistics on detections and convictions. In the five-year period from 1 January 2012 to 31 December 2016, there has been a total of 248,326 drivers screened for a prescribed drug. Of those, 21,516 drivers were found to be positive for a drug after laboratory analysis. Table 1, which I seek leave to insert into *Hansard*, provides a synopsis of the drugs or combinations detected.

Leave granted.

Synopsis of the drugs, or drug combinations detected.

DRUG TYPE	DRIVERS DETECTED
MA	10,863
THC	4,474
MDMA	96
MA/MDMA	234
THC/MDMA	87

DRUG TYPE	DRIVERS DETECTED
MA/THC	5,623
MA/THC/MDMA	139
TOTAL	21,516

The Hon. P. MALINAUSKAS: The figures are the confirmed positive results received from Forensic Science SA for roadside testing. The results do not include drivers who have submitted to a blood test pursuant to section 47I of the Road Traffic Act as a result of being injured in a crash and taken to hospital. In addition, 336 drivers during the same period were detected driving under the influence of a drug. The detections are spread across the state.

I note the Hon. Mr McLachlan has asked for figures on the geographical areas in which drivers have been caught drug driving. I am seeking these figures and will provide them to the member once they are received. We will also seek advice from the courts on conviction data and update the member. The Hon. Mr McLachlan has asked about gazetted drug dependency assessment clinics. I advised that the Corporate Health Group is currently the only clinic approved to provide dependency assessments. The Corporate Health Group (CHG) has a team of medical practitioners, qualified psychologists and nurses who conduct drug and alcohol dependency assessments so that the registrar can determine whether people are fit to drive.

Training was provided to CHG by Drug and Alcohol Services SA specialists, with ongoing training to CHG clinicians by their addiction medicine specialists. The assessments investigate both the physical and psychological symptoms of drug and alcohol dependency. Blood samples and a urine drug analysis are undertaken for a drug dependency assessment. The mental health symptoms of dependence are assessed using the criteria in the *Diagnostic and Statistical Manual of Mental Disorders IV*. This is a widely accepted guideline for the diagnosis of mental health disorders and is produced by the American Psychiatric Association and used widely in Australia for diagnostic criteria for mental health disorders.

The Department of Planning, Transport and Infrastructure intends to go out to market for assessment services within the next year. It is not possible to determine at this stage whether any more assessment clinics will be approved to provide the services. It will depend on whether there are suitable providers available who are willing to tender for the work. Previous market assessments have found that there were no other clinics able to provide this service in SA. There are few private addiction specialists in South Australia, with most working for the government.

CHG has indicated that it can handle in a timely manner the expected increase in demand for drug and alcohol dependency assessments. The average waiting time for drug and alcohol dependency assessments is between four and six weeks. CHG has advised that they ensure that the waiting time remains within these limits.

Moving on to the questions raised by the Hon. Ms Kelly Vincent, I thank the honourable member for her questions in relation to the ability of current tests to ascertain which drug is causing a positive test result. Currently, both roadside drug testing and forensic results for road crash fatalities can distinguish between the three types of prescribed drugs, being cannabis, methamphetamine and MDMA, in a person's system and are recorded by drug type accordingly.

Of the 66 drivers or riders killed during the period of 2012 to 2016 who tested positive to drugs, 30 per cent tested positive to THC only, 21 per cent tested positive to methamphetamine only and the remaining 49 per cent had a combination of these drugs and also, potentially, a blood alcohol content or MDMA. Drug results for serious injuries may be less reliable because of the volume of injuries and the availability of results to SA police. New reporting procedures implemented by SAPOL in late 2016 will improve the reliability of drug results for road crash injuries into the future.

In summing up, the initiatives in this bill will act as a significant deterrent to those considering engaging in the reckless behaviour of drug driving. As a community, we must not accept this behaviour. While we have had considerable success in changing community attitudes towards drink-driving, our task is now to replicate this with drug driving. I commend the bill to members.

Bill read a second time.

SENTENCING BILL

Committee Stage

In committee.

(Continued from 20 June 2017.)

Clause 1.

The Hon. A.L. McLACHLAN: I indicate for the benefit of honourable members that we will be supporting the government's amendments—a rare occurrence. We will obviously be moving our own amendment. We are not supporting the Greens' amendments and we are not supporting the Hon. Mr Darley's amendments.

Clause passed.

Clauses 2 to 10 passed.

Clause 11.

