LEGISLATIVE COUNCIL

Thursday, 6 July 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.

The Hon. A.L. McLACHLAN (11:03): I wish to speak to the motion. Honourable members will recall that on Tuesday the Hon. Mr Parnell, a fellow member of the deadlock conference, expressed concern that the finding of an appropriate time for the deadlock conference is dragging on. The Liberal Party shares the Hon. Mr Parnell's views. I thought I would raise it on the last sitting day before a break to put the government on notice that, should we return from the break and we have not had some progress about settling a time for a conference, we will consider opposing this motion in the next sitting week.

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) (11:05): 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.

Motions

IKARA-FLINDERS RANGES NATIONAL PARK

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (11:06): I move:

That this council requests His Excellency the Governor to make a proclamation under section 27(3) of the National Parks and Wildlife Act 1972 excluding Allotment 63 in approved plan No. D93043, Out of Hundreds (Parachilna), from the Ikara-Flinders Ranges National Park.

The purpose of the motion is to excise an area of land from the Ikara-Finders Ranges National Park. The park is located approximately 450 kilometres north of Adelaide, it is renowned for its natural and geological significance and is a major part of the South Australian identity. It is co-managed with the Adnyamathanha people and provides a wonderful opportunity for visitors to experience landscapes, wildlife and, of course, Aboriginal traditional culture.

Many honourable members would know that the state government was very pleased to recently have included in the park an area of profound cultural significance known as Sacred Canyon, to better protect its engravings and provide opportunities for cultural tourism. This new land swap builds on other boundary consolidations of the last 10 years, including land that was formerly part of both Commodore Station and Gum Creek Station, whereby owners have had a wish that the stunning ranges should be preserved in the Ikara-Flinders Ranges National Park for the people of South Australia.

The proposal before parliament today is another such undertaking, aimed at consolidating one of our great natural assets. The government and the lessees of Willow Springs Station have reached a mutually beneficial agreement for the exchange of land. I might say that it has been a long time in the making but we have now come to the point where we can sign off. In the south-eastern corner of the park is an area of land that has little conservation value, I am advised, and is better suited to pastoral activities. It abuts Willow Springs Station, a neighbouring pastoral property. This land is to be excised from the park and added to the pastoral lease.

The National Parks and Wildlife Act 1972 requires parliament to pass a motion before such an excision can occur. Once parliament has given this approval, Willow Springs Station will surrender from their pastoral lease an area of mountain range country which has high conservation and landscape values. This land will then be added to the park. The result of this will be that 1,350 hectares will be excised from Willow Springs Station and added to the Ikara-Flinders Ranges National Park in exchange for 900 hectares being excised from the national park and added into Willow Springs Station.

In recognition of the tourism operations conducted on Willow Springs Station, the land being added to the national park will continue to be made available to the lessees for tourism activities through the grant of a commercial tourism licence. We are absolutely committed to fostering nature-based tourism offerings throughout the parks system in our state and supporting Willow Springs Station in this way to maintain its tourism products as part of that ongoing commitment.

I therefore commend the motion to the council and thank everyone—and there has been a long list of people involved in the long negotiation to get this desirable outcome—and, as I say, look forward to its speedy passage.

The Hon. J.M.A. LENSINK (11:09): I rise to indicate support for this motion. The minister in this place actually gave notice on 24 May last year that he wished to alter the boundary of the Ikara-Flinders Ranges National Park. I would also like to draw to the attention of any potential *Hansard* readers of our debate that this matter was dealt with in the House of Assembly on 21 June 2017. A number of members spoke, but most particularly the local member, Mr Dan van Holst Pellekaan, the member for Stuart, spoke at length, including on the extensive history, and I think he has done great justice to the record as far as what actually took place.

As the minister has indicated, it has had an extended gestation, both in negotiations between his department and the local leaseholders, as well as staying on the *Notice Paper* in this place for some time while those negotiations continued. It is pleasing that those matters have been resolved. This is one of the practices that is available under the National Parks and Wildlife Act to alter boundaries of a conservation park, which requires a resolution of both houses of parliament.

The Ikara-Flinders Ranges National Park is approximately 450 kilometres north of Adelaide. The pastoral property Willow Springs Station neighbours the south-eastern boundary of the park, and the government has been in negotiations to exchange an area of the conservation park called Appealina paddock, which is 900 hectares, for an area of the pastoral property known as block 101, which is 1,350 hectares.

Whilst block 101 contains significant intact biodiversity and scenic values, the Appealina paddock is better suited to pastoral activities. I understand that, for many years, Willow Springs has utilised the four-wheel drive management track on block 101 for nature-based commercial tourism activities, and DEWNR has stated that it will maintain support for the station to continue to access the track for tourism purposes, providing the station holds a commercial tour operation licence.

Once this parliament has considered the excision of land from the Ikara-Flinders Ranges National Park, the addition of land to the park will proceed through the Pastoral Board. I commend

the negotiators, the leaseholders, Mr Brendan and Carmel Reynolds, and DEWNR and wish to proceed with the motion forthwith.

Motion carried.

PORT GAWLER CONSERVATION PARK

Adjourned debate on motion of the Minister for Sustainability, Environment and Conservation:

That this council requests His Excellency the Governor to make a proclamation under section 29(3) of the National Parks and Wildlife Act 1972 abolishing the Port Gawler Conservation Park.

(Continued from 1 June 2017.)

The Hon. J.M.A. LENSINK (11:12): I rise to support this motion for the abolition of the Port Gawler Conservation Park, which is to enable it to be part of much greater things. The Labor Party made a promise to create an international bird sanctuary in the 2014 campaign, and they have proceeded with those plans. The first I heard of this matter was a debate that was organised by the Conservation Council, at which I participated as the then shadow minister for the environment, and the Premier spoke on behalf of the Labor government, either early in 2014 or late 2013.

That was the first time I had heard of this particular proposal that a bird sanctuary be created to support the East Asian-Australasian Flyway, which is a migratory pathway that a range of shore birds use to travel from the Northern Hemisphere to the Southern Hemisphere for breeding purposes. It is a key feeding and roosting site for those birds that use the flyway each year. They fly a very significant distance from places as far away as Siberia and Alaska. The flyway is used by more than five million birds a year, 27,000 of which call this particular sanctuary home.

There are, naturally, a number of threatened species that use the site. The new national park will encompass the Port Gawler Conservation Park, so this motion is required to extinguish that conservation park. The Environment, Resources and Development Committee made a site visit to that part of the world in 2014, following the election. There were representatives from Birdlife Australia who showed us a number of birds.

The new area will encompass some 60 kilometres from the Barker Inlet and St Kilda foreshore through to Thompson Beach in the north. There has been a range of activities and proposals for that particular area to utilise the new sanctuary, provide tourism opportunities and interpretive centres. Those sorts of things are being proposed for the area. I think it is a really important initiative that will, hopefully, assist in attracting some tourism dollars to support that area.

For those who are not familiar with the area, if you are driving up Port Wakefield Road, it is on your left. There is a whole range of the old salt pans that used to be under the Ridley Corporation. I understand from the briefings we had that there are issues, now that that company has vacated, in managing the salinity because there are varying levels of salinity, depending on the area, and they used to keep it at a certain level.

Clearly, different biota will grow in different parts of the flats, depending on the salinity levels, and birds feed on different biotas. Those matters are going to need quite some effort to ensure that we do our best to support the particular species that use that area. I wish the department all the best in its efforts on that and commend the motion to the council.

The Hon. J.E. HANSON (11:17): I rise also to support this motion. The motion has essentially already been laid out to allow for the area to be added to the Adelaide International Bird Sanctuary National Park which is called—I am going to attempt it—Winaityinaityi Pangkara.

The Hon. I.K. Hunter: Not bad.

The Hon. J.E. HANSON: Not bad? I am reliably informed by the Hon. Mr Hunter that that was a not bad attempt. So, essentially to add that area to that park under section 29(3) of the National Parks and Wildlife Act 1972. It is a lot easier for me to say that with my law degree. The Port Gawler Conservation Park was, of course, constituted in the 1970s—I think in 1971. It protects over 400 hectares of mangroves, samphire and coastal dune systems and the species they support. For avid readers of *Hansard*, samphire is essentially a plant that grows in rocky outcrop systems.

The Hon. I.K. Hunter: Very tasty.

The Hon. J.E. HANSON: It can be eaten, as the Hon. Mr Hunter points out, if you are very interested. I know the Hon. Mr Hunter would also be interested that it was named after the patron saint of fishermen because all the original plants grew in and around the salt-sprayed regions along the seacoast, and the fishermen would occasionally stop and eat samphire as they travelled around the world.

To get back to the park, the Adelaide International Bird Sanctuary is an internationally significant area for endemic and migratory shorebirds, traversing approximately 60 kilometres of the coastline on the eastern shores of Gulf St Vincent. It has been formally recognised with a certificate of participation in the East Asian-Australasian Flyway, a network of international entities committed to the preservation of migratory bird species. The Adelaide International Bird Sanctuary National Park—Winaityinaityi Pangkara—has been created as a core protected area within the bird sanctuary. The Port Gawler Conservation Park rests adjacent to this and is central within other land under consideration for addition to this new national park.

As was pointed out by the Hon. Ms Lensink, this is all occurring as a result of a government promise back in 2014. We enjoy fulfilling our promises, particularly when it involves creating larger and more diverse spaces, and this will certainly fulfil that. The proposed change in status of this land is consistent with the characteristics and values of the land and will contribute to the recognition of this area as an important part of the Adelaide International Bird Sanctuary. I spoke last week about marine life, this time it is birds; I am covering everything. Both the bird sanctuary and the national park have received broad support across the community, local government and the native title claimant group, providing hope and positive aspirations for all of northern Adelaide and its communities.

The existing Port Gawler Conservation Park does not permit any mining access. The land will be subject to that same restriction, on being added, of course, to this national park. Once the Port Gawler Conservation Park has been abolished, it can be reconstituted by proclamation as an addition to the Adelaide International Bird Sanctuary National Park—I am going to try again—

The Hon. I.K. Hunter: Winaityinaityi.

The Hon. J.E. HANSON: Winaityinaityi Pangkara.

The Hon. I.K. Hunter: Pangkara.

The Hon. J.E. HANSON: Pangkara. The Hon. Mr Hunter is coaching me well—pursuant to section 28(1) of the act. The Governor will proclaim the abolition of the Port Gawler Conservation Park, and the proclamation of the land as an addition to the Adelaide International Bird Sanctuary National Park–Winaityinaityi Pangkara on the same day. I commend this motion to the council.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (11:21): I rise to close the debate. I am very grateful for the indications of support from those who have commented on the proposition before us. I am astounded by the erudition—although I probably should not have been—in the contributions of the Hon. Michelle Lensink and the Hon. Mr Hanson. They have done all the work for me, really, in summing-up, so I will just say that, as is obvious, the purpose is to allow for the area to be added to the Adelaide International Bird Sanctuary National Park–Winaityinaityi Pangkara under section 29(3)(a) of the National Parks and Wildlife Act.

The proposed change in status of the land is consistent with the characteristics and values of the land and will contribute to the recognition of this area as an important part of the Adelaide International Bird Sanctuary, and therefore I am very pleased to commend the motion to the council.

Motion carried.

Resolutions

WOMEN'S SUFFRAGE ANNIVERSARY

Adjourned debate on motion of Minister for Employment:

That the council concur with the resolution of the House of Assembly contained in message No. 229 for the appointment of a joint committee on matters relating to the 125th anniversary of women's suffrage, that the council be represented on the joint committee by three members of whom two shall form the quorum necessary to be present at all sittings of the committee, and that the members of the joint committee to represent the Legislative Council be the Hon. G.E. Gago, the Hon. T.A. Franks and the Hon. J.M.A. Lensink.

(Continued from 31 May 2017.)

The Hon. T.A. FRANKS (11:22): I rise to warmly welcome and support this motion, and indicate that the Greens certainly think that this is a wonderful initiative, that is not just from the government and the Minister for the Status for Women, but has come about through cross-party work across what I would call the sisterhood. We all look at our proud 'herstory' in this state of suffrage, and I have to note that we will no doubt learn a lot more about what were called, back in the 19th century and earlier, 'the shrieking sisterhood'. While many things have changed, some things always stay the same. With those few short words, I look forward to participating in this committee, and I look forward to us celebrating our proud 'herstory' in this state yet again.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome our students and teachers from Mawson Lakes. It is good to see you here.

Resolutions

WOMEN'S SUFFRAGE ANNIVERSARY

Debate resumed.

The Hon. J.M.A. LENSINK (11:23): I rise to support this motion, naturally, and endorse the comments of the preceding speaker, the Hon. Tammy Franks. It will come as no surprise that there are occasions on which the women of the parliament come together for the purposes of these sorts of measures, in particular for the celebration of the 125th anniversary of suffrage in South Australia.

We have lunch on a regular, but not that frequent, basis. We met most recently—I could not actually say, but it was probably about six months ago. The decision was made that a joint committee would be the best way to advance some preparations, and I am certainly looking forward to the establishment of that committee so that we can get on with preparing for celebrations.

The topic at hand is women's suffrage in South Australia. This is an interesting story, so I will take a little bit of time to tell some of it. With the passage of time, social roles have changed very significantly. I think people make some assumptions about what took place and why, and I would just like to place on the record from my own research what I think actually happened. I have relied significantly on certain texts, in particular a book, *In Her Own Name*, from Helen Jones, and another text which is *The Flinders Social History*.

I actually had these books on interlibrary loan from our South Australian parliament. This was back in 2012 when I made a speech for the National Council of Women. The topic was quite extensive: I am certainly not going to repeat all of that. They came in one day and said, 'Michelle, we would like you to speak at our Australia Day event, and we would like you to talk about the topic of all the legislation that advanced the status of women in the South Australian colony.' I basically had to cover 175 years of history.

At the time, I do not think I knew what I was getting myself in for, but I am very grateful to our parliamentary library and in particular John Weste, who reminded me the other day that I had thanked him with some particularly nice chocolates, one of which I have to admit I sampled myself. That was quite an effort, and I could not have done it without the parliamentary library's assistance.

South Australia was famously early in granting women the right to vote, in 1894, in spite of our head of state, Queen Victoria, being reported as labelling the decision as 'mad, wicked folly'. There was an electoral drought of women in parliament for many years. It lasted some 65 years, and ultimately we were the last state in Australia to witness the election of women to our parliament. The key to understanding some of this is in one of the texts I referred to, *The Flinders Social History*. I

will just quote chapter 15 by Carol Bacchi. The chapter is called 'The "woman question" in South Australia'. She says the following:

> The key to understanding both early female enfranchisement and delayed female representation lies in prevailing attitudes in the colony towards women and their appropriate roles. This chapter explores these attitudes from the founding of the colony up to and including World War II.

You will be grateful to know I am not going to cover all of that! She continues:

> It focuses upon an evolving ideal of womanly behaviour which, despite shifts in nuance, continued to emphasize women's domestic functions. These shifts were important and included a recognition that single women might have to work for a part of their lives, and a re-evaluation upwards of the mother's parenting role which in turn created a willingness to see women educated and active in certain ways in the community. But equally important has been the perpetuation of the belief that woman's ultimate destiny was and had to be homemaker and child-rearer. The historic link between woman, young children and home will be shown to lie behind much of the legislation affecting women, the sexual differentiation of the labour force, and women's under-representation in positions of power.

As I said, in this speech I did for the National Council of Women in 2012, I covered a range of this legislation. Clearly at that stage, when we first gained representative government in South Australia, any legislation which sought to protect women had to be enacted by the men of the colony and was a result of their own constituent work plus agitation and broad public debate, including from individuals such as Catherine Helen Spence, who from 1878 was a regular advocate for women's equal rights in property and marital issues, and non-government organisations such as the National Council of Women, which is still in existence today; the Social Purity Society; the Woman's Christian Temperance Union, which is also still in existence today; the Women's Non-Party Political Association; the League of Women Voters; the Country Women's Association, which is also still here today; the Housewives Association, which only recently wrapped up; and, more recently, the Women's Electoral Lobby.

To set the scene in 1836, it is worth considering the context of the time: English common law had been imported into the new colony and therefore husband and wife were considered one person, with the powers vested in the husband, while the wife was the subordinate or, as the legal term is, a feme covert. Husbands had custody of their wife, including all of her possessions and her children. Interestingly, also from common law, an adult unmarried woman had the legal status of feme sole, which meant she had the right to own property and make contracts in her own name.

Carol Bacchi refers in her chapter to England's cult of true womanhood, which was easy to perpetuate in South Australia because the balance of the sexes in the colony was fairly even. The marriage rate high, with universal marriage for women up until 1876. They married at a younger age and fewer jobs were available for women. These circumstances can be contrasted with other colonies in which women were in the minority and could expect regular sexual abuse, with the odds of becoming a wife much lower than that of becoming a mistress. In those times, there was a distinct gender division between public and private spheres, with the husband operating in public and the wife in private, or the home.

Inherent in women's assumed and desirable qualities were her devotion, caring for her family and home life. She was seen as a kind and nobler creature than man, more trustworthy, but also intellectually inferior and therefore, at times, in need of protection from him, particularly. These sentiments drove much of the pre-federation legislation, the earliest of which appears to be the 1843 Destitute Persons Act (the Maintenance Act) to provide for:

> …the maintenance and relief of deserted Wives and Children and other destitute persons and to make the property of Husbands and near Relatives to whose assistance they have a natural claim in certain circumstances available for their support.

In times before divorce laws, desertion of one's wife was the most common means of getting out of the deal. The Maintenance Act provided for maintenance orders and punishment via a fine of two months' gaol for a first offence and three months for a second, with or without hard labour. This was, unfortunately, not a strong deterrent as Australia provided plenty of wide open space for souls to disappear to and scant mechanism to enforce this law in our colonies.

The 1858 Matrimonial Causes Act allowed judicial separation under certain circumstances, but was weighed in favour of the husband, who only required grounds of his wife's adultery to petition the court. Wives required adultery plus some other 'degrading circumstances' such as rape, sodomy,

bestiality or desertion for a year or more. Maintenance could be applied but was rendered useless by desertion from the colony. However, the new law made a significant change in that it conferred on divorced women the status of sole feme. It also allowed women to protect their property and earnings if they had been deserted in recognition that some worthless sods had a habit of returning to pilfer what assets their wives had cobbled together in their absence.

The 1883-84 Married Women's Property Act followed, which, for the first time, enabled a married woman to own and administer property in her own name. Mrs Elizabeth Webb Nicholls of the Women's Christian Temperance Union, who was another one of the key players in the suffrage debate, said, some 40 years following, in an interview in 1926 that:

> The status of women is altered very much since my young days. When I was a little girl there was no Married Women's Property Act and cruel things were done in its absence. A woman who had slaved all her life to get a little property together might marry a worthless man who would take everything from her and leave her.

In that same year (1883), the Custody of Infants Act gave courts powers to override fathers in order to grant custody and maintenance to mothers of children under the age of 16. Three years later, in 1887, the Guardianship of Infants Act was passed without parliamentary debate. It allowed that on the death of the father, the mother should be appointed as the guardian, either jointly with the father's nominated guardian or on her own. These reforms were a long time coming and were the culmination of several attempts to correct situations that pragmatic male parliamentarians spoke out against as cruel and intolerable.

Unfortunately, arguments against the passing of laws on the grounds that such measures would undermine marriage and the traditional roles of women delayed the cause by over a decade. The Married Women's Protection Act of 1896 provided major reforms, including a number of grounds to relieve a woman from having to cohabit with her husband on the grounds of his cruelty, abuse or desertion, and entitled her to custody of her children and maintenance. At the turn of the century it was still certainly a man's role in the family to be the breadwinner, although the colonialists recognised that when they fell short of the mark the state needed to step in.

I read all those examples to set the context that these were matters exercising debates in parliament about how to address them. At a similar time to these debates about the franchise there were several debates about issues regarding women—this 'woman question' which I have referred to, which was also being experienced in Mother England and also being debated there—as the population underwent demographic changes and it became evident that girls' pathways may no longer be such a fast passage to an early marriage and thence the home.

Girls were experiencing time prior to marriage, so how to keep them most usefully occupied and prepare them for the all-important and inevitable role of wife and mother became a preoccupation in the press. Better education for girls was seen as a better way to educate the colony's flock, as mothers would impart their more learned wisdom to their children. Women in South Australia had been able to vote in council elections since 1861 and they had made use of petitions to parliament. In 1889, for instance, the Women's Christian Temperance Union submitted a petition by 1,500 Christian women for clauses to be included in a divorce bill which sought 'equal justice for women as for men'.

South Australia was different to England and the other colonies because it attracted freethinkers and had a strong and reforming middle-class which participated in debate. There was a belief in ideals, particularly influenced by the teaching of John Stuart Mill, which made the colony unafraid of doing things differently. By the time of the suffrage debates, which lasted just under a decade, South Australia's politicians had actually come to the view that women were the intellectual equals of men as well as morally superior. As Carol Bacchi puts it in her chapter in the book I referred to:

> The conviction that women were the purer and more reliable sex and that they could be counted on to have a civilizing influence on social mores was the principal reason for their enfranchisement. Politicians in power turned to women because of the belief that they had particular virtues.

I was corrected in the use of the term 'suffragettes' by Jennifer Cashmore, the sister of Helen Jones who wrote the book I used very extensively on my research for this. She said that the correct term is 'suffragists' because there was a significant number of men involved in these debates, and without

them the whole argument would not have been accepted. So in my notes I will use the term 'suffragists'.

On this background of being seen as the saviour of the species, the suffragists used many of these arguments about women's better judgement as an asset in electoral decisions, which would be a positive force for the whole community, including in that private home world over which she had custody. The suffragists were God-fearing men and women of good works and compassion as well as a passion for the vote. In addition to being a journalist, author and active organiser, Catherine Helen Spence fostered a number of orphaned children and served on boards such as the School Board of Advice and the State Children's Council. Mary Lee is remembered for writing both prolifically and eloquently to the papers, but also worked to address issues that caused poverty.

Women and men of strong character and diverse backgrounds worked together to win the franchise. In addition to Catherine Helen Spence and Mary Lee, the Reverend J.C. Kirby and Dr Magarey, the Working Women's Union and church groups played their parts. The Women's Christian Temperance Union formed its own internal franchise department which successfully lobbied within church literary societies. Its president, Mrs Elizabeth Webb Nicholls, whom I quoted previously, helped organise signatures for the historic petition, drafted by Mary Lee, to the House of Assembly, which was its largest ever; 8,268 of the 11,000 signatures were secured by the union's membership. In an interview, Mrs Nicholls gave her reasons for joining the cause after hearing about the comments of some male politicians, and I quote:

> The Hon Ebenezer Ward was particularly scathing on the idea that women were fit to have votes. I had never taken much interest before, but I was so incensed by the insolence of his remarks that I wrote my very first letter to the papers. The debate aroused such interest that women began to raise their own voices on the Bill and demand, not votes for women with property, but a democratic suffrage.

I point out to honourable members that we can find a picture of the Hon. Ebenezer Ward located in our rogues' gallery in the Legislative Council lounge. He was a member of the Legislative Council and his role in women gaining the right to stand for parliament was significant even though it was dastardly.

It should not be interpreted that either the suffragists or their political supporters viewed the franchise as a watershed in changing women's roles; it was quite the opposite. The franchise was not about expanding a woman's horizon beyond the home: it was about reflecting her place within it. Nor was it envisaged that women would seek office. Dr E.C. Stirling, who introduced the first bill to give women the right to vote in 1885, said at the time that, 'The right to vote by no means indicated that women should have a right to a seat in the house.' The inclusion of a clause in the 1894 Constitution Act Amendment Bill, which gave women the right to also stand for parliamentary elections, was a tactic by the said Hon. Ebenezer Ward to defeat the bill; however, that failed.

On 18 December 1894, the House of Assembly passed the bill by 31 votes to 14, enabling 80,000 women thereafter to vote. Three years later, in her 1897 president's address to the Temperance Union, Mrs Elizabeth Webb Nicholls reported:

> The dire results prophesised by opponents of women's franchise have not come to pass and you can see in this Convention real live women who have voted in a Parliamentary election and remain much the same women as before. We have not heard of any domestic quarrels, or any neglected children as a result of the new departure, and dinner was cooked on election day much the same as usual.

Amongst the women who voted in the election were 81 of the 102 Indigenous women of the Point McLeay Mission, who had registered to vote. Unfortunately, after Federation in 1901, Aboriginal women and Aboriginal men lost their voting rights, which were not regained until the Australian citizenship referendum in 1967.

I place that on the record by way of background. I found it absolutely fascinating. I think, in our current context where we clearly had the multiple waves of feminism, people might link it with the sorts of pushes from the 1960s and so forth whereas, in fact, it is interesting to note that it was really about women being seen as the saviour of the species and, therefore, to assist everyone generally, they ought to be granted the right to have a say in elections.

It is disappointing that South Australia was the last place where women were elected to parliament; that is, in 1959 with Jessie Cooper and Joyce Steele. It took some time. By way of

background, I think it is fascinating, but it also shows that the women's organisations, as they have in other certain debates that have occurred in this place in the last 12 hours, have been very active behind the scenes in expressing their views. With those comments, I commend the motion to the council.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (11:44): It is with some degree of trepidation that I rise to close the debate. I dare not trespass too long on a motion wholly owned, according to the Hon. Tammy Franks, by the sisterhood, not being a member of that esteemed group, but I do want to take a moment to reflect on the long, long road to suffrage, which the Hon. Michelle Lensink has outlined.

Women's suffrage was first introduced in the South Australian parliament by Dr Edward Stirling on 22 July 1885. Dr Stirling's 'Extension of the franchise to unmarried women resolution', which was passed by parliament, moved in favour of enabling widows and single women who owned property to vote, but not married women. Dr Stirling later introduced a bill based on the above resolution, but it was unsuccessful.

On 12 July 1888, Robert Caldwell introduced a women's suffrage bill into parliament but it was defeated. On 2 July 1890, the Women's Franchise (Constitution) Amendment Bill was introduced into parliament again by Robert Caldwell. This bill aimed to enable female taxpayers to record their votes at public elections, but it also was defeated. On 14 July 1891, John Warren MLC introduced the Women's Franchise Bill which aimed to grant voting rights to women who owned property. This bill was also unsuccessful.

On 6 July 1893, Sir John Cockburn introduced an adult suffrage bill into parliament, making all women eligible to vote. However, it called for a referendum on the matter and this bill was also defeated. But on 4 July 1894, John Hannah Gordon MLC introduced the Adult Suffrage Bill which would grant voting rights without any restrictions. This bill was passed by parliament on 18 December 1894 and gazetted the following year.

Noting that very, very long road to suffrage and the lessons that can be drawn from it, if I can dare to venture some advice to the joint committee in their deliberations as they prepare their report, it would be this: don't be too polite, girls, don't be too polite.

Motion carried.

Bills

SENTENCING BILL

Committee Stage

In committee.

(Continued from 22 June 2017.)

Clause 11.

The CHAIR: We left off at clause 11.