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

Amendment No 1 [Parnell–2]—

Page 12, after line 28 [clause 11(1)]—After paragraph (g) insert:

(ga) the probable effect any sentence under consideration would have on dependants of the defendant;

The purpose of this amendment is to reinstate into the sentencing considerations the ability for the court to take into account the probable effect any sentence under consideration would have on dependants of the defendant. That does not mean that just because a person has children or elderly parents they are going to avoid gaol, but it says that the court can take into account what the impact on their dependants might be. That is a provision that has been in South Australian law for many years and the Greens believe that it should stay in there. The government's bill does not include that provision and we think that is an oversight.

It goes without saying, and I think the minister in his second reading summing up acknowledged, that, of course, there is always an adverse impact on dependants of people who are sent to gaol. I am not suggesting that just because someone has children they should not go to gaol, but you can imagine situations where it is lineball, where the judge is tossing up whether to suspend a sentence or whether to order home detention, rather than a period of incarceration.

Whilst it might only be a minor factor, we are talking about the drawing of lines. Sometimes you fall one side of the line, sometimes you fall the other. If you have a lineball case and the judge is considering that there might be seven children who will end up in state care as a result of their mum or dad going to gaol, and they were not sure that a custodial sentence was really necessary, it might be a factor that would allow the judge to make a different decision. I can see no reason to remove it from sentencing considerations and my amendment seeks to put it back in.

The Hon. P. MALINAUSKAS: The government opposes the amendment. I have discussed the law on this matter in the second reading speech in reply. In summary, the common law is that the court should not give substantial weight to the effect of any sentence on third parties unless the circumstances are highly exceptional. This is founded on the observation that hardship to spouse, family and friends is the tragic, but inevitable, consequence of almost every conviction and penalty recorded in a criminal court.

Courts applying the existing provision have read down the provision to include the common law limitation that the circumstances should be exceptional. That being so, the inclusion of this statement in the law would be wrong. Not only that, it would also be contrary to all that these statements of principle are meant to be. The idea is that the law on sentencing, as complex as it is and as subjective as it is, should be as transparent as possible.

The New South Wales Law Reform Commission, whose recommendations form the starting point for this part of the exercise, observe that:

The common law in NSW on this matter is well known and including this factor in the proposed provision would be redundant and cause confusion.

The government opposes the amendment and we implore the chamber to also oppose the amendment.

The Hon. M.C. PARNELL: I did hear the Hon. Andrew McLachlan earlier say that he was not supporting this amendment, so I can see where the numbers are on it. I will just make the observation though that, as the minister said, the courts should not put substantial weight on this consideration unless there are exceptional circumstances. The way the government has drafted this law, substantial weight or insubstantial weight (10 tonnes or a feather), the courts will not be able to take it into account at all to any degree—at all, ever. I think the minister is overstating the case.

There is a list of sentencing considerations and all I am saying is that this should be one of them. The Greens' position has always been to support judicial discretion. The judges will decide how much or how little weight to attach to these considerations. However, I can see where the numbers are and, whilst I am disappointed, I will not be dividing.

The Hon. J.A. DARLEY: For the record, I would support the Greens' amendment.

Amendment negatived.

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

Amendment No 1 [Parnell–3]—

Page 12, after line 29 [clause 11(1)]—After paragraph (h) insert:

(i) any other relevant matter.

My memory is that I split my original amendment into two parts so they could be moved separately in the vain hope that members might feel able to support one but not the other, so I will test the second of these. The arguments are similar to the ones I have just outlined in relation to the court being able to take into account the effect of a sentence on the dependence of the defendant. That was in the original section 10 sentencing considerations. Another factor that was in the section 10 considerations was the catch-all provision at the end, 'any other relevant matter'.

Basically, what that did is it gave to judges the ability to take into account, in imposing sentences, things that they believed were relevant, and it gave them the ability to do that. By removing the words 'any other relevant matter' the parliament is effectively trying to constrain the judiciary to make sure that they only take into account a more limited range of sentencing considerations. I think, at a fundamental level, that is just the wrong way to go.

It has been a battle in this place for the last 10 years or so between the parliament effectively trying to tell judges what to do and allowing judges to exercise their discretion. We see it in minimum mandatory sentencing and we are seeing it now in sentencing considerations. I make the point again, these words have been in the law for years and years and years. I cannot say exactly how many, but they are certainly in section 10 of the current sentencing laws.

Unless we put these words back in, we are effectively tying the hands of our judges and they will not be able to take into account clearly relevant factors unless it is something that the parliament has identified through this now more limited list of considerations. I would urge members to give our judges the discretion that they need so they can take into account anything that is relevant, and the parliament should not stop them from doing that. I move the amendment standing in my name.