Clause passed.

Clauses 12 to 42 passed.

Clause 43.

The Hon. P. MALINAUSKAS: Amendment No 1 [Police–1]—

Page 36, after line 11 [clause 43(8), definition of *chief officer*]—After paragraph (a) insert:

(ab) in the case of the Independent Commissioner Against Corruption—the Independent Commissioner Against Corruption;

This amendment has the effect of making the Independent Commissioner Against Corruption a law enforcement agency for the purposes of a provision dealing with reduction of sentence for

cooperation with a law enforcement agency. The commissioner requested the amendment and it was recommended by the Crime and Public Integrity Policy Committee of the parliament.

The Hon. A.L. McLACHLAN: The Liberal opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 44 to 56 passed.

Clause 57.

The Hon. P. MALINAUSKAS: I move:

Amendment No 2 [Police–1]—

Page 49, after line 25—After subclause (4) insert:

(4a) The Supreme Court may, if the Attorney-General has made an application under subsection (3) in respect of a person who is in prison serving a sentence of imprisonment, make an interim order that the person is to remain in custody pending determination by the Supreme Court as to whether to make an order under this section that the person be detained in custody until further order.

This amendment amends the provisions dealing with the indeterminate detention of habitual sex offenders so that the court may order a person subject to an application for a detention order to be held in custody on an interim order even though a determinate sentence applying to that prisoner has expired.

The Hon. A.L. McLACHLAN: The Liberal opposition will support this amendment.

Amendment carried; clause as amended passed.

Clauses 58 to 71 passed.

Clause 72.

The Hon. P. MALINAUSKAS: Amendments Nos 3, 4 and 5, all correct typographical errors. I move:

Amendment No 3 [Police–1]—

Page 61, line 1 [clause 72(1)(a)(ii)]—Delete 'defendant' and substitute 'person'

The CHAIR: There are a number of amendments in between so we will do this one. Is everything alright?

The Hon. A.L. McLACHLAN: Everything is okay with me, and also, the Liberal opposition supports the amendment.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley–1]—

Page 61, lines 2 to 4 [clause 72(1)(a)(iii)]—Delete subparagraph (iii) and substitute:

(iii) attendance at—

(A) a place for the purpose of undergoing assessment or treatment (or both) relating to the person's mental or physical condition; or

(B) an intervention program; or

(C) any other course of education, training or instruction, or other activity,

as approved or directed by the home detention officer to whom the person is assigned;

The first amendment is part of my package of amendments. Whilst the first two amendments are in relation to home detention orders and Darley amendments Nos. 3 and 4 are in relation to intensive correction orders, they essentially achieve the same outcome and so I will speak to all four amendments now.

My amendments make it clear that if the court believes that an intervention program will aid in a person's rehabilitation, then the courts must include participation in an intervention program as part of the sentence. I acknowledge that these are matters that may already have been considered. However, I do not think this is good enough and I think that intervention programs should be compulsory, provided that the courts believe that it will assist in rehabilitation. It was interesting to read Judge Mary-Louise Hribal's comments in the paper on 29 May. She threw her support behind the intervention programs. She said:

> What the programs do is show defendants what is possible and challenges them to do better, many take up that challenge.

She goes on to say:

> For some offenders and some crimes, intervention programs provide a way to address the underlying chronic behaviours of defendants. The areas that have shown to respond to this type of intervention are substance abuse, mental illness, gambling addiction and domestic violence.

The article concludes with these comments:

> Treating drug dependence, mental health problems and domestic abuse are ways of trying to break the offending cycle. The aim is to keep the community safer while encouraging defendants to lead productive law-abiding lives—that way, we all benefit.

I agree wholeheartedly with these comments. The intent behind my amendments is not to punish offenders by forcing them to attend an intervention program but rather to provide assistance to them to address their issues and, in turn, hopefully have them contribute positively to society. I commend my amendments to the chamber.

The Hon. M.C. PARNELL: Because there are a number of amendments in relation to clause 72, I will put our position on the record. We are supporting the government's amendments. In relation to the Hon. John Darley's amendments, there are two that relate to conditions of home detention orders. We have no difficulty supporting the first amendment in its entirety. The second amendment I think is a little bit problematic because the proposed new paragraph (ha) makes it a mandatory condition that a person undergo assessment or treatment or both relating to the person's mental or physical condition.

The way I read that is that, even if the judge is minded to order a home detention order, the result is that the person is going to go to gaol because it would take time for that assessment to be done. If it took a month and if the person was only sentenced to a month, effectively home detention is not an option for that person. That is a difficulty we have with the proposed insertion of paragraph (ha). Paragraph (hb), on the other hand, I think is very reasonable. It basically says:

> If the court considers that participation in a suitable intervention program might assist in the person's rehabilitation a condition requiring the person to participate in such a program;

I think that makes sense. Thinking at a practical level—and, again, I am informed as much by news reports as anything else—you often hear, when someone is about to be sentenced, that the judge will order some forms of psychiatric assessment before sentencing. I would have thought that, if that assessment was ordered before sentencing, that would help inform the judge as to whether home detention might be appropriate, and also inform that it be made a condition of home detention that they actually undertake this program of rehabilitation. It makes sense that it could come from the pre-sentence psychiatric assessment—it is not universal; judges do not have to do that, but they often do—and that would mesh well together. I am saying this to assist the council in terms of how this amendment is going.

In terms of Darley amendment No. 2, the Greens would be inclined to oppose the insertion of paragraph (ha) but support the insertion of paragraph (hb), which means that if the amendment could be split—and it might be academic if nobody else is supporting any of them—and if the council supports the idea of court-ordered intervention programs and we can split Darley amendment No. 2, I think we might, in our view at least, get a good result.

In relation to Darley amendments Nos 3 and 4, which do relate to a different clause–but as he spoke to them all, I will just mention it now–I do not think they suffer from that same problem, and we are happy to support them both.

The Hon. K.L. VINCENT: Just to assist the council and to speed things up a little bit, I put on the record all of Dignity Party's intentions with regard to amendments to this bill. We support the Parnell amendments, the Darley amendments and the government amendments and, as much as it pains me, we oppose the McLachlan amendments.

The Hon. P. MALINAUSKAS: The government supports the first Darley amendment. If the Hon. Mr Darley's amendment No.1 passes, the government will withdraw amendment No. 4.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 5 [Police–1]—

Page 61, line 21 [clause 72(1)(h)]—Delete 'defendant' and substitute 'person'

Again, this is just a correction of typographical errors.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 2 [Darley–1]—

Page 61, after line 22 [clause 72(1)]—After paragraph (h) insert:

(ha) a condition that the person undergo assessment or treatment (or both) relating to the person's mental or physical condition;

(hb) if the court considers that participation in a suitable intervention program might assist in the person's rehabilitation—a condition requiring the person to participate in such a program;

I have already spoken about it.

The Hon. M.C. PARNELL: Depending on what other members have to say about it, this is the one where I said that if the amendment could be moved in two parts we would like to support the inclusion of the new paragraph (hb), but that we do not support (ha), for the reasons I outlined before. If that is possible and depending on what other members want to do—if everyone else is opposing the whole lot there is no point, but we will see how we go.

The Hon. P. MALINAUSKAS: If I could enlighten the chamber in that context, the government opposes both parts of the Darley amendments.

The Hon. A.L. McLACHLAN: I think I may have previously indicated, when we were in committee, that we oppose this Darley amendment.

Amendment negatived.

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

Amendment No 1 [McLachlan–1]—

Page 61, after line 24—After subclause (1) insert:

(1a) The following limitations apply in relation to an approval that may be given by a home detention officer under subsection (1)(a):

(a) approval for a person subject to a home detention order to leave the residence specified by the court in the order at which the person must remain for any purpose allowed under subsection (1)(a) may only be given if the aggregate of the periods of absence from the residence would be less than 12 hours in any 24 hour period;

(b) participation by a person subject to a home detention order in a sporting activity in respect of which the person receives remuneration may not be approved to be remunerated employment for the purposes of subsection (1)(a)(i).

(1b) The limitations imposed by subsection (1a) may only be varied or revoked by the court if the court is satisfied, by evidence given on oath, that there are cogent reasons to do so.

If I recall correctly, I do not believe that I have the numbers to be successful in moving this amendment, so I would ask members to indicate their position in relation to this clause at the

conclusion of my explanation. The genesis of this clause lay in an article in *The Advertiser* bringing the attention of the public to a person on home detention, who seemed to be living a life unencumbered by home detention, which is why it reached the attention of the press. This is an attempt to rectify that problem. I understand that the government has some technical objections. They argue that it is within the discretion of the authorities to decide the extent of home detention and therefore this clause is not required.

However, its motivation is to set, effectively, what home detention is, or at least a minimum benchmark of what the person must do at home, rather than live a life virtually unencumbered, other than, probably, by a bracelet. Of course, the person who came to the attention of the media was a professional sportsman, and the argument behind this clause is that a sporting activity should be considered a privilege, not something that should be undertaken whilst in home detention. As I said, I do not think I have the numbers for this one. If members can indicate, it will alleviate the need for calling a division.

The Hon. D.G.E. HOOD: I indicate to the Hon. Mr McLachlan that the Australian Conservatives will be supporting the amendment. I think it is eminently sensible and, for that reason, we will support it.

The Hon. M.C. PARNELL: The Greens will be opposing this amendment. We believe it is unnecessary and unworkable. I note that even the Bar Association, representing defendants, does not support it. So, we are not supporting it.

The Hon. J.A. DARLEY: I do not think this amendment is necessary and I will not be supporting it.

The Hon. P. MALINAUSKAS: The government is opposing the amendment because it seeks to limit the ability for a home detention officer to permit a detainee to be absent from a residence for more than 12 hours in any 24-hour period and to prevent a home detention officer from permitting a detainee to engage in employment and earn an income, if that employment has to be related to a sporting activity. Firstly, in relation to the 12-hour restriction, it is acknowledged that the opposition amendment is seeking to ensure that home detainees are in fact detained, unless they have a genuine need to be at work or at medical appointments and the like.

However, the amendment is misconceived. Many offenders work overtime or long shifts. When combined with travel time, this may well exceed 12 hours. It is not possible to go back to a court quickly to approve someone working a double shift, for example. However, home detention officers can do that, and they can do it quickly without compromising community safety or, indeed, the offender being in a job. If we overly restrict the ability legislatively, people on home detention will become unattractive to employers. This is counterproductive. Employment is a significant predictor of successful rehabilitation and reduced reoffending.

I ask honourable members of the council to consider this: if a person on home detention were to lose employment based on an inability to commit to the required hours, this may lead to a situation where a detainee loses the ability to pay rent on their property, therefore having to be committed back to prison, not because they are not suitable for home detention but because they lost their ability to pay rent for their home due to an overly prescriptive legislative regime.

It is also based on a misunderstanding of the current processes surrounding how home detainees are granted permission to attend employment or medical appointments and the like. Under the existing provisions, all employment must be approved by a home detention officer, taking into account factors specific to the prisoner. Even with approved employment, they are not permitted to just leave their premises without prior approval from their home detention officer. They must obtain a pass out.

The timing of pass outs to attend already takes into account the work requirements or shifts that have been approved and the time it should take to get to and from work. It does not permit an offender to remain absent before or after work finishes. It does not even permit them to pick up a loaf of bread on the way home without prior approval. However, it is flexible enough that if a prisoner is offered overtime or an extra shift, that can be negotiated and approved by the home detention officer quickly.

Notwithstanding all this, the government has already clarified the provision in the existing sentencing act permitting home detainees to undertake employment in this bill. It has spelt out the existing process so that there can be no doubt. It was already the case that the home detainee was subject to a provision requiring them to remain at their residence and not leave except for specified purposes, one of which is remunerated employment. The reference to remunerated employment in the bill is in section 72(1)(a)(i) and now states:

attendance at such remunerated employment at such times and places as approved from time to time by the home detention officer to whom the person is assigned during the period of the home detention order.

Further, there other situations where a leave pass greater than 12 hours may be required. For example, an offender may live in a more remote regional area and have a specialist medical appointment in Adelaide, when the travel time and procedure will take more than 12 hours. Again, it is not always practical to go back to court to approve these types of absences, but the home detention officer is in a position to check the appointment with the medical rooms, set out the approved travel time to get there, and make sure the pass out is tailored to permit the prisoner to get there and back, but not remain away from their residence any longer than is absolutely necessary.

Similarly, the proposed restriction on participating in sporting activity is simply not necessary. It creates an extra layer of legislation for a home detention officer to be concerned with instead of getting on with supervising the prisoners allocated to them. The current arrangements are sufficient to enable a home detention officer to ensure that prisoners are not rorting the system to play sport. I have already outlined the process for having employment improved and the need to obtain pass outs, etc. It is onerous, as it should be, but it already ensures that prisoners are not able to game the system.

This proposed amendment is again the product of sensationalist statements made in the media based on a now infamous prisoner who tried—and failed—to game the system by trying to get permission to play football. What appears to be completely overlooked here is the fact that permission in the case was not granted. The existing system worked, and the amendment is opposed by the government on this basis.

Amendment negatived; clause as amended passed.

Clause 73.

The Hon. P. MALINAUSKAS: I move:

Amendment No 6 [Police–1]—

Page 62, after line 41—After subclause (5) insert:

(5a) A person who appears before the court as required by a summons issued under this section may be remanded in custody pending determination of the proceedings.

With the indulgence of the chamber, I will seek to address amendments Nos 6 and 9 together, as they are all on the same subject.

The CHAIR: You can address them together, but they cannot be moved together.

The Hon. P. MALINAUSKAS: Very well. These amendments relate to court proceedings if a home detention order or an intensive corrections order is breached. They ensure that the court has the discretion to remand a person in custody pending determination of breaches if the court thinks it necessary to do so. At present, the court clearly has the discretion when a person appears following arrest or pursuant to a warrant, but not if a person appears in answer to a summons.

Although the existing provisions already ensure that a person who breaches a condition of their home detention or intensive corrections order can be brought into custody immediately when necessary, the government is of the view that the court should have the discretion to determine when a person facing breach proceedings should be remanded in custody irrespective of how they came to be before the court.

The Hon. A.L. McLACHLAN: To ease your burden, Mr Chairman, can I indicate that the opposition supports the remaining government amendments.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 7 [Police–1]—

Page 63, line 5 [clause 73(7)]—Delete 'or released on bail'

Amendment carried; clause as amended passed.

Clauses 74 to 81 passed.

Clause 82.

The Hon. J.A. DARLEY: I move:

Amendment No 3 [Darley–1]—

Page 66, after line 40 [clause 82(1)]—After paragraph (g) insert:

(ga) if the court considers that participation in a suitable intervention program might assist in the person's rehabilitation—a condition requiring the person to participate in such a program;

I have already spoken about this amendment.

The Hon. M.C. PARNELL: The Greens will be supporting both of these amendments to clause 82—amendments Nos 3 and 4, [Darley-1].

The Hon. P. MALINAUSKAS: The government opposes the amendments to insert a discretionary provision into a list of mandatory conditions in clause 82. While amendment No. 4 proposes to remove the existing discretionary provision from the list of other discretionary provisions in the clause, the amendment does not give the court greater or wider discretion to make orders. The existing provision is sufficient to enable the court to make the necessary orders if it considers them appropriate. This amendment is simply unnecessary.

The Hon. A.L. McLACHLAN: We oppose the amendments.

Amendment negatived.

The Hon. J.A. DARLEY: I move:

Amendment No 4 [Darley–1]—

Page 67, line 20 [clause 82(2)(d)]—Delete paragraph (d)

I have already spoken about the amendment.

The Hon. P. MALINAUSKAS: The government opposes this amendment as well.

The Hon. A.L. McLACHLAN: We are in opposition.

Amendment negatived; clause passed.

Clause 83.

The Hon. P. MALINAUSKAS:

Amendment No 8 [Police–1]—

Page 69, after line 10—After subclause (5) insert:

(5a) A person who appears before the court as required by a summons issued under this section may be remanded in custody pending determination of the proceedings.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 9 [Police–1]—

Page 69, line 15 [clause 83(7)]—Delete 'or released on bail'

Amendment carried; clause as amended passed.

Remaining clauses (84 to 128), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (12:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LAND AND BUSINESS (SALE AND CONVEYANCING) (BENEFICIAL INTEREST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 July 2017.)

The Hon. D.G.E. HOOD (12:14): I rise to speak on this bill, which strengthens protection for vendors through increasing the penalty for obtaining a beneficial interest imposed on real estate agents and introducing vicarious liability to hold directors of real estate agencies accountable. The bill amends section 24G of the Land and Business (Sale and Conveyancing) Act 1994 to increase the penalty for obtaining beneficial interest in selling or appraising property. Currently, the penalty is up to $20,000 or imprisonment for one year.

The bill proposes the maximum penalty be increased to $100,000 or two years imprisonment—a very substantial increase. Indeed, at first glance, the fivefold increase of the maximum fine and doubling of the term of imprisonment appears to be almost out of proportion. However, after consulting with the Real Estate Institute of South Australia (REISA) we agree that the proposed increase is reasonable. REISA, in fact, to their credit, strongly support the bill and view the current penalties as inadequate and not effective to serve as a sufficient deterrent to curb undesirable behaviour.

In a recent case, the District Court fined a person $14,000 for selling an elderly, mentally ill woman's house for substantially less than its value. It was reported the agent sold the Prospect house to a friend of his brother, who was a developer, for $130,000, when in fact it was worth in the order of $491,000—a very substantial discrepancy. The sale was reversed and although REISA cancelled the agent's membership shortly after conviction, the agent's real estate licence was not suspended or cancelled.

It is not uncommon for real estate agents to handle properties worth upwards of $1 million in today's real estate market. In that context, a $20,000 fine is simply inadequate and out of date. I think, again to REISA's credit, they have acknowledged this. Moreover, it was brought to my attention that real estate agents who obtain a beneficial interest at the expense of the vendors who they represent, in some cases, could potentially keep the profits. This leads to situations where it may be profitable to commit the offence under section 24G, as the profit made could be substantially more than the fine handed down. In the case I just mentioned, if the sale was not reversed, a $361,000 profit would have been made. Of course, as I have just outlined, the current maximum penalty is just $20,000—not bad work if you can get it.

However, the act does allow the court to order a person convicted of the offence to pay to the vendor any profit that the person made, or is likely to make, as a result of the offence. This is, however, at the discretion of the court and may not be imposed in all cases. I struggle to imagine situations where an agent should not be forced to pay back the profits to the vendor. Perhaps the parliament needs to consider whether or not there should be a legislative requirement that a person who commits an offence under section 24G must repay the vendor any profit made.

Moving on, the bill makes improvements to ensure prosecution for offences under the act are unimpeded. The bill achieves this through increasing the time limit for prosecution proceedings from two to five years, or up to seven years under certain circumstances. The bill also expands the definition of 'associate' and 'relative' under the act to include step relations. It is important to have a wide definition that encompasses all types of relationships to ensure that those who are clearly in

breach of the act do not escape liability based on some technicality. Clause 5 places vicarious liability on directors of real estate agencies to ensure there is no turning a blind eye to employee misconduct. This applies pressure to the very top of body corporates, encouraging directors to monitor the conduct of their employees.

The bill provides a defence for directors where it is proved that, despite the exercise of reasonable diligence, the commission of the offence could not have been prevented. We believe this is an appropriate inclusion in the act and certainly support that aspect. Arguably, real estate agents owe a fiduciary duty to the vendors they represent, given their position of trust in handling, quite often, the most significant asset people will ever own, an asset in today's market worth at least hundreds of thousands of dollars, if not millions of dollars.

Australian Conservatives believe this bill has merit and support the second reading. I take this opportunity to commend REISA and their cooperation in forming this bill as I understand it. It is, after all, largely targeted at their members, but that is an organisation determined to ensure that their members uphold the highest standards, and we congratulate them for it. We support the second reading.

The Hon. T.T. NGO (12:19): I also rise today to support the passage of the Land and Business (Sale and Conveyancing) (Beneficial Interest) Amendment Bill 2017. This is a bill I feel strongly about, as the primary intention of the bill is to increase consumer protection where it is most necessary; that is, when individuals are selling what is usually their most valued possession.

As I am sure members would agree, a residential property is not simply the physical building consisting of bricks and mortar. It is often much more than that, particularly when a person has been residing in a property for many years or, in some cases, for most of their adult life. Naturally we develop an attachment to the family home and all the memories that come with it, so when the time comes to sell the property, whether it be to downsize into something smaller, to move into a retirement village or to live with family members who are able to care for us, it is often an emotional time.

Residential care facilities often require large, up-front payments in order to secure a residency, and in order to facilitate this the sale of the family home may be required. This is where the proposed amendments become relevant. Sadly, some real estate agents and sales representatives see this type of situation as a highly profitable opportunity. Often they will undervalue the property from the outset and set the vendor's expectation low as to what their home is worth, whilst arranging for a family member or associate to purchase the property at a bargain price that can be anywhere from $10,000 to $70,000 less than the market value of the property.

Even worse, they may not disclose to the vendor the relationship between the agent or sales representative and the purchaser, so the vendor innocently believes that the agent has acted in their best interest, but is led to believe that perhaps there is not much interest in their property or that the market is not the best. Some of these agents even have the audacity to claim commission as well.

The property may not have been advertised properly or, worse, the valuation report may have been completed by another associate of the agent where there may be a commission arrangement in place. This conduct is dealt with in other areas of the act. In other situations, higher offers from members of the public may not be presented to the homeowner. In a situation where the vendor is required to sell quickly to be able to secure a new residency, they often feel as if they have no choice but to accept an offer. In some cases family members do not find out what has actually occurred until later and are, understandably, devastated.

The way the current legislation is drafted does not successfully capture certain scenarios, which creates avenues for wrongdoers to pursue. For example, relatives of the real estate agency's directors could purchase properties listed by the agency without having to apply for an exemption, and brothers-in-law or sisters-in-law could purchase properties that the relative had listed. This bill will enable those who have abused their client's trust to be successfully prosecuted, and I believe the increase in penalties will be a strong deterrent for this conduct. I commend the bill to the council.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (12:24): I would like to

thank the honourable members who have made contributions for their indications of support. I should indicate here that, should the council support the second reading, it will be my intention to move that the committee stage be made an order for the next day of sitting. I commend the bill to the council.

Bill read a second time.

STATUTES AMENDMENT (UNIVERSITIES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 May 2017.)

The Hon. J.S. LEE (12:25): Today, I rise to speak on behalf of the opposition in relation to the Statutes Amendment (Universities) Bill in the Legislative Council. I wish to firstly commend my esteemed colleague in the other place, the very hardworking member for Morialta and shadow minister for education, Mr John Gardner, for his great work in being the lead speaker for the opposition in the other place on this bill. The opposition consulted widely on this bill, and Mr Gardner made a comprehensive contribution in presenting the views of a range of stakeholders in his deliberation. I will not repeat that information because it has already been well covered by the member for Morialta.

As the shadow parliamentary secretary for trade and investment and multicultural affairs, I am fully aware of the extent to which South Australia is relying heavily on our universities to be internationally competitive. It is important that our universities maintain the credibility to continue to attract local students and also international students to South Australia.

The international students and higher education sector injects more than $1 billion into the South Australian economy each year, and it is the largest service export earner. International students play a significant role in our education sector. In 2015, 32,000 onshore international student enrolments in South Australia spent $1.2 billion on education fees and other goods and services, including accommodation, food and beverages, transport and retail, etc.

I am very proud that our universities provide education and career advancement for business, community and political leaders in South Australia and around the world. University graduates are making life better for themselves and serving our society as doctors, nurses, researchers, teachers, lawyers, bankers and other professionals. They are making a fantastic contribution to our state economy.

This bill will make a series of amendments to the University of Adelaide Act 1971 and The Flinders University of South Australia Act 1966, with the intent to improve the governance arrangements of these universities. There are seven specific areas that the University of Adelaide and Flinders University seek to amend within their acts. I would like to touch on the easier amendments first before speaking to the more contentious amendment that deals with reducing the number of the university councils' members.

Firstly, I will speak on changing the name of The Flinders University of South Australia Act 1966 to the Flinders University Act 1966 and making associated consequential amendments. In the modern world where information technology is prompting people to communicate in shorter sentences, or use very cool emojis, and with just about everything becoming an acronym these days, it makes sense to shorten Flinders University of South Australia to Flinders University.

After all, the university celebrated its 50th anniversary last year. I believe Flinders University has a strong presence in the education sector and is already an iconic education institution of South Australia. The university does not need to attach its name to include South Australia. The shorter title is more user-friendly and fully justifiable.

The nature of the relationship between governments and universities is complex. If we look at the more advanced economies in the world, we will find that those countries have some of the most reputable and high-performing universities. In South Australia, we ought to be proud that our universities are world-class institutions and that we are punching well above our weight. There is no doubt that honourable members would want to see South Australian universities do well and succeed.

As we know, the Australian government is a primary source of funding for the higher education sector. Universities are operating in an increasingly challenging environment and therefore the following two amendments have been proposed. These seek to strengthen and expand the council's existing powers of delegation and to allow for the establishment and administration of common investment funds.

These two measures are highly relevant for universities operating in an ever-changing local and global environment where universities need to expand the council powers of delegation and establish a mechanism to respond to policy and funding changes of the Australian government. Those new sections in the act will facilitate the establishment, management and distribution of funds from common investment funds and are based on provisions applying to the University of Melbourne.

There is a large talent pool across our universities that we need to harness to make our economy more competitive and more productive. I believe there is opportunity for universities to have greater interactions and relationships with the business sector of South Australia. Universities will need to foster new collaboration with businesses to explore new business models that can capitalise on groundbreaking research and innovation that come out of universities. Even though there are some success stories already, South Australia can definitely do with a few more.

My research and experience have informed me that the USA, Germany, Singapore, South Korea, Hong Kong and a number of advanced economies in the world have a more sophisticated culture where their universities have a strong business and entrepreneurial focus. I believe it would be advantageous if our universities were able to create their own companies and have a robust commercialising model that can form new companies through joint ventures with the private sector, create new employment and develop new revenue streams.

Instead of just building human capital, universities have the opportunity to generate wealth and financial capital to fund further growth and development of its facilities, expanding their capacity to take on the best students, the best teachers and the best researchers in a fast-changing environment. Universities have a number of revenue streams. They currently receive federal government grants, research grants, student fees, international student fees, bequests, donations and corporate sponsorship. However, universities should find ways to generate their own source of funding by starting new companies.

We should also link our universities with international students and multicultural business chambers to look at innovative start-up businesses. Only last week, for example, I came across a Hong Kong Trade Development Council business journal released on 27 June, which reported that, out of more than 2,000 start-up businesses that set up in Hong Kong over the past two years, 35 per cent of companies were started by expatriate entrepreneurs. A new initiative was recently launched in Hong Kong to encourage growth of Italian start-ups in the city, coordinated by the Italian general consulate in Hong Kong, the Italian Chamber of Commerce in Hong Kong and Macau, and other private companies.