The Hon. P. MALINAUSKAS: The government opposes this amendment. Insofar as this amendment says anything that is correct in law, the amendment is redundant. Clause 11(2) provides:

The matters referred to in subsection (1) are in addition to any other matter the court is required or permitted to take into account under this Act or any other Act or law.

This is the correct way to put any residual statement. To widen it to anything at all that might be relevant either says nothing at all, for a matter should only be relevant if a law says it is, or it says something entirely wrong and misleading, which is that if a matter is relevant it must be taken into account, which is not the rule of law. In any event, the inclusion of this phrase again contravenes the

policy of transparency and openness set out in my comments on the last amendment. This amendment should be opposed.

The Hon. A.L. McLACHLAN: As I indicated before, the Liberal Party will not be supporting this amendment. As much as it personally appeals to me, the Liberal Party has declined to support it.

Amendment negatived.

Progress reported; committee to sit again.

At 16:07 the council adjourned until Tuesday 4 July 2017 at 14:15.

Answers to Questions

APY LANDS, RENAL DIALYSIS UNITS

In reply to **the Hon. T.J. STEPHENS** (19 October 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for Health has been advised:

The commonwealth has advised it has a funding agreement in place with Western Desert Nganampa Walytja Palyantjaku Tjutaku (WDNWPT/the Purple House) for the construction of Pukatja dialysis facility and staff housing.

The commonwealth has advised that Purple House is continuing to negotiate land tenure and that pending resolution construction will commence in late 2017.

SA Health is continuing to focus on the operational requirements of the Pukatja facility in consultation with Purple House, Nganampa Health Council and other stakeholders.

APY EXECUTIVE

In reply to **the Hon. T.J. STEPHENS** (2 November 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been advised:

The matter of quorum and complaints to Fair Work Australia are a matter for APY.

I am advised that the Department of State Development - Aboriginal Affairs and Reconciliation Division has provided a range of measures to support the APY Executive Board. These include:

- Facilitating an independent review of the APY Land Rights Act.
- Arranging for governance training to be provided to the current board members on three occasions since their election in May 2015.
- Engaging KPMG to review and assess APY financial management and compliance;
- Engaging Ernst & Young to review all 2014-15 government transactions and identify areas for improvement; and
- Arranging for the Crown Solicitor's Office to deliver a legislative compliance session to the APY Executive Board on 6 December 2016. However, this was postponed due to severe weather conditions. It is anticipated the training will be provided to the newly formed board members in the near future.

I am advised that APY have improved their accountability and transparency, particularly in regard to financial controls.

Members would also be aware that amendments to the APY Land Rights Act came into operation on 1 January 2017. These amendments have been designed to improve governance and administration within the APY Lands through key reforms which include the establishment of minimum eligibility criteria for board members and providing for gender balance on the board.

New board members have been elected on 5 April 2017, and I look forward to working with them.

APY EXECUTIVE

In reply to **the Hon. S.G. WADE** (2 November 2016).

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APY EXECUTIVE

In reply to **the Hon. T.J. STEPHENS** (2 November 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been advised:

The matter of quorum and complaints to Fair Work Australia are a matter for APY.

I am advised that the Department of State Development - Aboriginal Affairs and Reconciliation Division has provided a range of measures to support the APY Executive Board. These include:

- Facilitating an independent review of the APY Land Rights Act.
- Arranging for governance training to be provided to the current board members on three occasions since their election in May 2015.
- Engaging KPMG to review and assess APY financial management and compliance;
- Engaging Ernst & Young to review all 2014-15 government transactions and identify areas for improvement; and
- Arranging for the Crown Solicitor's Office to deliver a legislative compliance session to the APY Executive Board on 6 December 2016. However, this was postponed due to severe weather conditions. It is anticipated the training will be provided to the newly formed board members in the near future.

I am advised that APY have improved their accountability and transparency, particularly in regard to financial controls.

Members would also be aware that amendments to the APY Land Rights Act came into operation on 1 January 2017. These amendments have been designed to improve governance and administration within the APY Lands through key reforms which include the establishment of minimum eligibility criteria for board members and providing for gender balance on the board.

New board members have been elected on 5 April 2017, and I look forward to working with them.

FEDERAL BUDGET

In reply to **the Hon. J.M.A. LENSINK** (10 May 2017).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been advised:

Initial analysis of the Prime Minister's announcement shows around $70 million will be provided over two years, leaving around $265 million in cuts from the original Gonski plan.