It allowed Italian start-ups the chance to present their business ideas directly to potential investors and customers in Hong Kong. The program's first winner was ONO 3D, a company that developed a portable 3-D printer that sits on top of a mobile phone. It will take part in a six-month incubation program at the Hong Kong science and technology park. The fact that South Australia already has a vibrant multicultural presence and the leaders here means that we can capitalise on our own expatriate entrepreneurs. We need these types of innovative ideas and programs in South Australia.

The fourth amendment is about extending the existing statutory liability protections. In a highly competitive environment, there are significantly higher expectations from the communities and stakeholders that our universities aim to serve. The request by the universities to extend the existing statutory liability protections by replacing the current immunity from civil liability for council members with an indemnity that also includes other senior officials is a sensible measure. This provision is consistent with the legislation of similar universities in other jurisdictions.

In the fifth area, the university would like to move an amendment allowing for the presentation of annual reports and the subsequent tabling in parliament by the Minister for Higher Education and Skills instead of the Governor. We feel that if the minister has the direct responsibility for higher

education and skills, then it makes perfect sense for the annual report to be tabled by the minister rather than the Governor. My understanding is that the minister already has the role of tabling the annual report of the University of South Australia; therefore, being able to table the annual reports for Flinders and Adelaide universities would be the consistent approach.

The sixth area deals with the extending of tenure of student members of university councils from one year to two years. Extending the tenure of student members from one year to two years will allow student members a greater period to understand the process and participate in a meaningful way on university councils. Since being elected to parliament in 2010, I have mentored and hosted many parliamentary interns and provided traineeship employment for many students from various universities.

I have been very fortunate to have some of the brightest young people working in my office. I am sure other honourable members have had similar experiences; therefore, I am very supportive, not only of seeing student representatives on the council, which not only allows them to have a direct voice on the councils on matters most important and relevant to them, but allows an opportunity for them to gain valuable experience that adds to their personal and professional development which will serve them well in their future endeavours.

Finally, we have now come to the key amendment that attracts anxiety and stress for some members of university communities. This amendment calls for the reduction of the size of the university councils from the current levels of up to 21 members to a lower number of members. The main concern of this bill is the reduction of staff and student representatives on the university councils. Extensive consultation by the government and the opposition enabled us to listen and acknowledge that some staff and students raised genuine concerns that the amendment may potentially prevent them from participating in a constructive role in university governance.

As I pointed out earlier, I will not go over the correspondence that John Gardner in the other place has already tabled. However, I will provide a few common themes to put the subject matter in context to demonstrate the level of concern raised by the National Tertiary Education Union and university stakeholders.

Those who are against the proposed amendment raised concerns that university staff and students had not been consulted over the proposed changes and some said that they had not been notified. Some said that consultation at universities has been non-existent. They also said that it is staff and students who provide on-the-ground wisdom and diversity of voices to university councils. The removal of elected councillors will further reduce public accountability. They argue that there is no research that links a reduction in a university's council size to better performance. They also argue that any reduction that threatens the stakeholder representation is likely to be counterproductive.

The universities' arguments that supported the change for the reduction included that the governance of a $1 billion enterprise is compromised by the size of the existing councils and that the quality of the discussion about complex issues is compromised by having 21 people around the table. They feel that it is not a dramatic change in numbers, and that it is attempting to improve the dialogue and contributions by council members at meetings.

They argue that moving towards a more efficient and less cumbersome council will be able to improve governance, and they also argue that the reduction in size of university councils will bring the University of Adelaide and Flinders University into line with the University of South Australia. This amendment will be consistent with Universities Australia's Voluntary Code of Best Practice for the Governance of Australian Universities.

Throughout my career, probably like many honourable members in this chamber, I have had the privilege to sit on many committees and community boards. My personal experience is that the size of a board can make a difference in the decision-making process. The larger is a decision-making body, the harder and more complicated it is to get decisions made, whereas the smallest board can be responsive to a fast-changing environment.

The propositions put forward by Vice Chancellor Professor Colin Stirling from Flinders, by Chancellor Kevin Scarce and former Vice Chancellor Warren Bebbington of the University of Adelaide, are more compelling and suitable for the business operation of the universities. The

changes will create a contemporary governance structure that is better suited to addressing the major strategic challenges faced by universities in a rapidly changing environment.

Currently, these two university councils have a total of 20 or 21 representatives each, with at least four staff and four students on the council, yet the proposed changes are requesting the university councils to reduce their numbers to a total of 12 to 16. The reduction is across all aspects of council, but diverse representation and proportions of elected members are maintained.

We must remember that universities are not government departments. They need to be treated with respect to the extent of their independence and the diversity of those who govern them. South Australia needs jobs growth and investment in our economy. I believe every member would want to see our universities succeed. We want to see them compete well internationally and become more viable. We must look at every opportunity to run our institutions, which employ tens of thousands of people, and allow them to be effective and allow them to operate more efficiently. With those remarks, the opposition supports the bill.

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

PARLIAMENT (JOINT SERVICES) (STAFFING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 May 2017.)

The Hon. J.S.L. DAWKINS (12:43): I rise on behalf of Liberal members to support the bill. I think most members of this place would be aware, or should be aware, that the Joint Parliamentary Services Committee is responsible for employing many of the staff who work in Parliament House, obviously those who are outside members' personal staff, ministerial staff and, of course, what is sometimes overlooked, the staff of the two individual houses that do not come under the Joint Parliamentary Services Committee. Obviously, generally, as a broad brush the JPSC has responsibility for those people who work for the library, Hansard, catering and building services.

The Parliament (Joint Services) Act currently requires the Governor and the Executive Council to have oversight over changes to certain positions under the JPSC. Any reclassifications or creation of new positions currently have to be sent by the JPSC to the Governor for approval in the Executive Council. This bill has been drafted by the government to remove that necessity and to transfer the powers directly to the JPSC.

For my sins, I have spent some 14 years on the JPSC. I did not commence that role immediately on taking on the role of whip because there was a difficult matter that the JPSC was dealing with when the Hon. Caroline Schaefer was whip. She wished to continue in that role for a period of about 12 months while that matter was resolved, but I have been on the JPSC ever since. The necessity for the JPSC to refer these matters to the Governor and Executive Council is something that happens infrequently. It is certainly not something that happens after every JPSC meeting. I think the change is not something that is vital, but if it allows the Executive Council to shorten some of their meetings by what I would say is probably a minuscule amount, then so be it.

I want to make some comments in relation to the consultation. The consultation on this bill ignored the Legislative Council. Some of us here would not be surprised by that. In the preparation of the bill, the government only consulted with the Speaker of the House of Assembly and the Commissioner for Public Sector Employment. I will come back to that. In alternate years, the Speaker of the House of Assembly is the chair of the JPSC, and in those years the Clerk of the House of Assembly is the secretary of the JPSC. That is not the case this year.

I would have thought that both presiding members, as the alternative chairs of the JPSC, and both clerks would have been consulted, particularly given that this year our President is the Chair of the JPSC and our very good Clerk is the secretary of the JPSC. Some consultation might have been done with them, but there are people in this state who think there is only one house of parliament, and we have to remind them occasionally that that is not the case.

The other thing is that I think that consultation with the Commissioner for Public Sector Employment is bizarre. This is the parliament. The parliament is separate from the public sector, and long may it be so. Like a lot of things that emanate out of the House of Assembly, the preparation for this was fairly poor. However, I have been on the JPSC for a long time and seen the sorts of uncontroversial changes that are made. Quite often they are sensible changes based on suggestions made by the heads of the various departments in this parliament. Having made those points, I would urge members of government to perhaps take the message back that, when these things are being done—

The Hon. I.K. Hunter interjecting:

The Hon. J.S.L. DAWKINS: Yes, very much so. I would address that to the Acting President as well, that I think perhaps they would remind their colleagues that there is more than one house in this parliament and that perhaps the preparation in any similar legislation might acknowledge that. With those words, I support the bill on behalf of the Liberal Party.

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

Sitting suspended from 12:50 to 14:17.

Petitions

DECRIMINALISATION OF SEX WORK

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 1,537 residents of South Australia requesting the council to urge the government to:

1. Reject the Statutes Amendment (Decriminalisation of Sex Work) Bill or any other like bill to decriminalise prostitution in South Australia.

2. Accept and legislate for the Nordic model of prostitution reform which criminalises the conduct of the buyers of sexual services.

The Hon. R.L. Brokenshire: It will be very helpful in the lower house when I send it to each marginal seat member, just letting them know.

The PRESIDENT: Order! You should have got it into this council a week ago.

Members interjecting:

The PRESIDENT: Order!

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

District Council By-laws—

Kangaroo Island—

No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Cats
No. 7—Keeping of Livestock, Fowl and Bees
No. 8—Foreshore and Boat Facilities

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Chief Public Health Officer's Report dated July 2014 to June 2016

Regulations under the following Acts—

Education and Early Childhood Services (Registration and Standards) Act 2011—

Registration Requirements

Gene Technology Act 2001—General

Ministerial Statement

VENTURE CAPITAL FUND

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) (14:19): I seek leave to make a ministerial statement on the subject of the South Australian Venture Capital Fund.

Leave granted.

The Hon. K.J. MAHER: I rise to inform the chamber about the announcement of a fund manager for the South Australian Venture Capital Fund. As part of a suite of innovation initiatives in the 2016-17 state budget, the government committed to establishing a $50 million SA Venture Capital Fund. The SA Venture Capital Fund will support local ventures with high-growth potential to secure funding and accelerate growth into national and international markets, stimulating economic growth and job creation in South Australia.

The search for a fund manager commenced in early December 2016 and I am advised that the government received 12 submissions in total from local, interstate and overseas organisations, of which five were shortlisted and interviewed. The government is able today to announce that Blue Sky Venture Capital, one of Australia's leading venture capital fund managers, has been selected to manage the state government's 15-year venture capital fund.

Blue Sky Venture Capital has a track record of providing venture capital to business in domestic and international markets, investing in companies across a range of industries, including consumer technology, e-commerce, medical devices and specialty pharmaceuticals. The fund manager has a favourable record of performance and is in the top quartile of venture capital fund managers globally.

Blue Sky Venture Capital is a subsidiary of ASX listed Blue Sky Alternative Investments Limited, which has offices across Australia and in New York, with strong networks to angel investors, high net worth investors, self-managed super funds and institutional investors, including industry superannuation funds. The company has more than $3 billion in assets under management and has invested more than $250 million in South Australian businesses that employ around 1,000 people.

Dr Elaine Stead, who hails from South Australia and has more than 10 years' experience as a venture capitalist specialising in technology commercialisation, will lead the management of the SA Venture Capital Fund. I understand that Blue Sky's Adelaide office will be bolstered by a dedicated South Australian Venture Capital Fund investment director and an investment analyst, as well as other senior Blue Sky staff.

The fund is structured as a co-investment fund that requires the state government to invest alongside private venture capital funds. This means that the agreement will also result in an extra $50 million in external capital being available to support innovative South Australian companies on top of the state government's $50 million investment.

The South Australian Venture Capital Fund is structured as a notional fund within the balance sheet of the South Australian Government Financing Authority and will make new investments in the first seven years and use the remaining years to make follow-on investments in its portfolio companies to accelerate their growth.

The management and operation of the South Australian Venture Capital Fund and fund manager, Blue Sky Venture, will be overseen by an inaugural management committee, the members of which are in the process of being appointed. Two government observers will also serve on the management committee: Ms Heather Watts, Director of Commercial Operations, South Australian Financing Authority, and Dr Andrew Dunbar, Director of the Office of Science, Technology and Research, Department of State Development.

Companies that receive investment from the South Australian Venture Capital Fund must have at least 50 per cent of their assets and at least 50 per cent of their staff located in South Australia

for a minimum of 12 months from the date of the initial investment. The South Australian government is establishing the conditions for the South Australian Venture Capital Fund to succeed. The South Australian Venture Capital Fund will benefit from the already established $10 million Early Commercialisation Fund, which targets the early stage financing gap that many young start-ups experience.

Grants have been approved for 26 companies through the South Australian Early Commercialisation Fund and it is anticipated that a number of these companies will make the natural progression to access funding through the South Australian Venture Capital Fund to further accelerate their activities. This announcement is an exciting development that will assist in investing in promising high-growth companies in South Australia that have the potential for global growth.

ASPIRE PROGRAM LAUNCH

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:23): I table a ministerial statement made by the Minister for Communities and Social Inclusion in the other place, entitled Aspire Program Launch.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the following written answers to question(s) be distributed and printed in *Hansard*.

Question Time

NORTHERN ADELAIDE IRRIGATION SCHEME

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Northern Adelaide Irrigation Scheme.

Leave granted.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: There's only one loser here, and you are opening your mouth now.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Mr President, can you protect me, please? It has been a long week. Because we are tired, I could say something I might regret.

The PRESIDENT: Protection is granted to the Leader of the Opposition.

The Hon. D.W. RIDGWAY: On 10 April this year, the state government announced a $110 million commitment from SA Water's future capital works budget for the Northern Adelaide Irrigation Scheme proposal, which would unlock 12 gigalitres from the Bolivar wastewater treatment plant. Interestingly, last year the minister announced a feasibility study into unlocking 20 gigalitres of water for this project. My question to the minister is: why was the project scaled back from 20 gigalitres to 12 gigalitres, and how will the 12 gigalitres be allocated?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): I thank the honourable member for his most important question. The Northern Adelaide Irrigation Scheme is a fantastic opportunity to expand the use of recycled water for horticulture irrigation in the Northern Adelaide area. NAIS is PIRSA-led, Northern Adelaide Plains agribusiness initiative. I understand the industry would have access to this water to increase horticultural production and exports, transforming the region into a national leader in intensive, high-tech food production.

In August 2015, SA Water released an expression of interest process to the market for proposals to transport and make use of recycled water in a way that would generate the greatest economic benefit and jobs growth for South Australia. I understand there is very strong industry

interest in purchasing recycled water through the Northern Adelaide Irrigation Scheme. While it is proposed that NAIS will have an initial capacity (now) of 12 gigalitres, there is a plan that NAIS will be built to enable 20 gigalitres capacity when future demand exceeds the initial supply.

An economic assessment has identified that 12 gigalitres of recycled water a year would create around 3,700 jobs, attracting about $1.1 billion in private investment and add, as the Hon. Mr Brokenshire says, a massive investment of $578 million a year to the state's economy. The NAIS would make good use of recycled water, creating positive outcomes for the environment, as well as the state's economy.

This is a point I made previously when I was asked this question is this place. I am not sure if it was asked by the Hon. Mr Ridgway, but another honourable member perhaps. This is subject to receiving a National Water Infrastructure Development Fund grant. The project will be funded through a mix of SA Water funds and up-front user contributions from NAIS customers. The honourable member may recall at the time that we were seeking a larger grant or contribution from the federal government out of a pool of money that is being allocated around the country for water associated projects.

I think I said previously in this place that it was intimated to us, from our connections in the federal government, that we would be unlikely to receive the full amount of moneys that we were searching for to enable the full 20-gigalitre process to be built in one go. Accordingly, tactically, we decided to increase the amount of investment on the part of SA Water and to reduce the amount of investment requested from the federal government. Rather than doing it, as I said, in one large go, we decided to do it in stages, with the capacity to expand at a later stage when demand indicates that that is going to be an efficient use of the resource.

The initial infrastructure will be constructed with the capacity to deliver 20 gigalitres. The first step is to bring the 12 gigalitres of recycled water for irrigation through NAIS to develop high-tech, high-value intensive horticulture north of the Gawler River. This enables time for export markets to develop as well. The revised proposal includes constructing infrastructure, as I said, to enable future expansion, to accommodate future demand for water and future growth in export markets.

I am aware that on 16 March 2017, Primary Industries and Regions submitted an expression of interest to the Australian government's National Water Infrastructure Development Fund for $45.6 million in funding to support the development of the infrastructure for the NAIS. As I said previously in this place, the remainder is to be funded by SA Water.

Essentially, it was to tailor our program to our intelligence about what may be forthcoming in terms of federal government grant funding. There was no point in asking for money about which it had been hinted that we would not be getting it, so we quite reasonably structured our ask to match what may be available from the federal government.

NORTHERN ADELAIDE IRRIGATION SCHEME

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): Supplementary: with respect to the 12 gigalitres, is there a set amount of this initial 12 being quarantined for local and existing growers? Is the minister aware of any discussions that he or SA Water may have had to that effect?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:30): I know there has been ongoing consultation with the community in this area. I am not aware that any particular amount of water has been put aside for any particular reserve grower or group of growers. I am advised that, in fact, there have been indications of strong support from existing operations. My understanding, the last time I spoke to the people who are putting this package together through SA Water and PIRSA, is that the existing users wanted to share in this, and that has been accommodated for in the initial 12 gigalitres. Should the expansion we anticipate happen sooner, we can crank this up as soon as the funding is available through the federal government.

VIRGINIA IRRIGATION ASSOCIATION

The Hon. J.S.L. DAWKINS (14:31): Supplementary: given my recent question regarding the Virginia Irrigation Association and its ongoing negotiations with SA Water regarding water pricing for the existing Virginia scheme, is the minister now aware if it is possible for him to meet with 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) (14:31): I thank the honourable member for following up on the matter that he raised with me a few weeks ago. I am yet to receive advice about the appropriateness of meeting at this contract negotiation stage. When I do, as I said, I will make that determination on whether it is appropriate to meet or not.

PLASTICS GRANULATING SERVICES

The Hon. T.J. STEPHENS (14:31): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question about the closure of Plastics Granulating Services in Kilburn.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to an article in *The Advertiser* on 27 June, which outlined the plight of Plastics Granulating Services, a family-owned business in Kilburn that employs 35 people. Managing director, Mr Stephen Scherer, cited soaring electricity prices as the major reason for the decision to close, which he found heartbreaking to make. Over 18 months, their power bill had spiked to $180,000 per month, up from $80,000 per month. The business was a modern and a green one, which reuses plastics presumably destined for landfill. My questions to the minister are:

1. Does the minister understand this type of business is exactly the sort of new tech industry that produces the jobs of the future?

2. Why does the government allow businesses like Plastics Granulating Services to fail through high electricity prices during its 15 years in office?

3. What will the minister say to manufacturing businesses that are going to the wall and which believe that the government is 'having a discussion about ideology instead of a discussion about commerce' and that 'we won't have a manufacturing sector left in the country if we keep doing what we're doing'?

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) (14:33): I thank the honourable member for his question and his interest in manufacturing and jobs in South Australia. I note the news—that I am sure the honourable member shares with me in being pleased about—regarding the announcement of the sale of Arrium, protecting so many jobs in traditional industry like steelmaking in Whyalla—which is a great result for this state. I note the honourable member has a significant interest in that area, and I have spent time with him in Whyalla talking about steelmaking.

In relation to the question he asked about Plastics Granulating Services, I know it was a company that was in the supply chain for Holden. It was one of those 74 tier 1 and tier 2 supply chain firms in the auto supply chain. What we will see over the coming months, as we lead up to the end of October when Holden closes its doors, is some of these tier 1 and tier 2 supply chain companies closing. We will see them close for a variety of reasons. Some of the companies in the supply chain will close because, for many decades, that's what they have done. They have supplied Holden or Toyota and Ford with parts, whether it's metal or plastics. The fact is, there will be a number of these companies that close.

Certainly, a couple of years ago, less than a third of those 74 tier 1 and tier 2 supply chain companies were intending to continue on past the closure of Holden. That number is now—and we welcome this—up to about three-quarters of companies that are intending to continue on past that date have already started transitioning from complete and partial reliance on the automotive sector.

Of course, some of those companies will downsize, and some will downsize significantly. Some other companies are diversifying and increasing their workforce.

In relation to Plastics Granulating Services in particular, I know that the Automotive Transformation Taskforce, particularly in the Department of State Development as well as other parts of government, had been working with the company to see if there were ways to improve what they do and improve the efficiencies in the company to give it the best possible chance of continuing.

Certainly, energy prices is one of the input costs for companies that operate in South Australia. There are many other input costs that operate in terms of the cost structure of companies in this state. We recently were judged as the lowest-cost city to do business in in Australia, of the capital cities. Certainly, although energy is one component of the cost, there are many other components on which we are exceptionally competitive. In terms of cost of real estate, we are now the lowest taxing jurisdiction, eliminating completely the stamp duty on commercial transfers. There are many reasons why we are a lower-cost jurisdiction.

Certainly, energy prices are a challenge. This is not a challenge, as I think some of the members opposite would have us believe, that is unique to South Australia. This is a challenge that is being faced completely around Australia. It is well recognised that the national energy market is broken; it is fundamentally broken. It is not designed for the way energy is produced and distributed today, and that is why this government announced a plan.

I can remember that when we recently announced this plan, the comments from the other side were, 'It is good to have a plan.' They are right: it is very good to have a plan, and that is exactly what we have got, an over $500 million plan to secure energy in South Australia for South Australians, to increase the supply of energy in South Australia for South Australians and to put downward pressure on the cost of energy in South Australia for South Australians.

Yes, the cost of energy is a concern, but it is not a concern that is unique to South Australia. It is not just the cost of energy; the supply of energy is also a factor that is affecting states elsewhere. We have seen it in relation to things like the aluminium smelting in Portland in Victoria. We have seen the shutdown of facilities in New South Wales, who are huge energy consumers. This is a challenge that all jurisdictions in Australia are facing, and that is why we are taking the lead and we are securing our energy future with our energy plan in this state.

FIRING RANGE SAFETY

The Hon. S.G. WADE (14:38): I seek leave to make a brief explanation before asking the Minister for Police a question in relation to the Marksman firing range.

Leave granted.

The Hon. S.G. WADE: In December 2015, Mr McConnal shot himself whilst at the Marksman indoor firing range on Franklin Street in the city. Recently, the state Coroner handed down his finding that Mr McConnal's death could have been prevented had South Australian police approved the installation of tethering devices that the firing range have developed as far back as 2012. My question to the minister is: what action will SAPOL be taking in response to the Coroner's report?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): I thank the honourable member for his question. The Coroner handed down on 28 June this year his findings into the inquest of the death of Mr McConnal at the Marksman firing range. One of the first requests that I made upon becoming Minister for Police was that the issue of tethering be included in the firearms regulations, those regulations I think I referred to yesterday.

With respect to the Coroner's comments on the delays in amending the Firearms Act and regulations to enshrine tethering, as members of this council would appreciate, an enormous amount of work has been undertaken to reform the state's firearms legislation and also regulatory regime. My predecessor, the Hon. Tony Piccolo, the member for Light, and I had an exhaustive consultative effort to ensure that they could be put in place in a way that best encompassed the bipartisan

approach that I referred to in my remarks yesterday, and that in turn has delivered the change that many were seeking in respect of tethering.

The new regime came into effect on 1 July this year and places a regulatory requirement that tethering be installed at commercial ranges. This appears at regulation 75, which in summary requires that an approved range must have tethering devices of a type and in a manner approved by the firearms registrar and that the unlicensed persons may only use or shoot a firearm at the approved commercial range when the firearm is tethered in a manner approved by the firearms registrar.

The police commissioner has received the Coroner's findings, and SAPOL are currently reviewing that document and considering the published report. I would note that the Coroner has not made any recommendations in respect to this specific incident. On radio earlier this week the police commissioner stated that 'the Coroner's findings and recommendations in past inquests have been significant in terms of improving practices within policing and other government agencies', and it is my expectation that this will be no different in this situation and that SAPOL would consider any learnings that are to be concluded from this particular incident.

In light of the Coroner's comments and findings naturally when I have my regular catch-up with the police commissioner this will be something that we will discuss. Any death of this nature of course is tragic, and suicide is tragic generally, but I am satisfied that the regulatory changes I have referred to will see the installation of tethering forthwith.

FIRING RANGE SAFETY

The Hon. S.G. WADE (14:41): On a supplementary: I do not know if I misunderstood the minister's statements, but is the effect of regulation 75 that a person with a gun licence does not need to have a tethered device at a range?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:42): I think that is right, yes. I am happy to double-check it, but that is my understanding.

FIRING RANGE SAFETY

The Hon. S.G. WADE (14:42): On a supplementary: I certainly would appreciate if the minister could do that, and perhaps if he might consider whether the risk of self-harm may still be significant with a person who is licensed.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:42): Normally, a licensed firearms holder owns a firearm, and they would be a risk in any event, even outside of a firing range. What this talks to is the capacity for someone who walks into a firing range off the street without a firearms licence and who could then present a risk to themselves.

FIRING RANGE SAFETY

The Hon. K.L. VINCENT (14:43): On a supplementary: will the Attorney-General be appealing the findings of the Coroner, and are senior police compromised in investigating something they were involved with?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:43): I am more than happy to take that question on notice for the appropriate minister, being the Attorney-General.

NAIDOC WEEK

The Hon. J.E. HANSON (14:43): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister update the chamber on some of the activities during NAIDOC Week?

Members interjecting:

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 thank the honourable

member for his question, a very well thought out and structured question. It has been a pleasure to see the honourable member's smiling face at many NAIDOC events during course of this week.

For decades NAIDOC Week has been celebrated in Australia. It provides an opportunity to recognise the special contribution Aboriginal and Torres Strait Islanders make to society. What we now know as NAIDOC Week was originally held from the 1930s onwards as a day of sorrow and remembrance. During the 1950s it became what we now know as NAIDOC, where it was contemplation and celebration as well as time to reflect. Since the 1990s it has been a week of both celebration and reflection on what it means to be part of a country that boasts the oldest living culture on this planet.

NAIDOC Week is now an integral week on the calendar of schools and workplaces all around the country, which is so important in keeping the discussion going about the richness of Aboriginal culture and educating the wider community. Through education comes understanding, and the journey of reconciliation continues.

The NAIDOC Week theme for 2017 is 'Our Languages Matter', which emphasises and celebrates the unique and essential role that Aboriginal languages have played in Australia for tens of thousands of years. This year's important theme will also pay tribute to the revival of Aboriginal languages that has taken place over more recent years.

In the recent state budget, there was an allocation of $2.3 million to fund the continuation and expansion of the existing Aboriginal interpreting service, expanding presences from Alice Springs to Adelaide and Port Augusta. Given English is often the second, third or fourth language for many Anangu living on the APY lands, interpreters are incredibly important when Anangu are engaging with government agencies.

There have been many events over the course of NAIDOC Week. I know I have received many more invitations to attend and partake in NAIDOC Week activities than I could possibly have attended, even if NAIDOC was held over a month. The South Australian NAIDOC committee do an outstanding job organising, promoting and running so many of the main events that so many of us have the privilege of attending. For the committee, it no doubt feels like NAIDOC Week is a six-month marathon, and I pay tribute to all members of the South Australian committee, a number of whom are in the gallery here today.

I particularly want to acknowledge the new chairperson, Charlene Lamont. I understand that the former chairperson, Aunty Joyleen Thomas, had a very difficult time finding not only a willing contender for such a difficult and huge task, but also someone she felt would continue the very high standard she had set in the role of chairing NAIDOC.

I would also like to pay tribute to people like Crystal Sumner, who is also in the gallery today, who has worked tirelessly and is part of the new generation of leaders. The NAIDOC committee members all lead very full and busy lives, and I particularly want to recognise the extra time and sacrifice that they put in to make sure the rest of us have such enjoyable and informative NAIDOC weeks across South Australia.

I have already, this week, attended a number of fantastic events organised by the committee, starting off on Sunday night with NAIDOC South Australia's Ecumenical church service led by Dr Lowitja O'Donoghue and then, on the next day, the South Australian NAIDOC Awards, which were presented at the Lord Mayor's morning tea ceremony on Monday morning. Inspiring individuals were recognised on Monday for their contribution to the state: folks like Anthony Wilson, Aunty Heather Agius, Uncle Stevie Goldsmith, Aunty Doris Kartinyeri and, of course, this year's NAIDOC Person of the Year, Pauly Vandenbergh.

I know a lot of members of this chamber will have come across Pauly Vandenbergh, an Aboriginal man from the West Coast who has great resilience. I know this because he has made no secret that, in two previous years, I have presented him with NAIDOC runner-up awards. Now, he is no longer a bridesmaid this year, and has won the major gong as NAIDOC Person of the Year. I am exceptionally proud to know Pauly Vandenbergh as a friend, brother and outstanding mentor for young Aboriginal South Australians, and I wholeheartedly congratulate him on his well-deserved award.

Later in the week, the Premier's NAIDOC Awards took place on Tuesday night, and I acknowledge a number of members of this chamber who were in attendance at the awards. The Hon. Terry Stephens and the Hon. Tammy Franks were there on Tuesday night, as were other members of the Aboriginal Lands Parliamentary Standing Committee. I know the Hon. Tung Ngo would have been there but, with so many others of us paired out, the whip did his whipping duties and stayed behind in the chamber. I thank him for his ability to do that.

The Hon. J.S.L. Dawkins: What about this whip?

The Hon. K.J. MAHER: Of course, the Hon. John Dawkins, who is a bastion of staying behind. At the NAIDOC Awards on Tuesday night, the Premier and I were joined by His Excellency the Hon. Hieu Van Le, the Governor of South Australia; as I said, members of the Aboriginal Lands Parliamentary Standing Committee; many Aboriginal South Australians; and, of course, the true VIPs of the night—all of the nominees.

This year there were five outstanding nominees for the Premier's NAIDOC Awards, and I will run through them quickly:

- Chelsea Lieberwirth, an active member of the Whyalla Aboriginal community, through her work volunteering and supporting young Aboriginal people through mentoring. She is also about to start training next week, I understand, as a community constable, which is a fantastic achievement;
- Judith Lovegrove, who for nearly four years has been delivering the nationally accredited Diploma of Narrative Approaches for Aboriginal People. As part of this, she is helping health and other community workers provide counselling to Aboriginal families and their communities;
- Irene McKenzie, a respected Port Augusta icon and leader. Irene speaks and teaches her traditional language and has dedicated much of her career to helping others in Aboriginal health;
- Karen Glover, who I have known for many years for a time at Pangula Mannamurna in Mount Gambier, nominated for her significant ongoing contribution to Aboriginal health, wellbeing and education. Knowing Karen for the time I have, I know the exceptional work she has done, and now as founder and co-chair of the Aboriginal Families Health Research Partnership and the work she is doing at SAHMRI; and, lastly but certainly not least,
- Frank Wanganeen, a passionate cultural educator, with so much time dedicated to various committees relating to reconciliation, Aboriginal heritage, native title, social justice and, importantly, given the theme of this year's NAIDOC Week, the revival of the Kaurna language. Over the years, Frank has volunteered his time and energy to many issues, but particularly the contribution to Kaurna culture and language revival, and as such he was a fitting winner from the five nominees of this year's Premier's NAIDOC Award.

It was also fitting at the ceremony that the Premier recognised the legacy of Dr Alice Rigney, PSM, who passed away in May, with a posthumous Premier's NAIDOC Award. Dr Rigney, who I have talked about in this place, made a significant contribution to the education of young Aboriginal people and the preservation of the Kaurna language and Kaurna culture.

To mark her enduring legacy, the Premier announced the first annual Dr Alice Rigney Prize, an accolade that recognises a young Aboriginal person dedicated to their education. The recipient receives a laptop computer, a signed letter of commendation and a grant of $1,500 towards the recipient's school to be used for the benefit of all students.

Tayla Karpany was the inaugural winner of the Dr Alice Rigney Prize; she is a talented artist, a respectful and capable student with excellent school attendance rates and, fittingly, she attends the Kaurna Plains School, the school that Alice Rigney helped establish when she became Australia's first female Aboriginal school principal.

Among the many NAIDOC winners from right around South Australia, in closing I wish to particularly mention Aunty Penny Bonny from Mount Gambier, who received a lifetime achievement award for her years of service to the community. She has worked in the community for more than 30 years with various people and organisations and again, fittingly, given the theme of this year's NAIDOC Week, Our Languages Matter, Aunty Penny Bonny has been instrumental in the revival of the Booandik language and is credited as the first person to perform Welcome to Country in the Booandik language, which is now done regularly in the South-East.

Aunty Penny Bonny is a long-time family friend, and it is very fitting that she takes over this year after last year's winner of the NAIDOC Lifetime Achievement Award in the South-East of Aunty Viv Maher. There is also the fiercely contested NAIDOC Week event, even though it is not badged with the title, the annual Anangu Pitjantjatjara Yankunytjatjara versus Maralinga Tjarutju lands football game on Friday night as a curtain raiser at Adelaide Oval to the Crows' game. I could not possibly support one team over another, but I hope and it is a cracker game and that football is a winner on the night.

NAIDOC Week still has a few more days to go, and I will attend the march from Victoria Square to Parliament House tomorrow and the family fun day, and I encourage anyone who is around at the time to get involved in the final days of NAIDOC Week. Again, I thank Charlene and her team for another fantastic NAIDOC Week.

NAIDOC WEEK

The Hon. J.S.L. DAWKINS (14:54): Supplementary: will the minister indicate whether the South-East Indigenous suicide prevention group, known as Treasuring Life, will be assisted to provide counselling, etc., in the reinvigorated Booandik language?

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) (14:54): I thank the honourable member for his question. It is an excellent question. I am happy to take this question on notice. I know that Pangula Mannamurna, the Aboriginal health service in Mount Gambier, has been involved in a number of areas to do with life choices and, particularly, suicide prevention. I know that my mum, Aunty Viv Maher, has been particularly involved as an Aboriginal health worker and social worker in the area of suicide prevention. I will take that question on notice and—

An honourable member: Ask mum.

The Hon. K.J. MAHER: —see where it's up to. Yes, I will ask my mum.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge that the Hon. Mr Gilfillan is with us today. Welcome.

Members interjecting:

The PRESIDENT: Order!

Question Time

LE CORNU SITE

The Hon. M.C. PARNELL (14:55): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about the former Le Cornu site in North Adelaide.

Leave granted.

The Hon. M.C. PARNELL: Yesterday in parliament, I spoke briefly about a situation that all members are aware of; that is, that the site commonly known as the Le Cornu site in North Adelaide, which has been vacant for over a quarter of a century, has had yet another development application fall over. As a result, it looks destined to remain a vacant blighted site for the foreseeable future. I

also mentioned yesterday that the Adelaide city council is very keen to have the use of that land as a public park, pending its more permanent development, whatever that might be. The problem appeared to be that no-one could find an appropriate mechanism for making that outcome happen where the owner of the land was unwilling to cooperate.

I also pointed out yesterday that in my extensive legal research to try to find a solution to this problem, I discovered the Lands for Public Purposes Acquisition Act 1914, which is committed to the Minister for Sustainability, Environment and Conservation. Whilst I don't wish to embarrass the minister by asking him whether he was aware of that fact—I am prepared to admit that I wasn't—I have since ascertained, through further research, that the act appears never to have been used, but it does appear to provide at least some mechanism for a less than freehold interest in the land being able to be acquired on a temporary basis.

I have since had some informal advice that perhaps the Crown lands law, the Crown Land Management Act, might also have a role to play, but my question of the minister is quite simple. Is the minister willing to investigate whether any of the acts committed to him, such as the Lands for Public Purposes Acquisition Act 1914, might be able to be used to break the impasse between the owner of the land and the Adelaide city council, so that the land can be used as a public park until a more permanent development is ready to proceed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I thank the honourable member for doing his research. I must admit that, given that I think he said he had been advised—I am glad he didn't say that he had found of his own initiative that the Crown Land Management Act might be an appropriate vehicle. I would find that unusual. Not having gone through the Crown Land Management Act in any fine detail in the last couple of days, I can't actually put my finger on what clause might be of beneficial use to the honourable member—

The Hon. M.C. Parnell: I'm just putting it out there.

The Hon. I.K. HUNTER: He is certainly putting out the vibe. I am not aware that that is an appropriate vehicle but, of course, I can go off and explore that, if the honourable member would like. The question is: would that be a valuable use of my agency's time, when I think that the remit for this problem is certainly squarely in the court of the Minister for the City of Adelaide and the Minister for Planning? Whilst I will take some soundings of my agency in respect of the legislation the honourable member referred to in his explanation, I think the most appropriate thing to do would be to take the question on notice and seek a response from the minister in the other place as to what he has taken into consideration in terms of legislative instruments that might be able to be used.

I know from casual conversations with the honourable minister that he has been much motivated by this issue over recent months, and I would have thought that, had there been a solution available to him in the legislation in his portfolio, he would have been considering that actively. Nonetheless, I will take soundings from my agency in terms of my portfolio responsibilities, but I think I will end up referring this matter to the minister in the other place.

ADELAIDE WOMEN'S PRISON, FIREARMS DELIVERY

The Hon. J.S. LEE (14:59): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prisons.

Leave granted.

The Hon. J.S. LEE: Last week, it was reported that a box of eight shotguns was delivered by mistake into the loading area of Adelaide Women's Prison after entering through security in the back of a courier's truck. The shotguns were only discovered when the boxes were being unloaded by correctional services personnel in an area reported to be frequented by prisoners. The department announced an internal investigation would take place focusing on why and how the guns were delivered to the wrong address. The Public Service Association have confirmed they will begin an investigation and ensure breaches like this will not happen again. My questions to the minister are:

1. Can the minister inform the chamber when he first sought a briefing after the incident?

2. Can the minister explain whether the transportation of the guns met the requirements of the recently passed firearms regulations?

3. How long will the internal review take?

4. Will the minister table the internal review report to parliament when it is finalised as it is a concern of public safety?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): I thank the honourable member for her question. Last week, I was on annual leave—I had a week off. You can only imagine my shock and disappointment when the phone rang and I was informed of the events that had transpired at the Adelaide Women's Prison, because it is clearly unsatisfactory that a load of shotguns was delivered to the AWP where, of course, the shotguns were not initially destined.

Despite being on leave, I asked for a brief almost immediately and I am happy to share with the honourable member exactly when I received it, but, to the best of my recollection, I believe it was that day or certainly within a day or two of the incident occurring. There can be no denying that this is a security breach; however, there were enough protocols and safeguards in place so as to ensure that the breach was rapidly identified so as to mitigate any risk to anyone involved. There are safeguards such as, of course, when firearms should be transported, and I believe there are laws and regulations in place so as to prohibit ammunition being transported with them.

I also understand that there were security guards in and around the area while they were unpacking the delivery and that's when they were identified. Immediately upon those guards becoming aware that there were shotguns, the area was cleared and appropriate measures were put in place so as to mitigate any risk.

The delivery was a pallet containing eight long boxes, including structural magazines and goggles. Upon removal of the first box from the truck it became apparent that the box contained firearms. The box was then immediately placed back onto the pallet on the back of the truck and the area supervisor was called to attend, and a lockdown of the area was undertaken. The truck was secured and the driver was instructed to immediately exit the area into the vehicle sally port area.

The prison security manager attended and conducted a review of the delivery details. The details showed pallet dimensions and made no mention of the contents. The Department for Correctional Services operational security unit attended and it was identified that the delivery was intended for the OSU, which is the operational security unit, with the contents to be utilised by DCS for the emergency response group. Prison staff received the delivery in accordance with the prison operating procedures and the delivery was under the direct escort and supervision of custodial staff at all times.

The delivery was then directed to its permanent housing facility in accordance with legislation. No ammunition was included with the delivery and the safety and security of the prison was not compromised at any time. Notwithstanding the fact that, clearly, something had gone wrong here, it may well be the case that the outcome of the internal investigation will make it clear that there was no fault on behalf of the department but rather it may have rested with a third party courier or, indeed, the supplier of the firearms. That is what we expect to ascertain during the course of the investigation.

As the honourable member referred to, the department has commenced an internal investigation into the incident and that is being led by the Director of Ethics and Intelligence and Investigation within the Department for Correctional Services. The matter has also been referred to SAPOL to examine whether the courier or provider has breached the law with respect to the storage and management of firearms. SAPOL is conducting an increased security audit of the operational security unit to ensure that all equipment is safe, given the reporting of the location, and the equipment of the OSU and emergency response group.

The department has also conducted a stocktake of weapons which confirms that all arms are present and accounted for. DCS has issued a direction effective immediately that the emergency and response group equipment will not be delivered to any DCS site by a third party. Action has been taken to remove third parties from the situation. The chief executive of the department has sent

formal correspondence to the couriers involved in this incident requesting that they make their employees available to the investigation. I understand that one of the couriers has already commenced its own investigation into the matter. The department has also instigated a statewide review of access control procedures in relation to all external deliveries to secure locations.

I think all that demonstrates the fact that there is an acknowledgement on behalf of the government that something has gone wrong here. Naturally, the government engages contractors from all over the place and it may be the case that one of them is at fault. Let's wait and see. The acknowledgement of the fact that something has gone wrong has put the government in a place to be able to ensure that we are taking the action that is required to establish who was at fault and what exactly went wrong here so that it can be remedied.

However, in the interim, I think the community can take confidence in the fact that all staff concerned who were engaged in this particular incident within the department acted appropriately, acted in accordance with procedures and protocols and that, in turn, identified the problem and people responded accordingly. In some respects, although something has gone wrong, it is an example of the appropriate and quick response that we want people in security oriented roles performing. I am satisfied also that the department, led by the chief executive, has undertaken the required actions to ensure that something like this does not occur again.

ADELAIDE WOMEN'S PRISON, FIREARMS DELIVERY

The Hon. R.L. BROKENSHIRE (15:07): I have a supplementary question based on the minister's answer. Has the minister checked to see if the department or anybody else has actually broken the law? This was not a delivery van delivering perishable products to a prison that got the wrong address, this was a delivery van delivering highly-sophisticated firearms that are used for the protection of officers and inmates and the community when there are riots and things like that.

Those of us who are law-abiding citizens who have firearms' licences, if we want to buy a new firearm we have to go to an approved firearms dealer. We then have to supply all of the information, including the serial numbers, to SAPOL via that dealer and sign off on it. We then have to wait for clearance for that firearm to be then approved to be allocated to the licensed firearm owner.

Members interjecting:

The PRESIDENT: Order! Can you get to the question, please.

The Hon. R.L. BROKENSHIRE: There are clear processes for any licensed firearm owner in this state. My question is: has the minister discussed with the police commissioner having a look at whether there has been a clear breach, if not a complete breakdown, of the laws within the Firearms Act of South Australia regarding DCS and their procurement of these rifles?

Members interjecting:

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09): I thank the honourable member for his concise question. I know the honourable member is probably weary, like many of us, as the result of a late night, but I did specifically state in my answer to the Hon. Ms Lee that the matter has already been referred to SAPOL with the specific view of ensuring that SAPOL conducts an investigation to ensure that if the law has been broken here that people will be held to account accordingly.

The issue has been referred to SAPOL already to determine whether or not a breach of the law has occurred in respect of the storage and management of firearms. Of course, if that has occurred, our expectation is that SAPOL then acts accordingly.

WASTE AND RESOURCE RECOVERY SECTOR

The Hon. J.M. GAZZOLA (15:09): This is how you do it, Brokey. My question is to the Minister for Sustainability, Environment and Conservation. How well is South Australia diverting waste from landfill?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:10): What an incredibly concise question. That is an exemplary question, and it is a lesson for Hon. Mr Brokenshire on how you should ask questions in this place, rather than writing essays and adding them into supplementaries. It is a pleasure to be able to talk about resource recovery and recycling. Our state's clean and beautiful reputation has been built in part because of our efforts to recycle more and to waste less. Of course that is a good outcome for our environment. But being clean and green is also a key to our economic growth as a state.

The reputation we have is vital in the area of our premium food and wine and tourism sectors and we're doing very well in that regard. We are now diverting 81.5 per cent of waste away from landfill. That is about 3.9 million tonnes of waste. This is very significant. It is nation leading and up there with the world's best.

A report entitled *South Australia's Recycling Activity Survey* for the 2015-16 financial year shows we are recycling more despite more waste being produced. Since 2003, the recycling rate has improved by 20 per cent while the amount of materials recovered has doubled. The value of this recovered material, I am advised, is about $203 million. That's $203 million going back into our economy and being put to a higher use rather than being dumped in landfill.

I think South Australians can be very rightly proud of our collective efforts, which means that about 1.18 million tonnes of greenhouse gases will not be released from landfill. That is the equivalent to the planting of 1.8 million trees—I do not know who does this calculation—or taking 271,900 cars off the road every year. It's the equivalent of about 15,130 terajoules of energy being saved. That is the equivalent of the average energy use of about 300,000 households or 2.7 million barrels of oil. It is the equivalent of 12,716 megalitres of water that were not used. That is equal to about 5,000 Olympic -sized swimming pools. That is just to give you an idea of the equivalence of these measures and how important they are to our environment and our economy.

But I think we can probably do better as a state. We certainly show that South Australians are up for it. Recycling is not just about improving the environment; it is also about jobs. This an example of how economic growth and protecting the environment are not mutually exclusive. I am advised that for every 10,000 tonnes of waste diverted away from landfill, this creates about 9.2 full-time jobs, compared to just 2.8 jobs if the same amount of waste did end up in landfill. That is about three times more jobs created in recycling and resource recovery than if this waste was just dumped into landfill.

The waste and resource recovery sector is one that employs nearly 5,000 South Australians and is worth about $1 billion as an industry and returns about $500 million to the state's economy. This hasn't come about by accident. It's because of steps that the government has taken over many years. We have worked with a sector and created an environment that supports growth in waste and resource recovery. From time to time, there are external factors which impact on businesses in this sector, and unfortunately we saw that in relation to a question that was asked today about plastic granulating services in Kilburn entering into voluntary liquidation.

I am advised in this case—and the honourable minister, my leader, gave a very thorough description of the situation—that PGS was impacted by business pressures, including the loss of a major interstate supplier. I understand the source stock for the PGS was in fact about 70 per cent from interstate stoppages. that was largely from industrial plastic waste. Of course, they had difficulties in sourcing that material, I am advised. At the other end, with the impending closure of Holden that is impacting the automotive supply chain right across the state, that also impacted on them because they are a major supplier, not just to Holden but also to other companies that supplied Holden.

This is an issue that is going to impact right across a number of these businesses that worked in the automotive supply part of the economy. It is an important industry. It is very sad to see the liquidation process, but we are hopeful, given that it is a viable business, that a buyer can be found who can take over that business and point it to new directions in the waste and resource recovery sector. I do hope that a buyer will move into this market because, as I said, whilst they were taking 70 per cent of their feedstock from interstate, that still is putting those resources to a higher use and

avoiding them going to landfill elsewhere in the country, which I think is a useful thing for us to be able to do, if we can actually run the business efficiently.

Of course, there are growth opportunities in this sector in other areas. Commercial industrial waste plastic is a valuable commodity. There are other companies in the state that already process plastic, obviously. These include Plastic Recyclers, Trident Plastics and various others. By working together as an industry and as government and also as a community—because a lot of the initiative for recycling and reuse comes from the community itself—I am sure that we can grow the sector and improve our recycling even further.

We should be proud of celebrating, when we do very well, the firsts and the strengths of our achievements when we are leading the country. Of course, there is also the celebration we have had noting that this is the 40th anniversary of the Dunstan Labor government's nation-leading container deposit scheme, which is now finally, after 40 long years, being replicated around the nation. I understand it was a bipartisan position taken in the last election in New South Wales by both the Labor Party and the Liberal Party, and I expect it to be introduced there soon. I understand the ACT will fit in with the New South Wales scheme—that makes obvious sense for them. I also understand that Western Australia and Queensland are moving to introduce similar schemes.

The NT, of course, put it in a few years ago, after some terrible fights with the beverage industry, which took them to the High Court. The beverage container industry won that, and we had to help the Northern Territory to get exemption through federal processes, which South Australia has had for many, many years. So, that fight has been won. It was bitterly contested, but I think the beverage container industry has now decided that their best interests lie in supporting the community's interests in assisting and helping in terms of resource recovery and recycling, and that's a good thing.

This government is very keen to build on this proud legacy we have. We have improved recycling since taking off, as a course. My former leader was instrumental in introducing a ban on lightweight plastic bags, to her eternal credit. That is another reform that is now being replicated right across the country. The Hon. Gail Gago's leadership in this area will now find resounding support in other states and territories in South Australia. Again, this is a great example of her leadership in this area, and I am very proud to follow in her footsteps in this.

We don't just talk about protecting the environment, we do it. We do it whilst we can grow jobs, grow our economy and involve ourselves in further embedding the principles of the circular economy into our existing industry.

CONTAINER DEPOSIT SCHEME

The Hon. R.L. BROKENSHIRE (15:18): Supplementary, based on the minister's extensive answer: can the minister rule out extension of CDL by his government going to the wine industry with their wine bottles?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:18): It's worth noting that the Hon. Mr Brokenshire has a routine in this place of demanding that ministers give guarantees of this or that, or ruling this or that out.

The Hon. R.L. Brokenshire: That's what you get paid for.

The Hon. I.K. HUNTER: That's not what I get paid for, Mr Brokenshire, not at all. Let me tell you about why the CDL was brought in, in the first place. If you recall, going back to the seventies, there was an explosion of new technologies around beverage containers, and these were disposable containers at the time. There was a huge amount of them just tossed out into our streets and our parks; it was a disaster, and the community was rightly complaining.

There are pictures up on the EPA's website, I'm pretty sure, that show you what this place looked like with littering being at its peak. You need only look at some of those old photos of beaches and Adelaide's Parklands and ovals after functions and concerts to see that the proliferation of disposable beverage containers was getting out of control.

The CDL that was brought in by the government then was focused on removing those items from the waste stream. The reason why wine bottles weren't at that time—and even still now—put into the scheme was that they don't appear in the litter stream. You don't see wine bottles, and you don't see beer bottles, because in fact there is already a recycling scheme. You can take them down to your local 'marine', as we used to call them in those days.

The Hon. R.L. Brokenshire: Beer bottles have a CDL.

The Hon. I.K. HUNTER: No, they don't.

The PRESIDENT: Will the minister not respond to interjections, please.

The Hon. I.K. HUNTER: Yes, Mr President. I was thinking of longnecks, of course, in the seventies. You used to pack these up in the brown hessian bags that we used to have, put them in the back of the car or the ute or the trailer and take them down to your local marine depot. They already were part of that process, and they still are part of that process. The Hon. Mr Brokenshire now talks about the modern beverage containers that he probably chugs on—what do they call those floral confections? Not shooters, the other things.

The Hon. J.M.A. Lensink: Cruisers.

The Hon. I.K. HUNTER: Cruisers. Thank you, the Hon. Michelle Lensink. Pre-mixers and cruisers that the Hon. Mr Brokenshire—

An honourable member: RTDs.

The Hon. I.K. HUNTER: RTDs—and it is quite right.

The Hon. K.J. Maher: All the kids are doing it.

The Hon. I.K. HUNTER: All the kids may be or may not be. Certainly, the cool kids like me aren't, but others who aren't quite so cool, like the Hon. Mr Brokenshire, may be. There is a reason why certain products get this CDL legislation applied to them: because they actually appear in the litter stream. You can now see, as we have been able to see for many years, that the result of the CDL is that when there is a value put on this waste, people pick them up, or people don't discard them in the first place. As they learn about this process, they actually become quite proud of their state and the condition in which we keep our parks, our streets and our facilities and they stop throwing them away at all, even if they don't have a CDL attached to them, because they understand that it is the right thing to do for our community, for safety, for health and for general amenity.

The legislation, whilst it had a very functional value, also has a very important educative value, and South Australians have embraced this legislation over many years. I think I have mentioned in this place previously that it has attracted a listing as a heritage icon by the SA Heritage Council, the only piece of legislation that I know of that has ever been awarded the state heritage icon. That is, I think, testament to the fact that South Australians love the CDL. They love the amenity that has been created in this state because of the CDL and want to drive it to even higher levels.

That is the reality for the Hon. Mr Brokenshire. We don't just apply these CDL deposit schemes to any old beverage container; we apply it to those that create a problem in our environment, to fix up that problem. As I say, all the evidence before us, certainly that which comes from KESAB and other authorities that keep this data for us, is that these sorts of bottles that the Hon. Mr Brokenshire was talking about don't appear in the waste stream because they already have their own recycling value, which they have had for many years, and so don't need to attract the CDL deposit.

PRISONER DRUG REHABILITATION

The Hon. J.A. DARLEY (15:22): I seek leave to make a brief explanation before asking the Minister for Correctional Services questions regarding drug rehabilitation programs in prisons.

Leave granted.

The Hon. J.A. DARLEY: The Department for Correctional Services' 2015-16 annual report indicates that the rehabilitation programs branch delivers a substance misuse Therapeutic Community program. The report states that substance misuse Therapeutic Community is a

specialised therapeutic service designed to treat substance abuse within a prison setting. However, this program is only being run at the Cadell Training Centre. The Making Changes program addresses general offending behaviour and substance misuse related offending. My questions are:

1. Can the minister provide details of substance abuse rehabilitation programs that are available to prisoners?

2. Is the substance misuse Therapeutic Community program the only program dedicated to substance abuse rehabilitation?

3. Why is the substance misuse Therapeutic Community program only offered at the Cadell Training Centre?

4. How is participation in the program determined?

5. If a person with a substance addiction is incarcerated, what is the standard procedure to deal with their addiction?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I thank the honourable member for his question, because it is an important one. We do know that if the government is going to be successful in achieving its recently announced target to reduce the rate of reoffending by 10 per cent by the year 2020 then it is necessarily going to have to do more when it comes to addressing those who come into the correctional services system suffering from an addiction. There is a lot of evidence out there that makes it very, very clear that the likelihood of someone reoffending dramatically escalates, of course, if they haven't adequately dealt with an addiction they may have been suffering on coming into the system.

It is also a particularly pertinent question in light of the fact that we do know drugs exist within the prison system. There isn't a prison system anywhere in the world that has been able to be successful in ridding itself of contraband. It is a reality. We have had success in South Australia in reducing the levels of contraband within the system, but it still exists, so this makes it all the more important.

Through the Offender Development Directorate the department ensures the delivery of a number of therapeutic programs targeting various offending behaviours. The Hon. Mr Darley has already referred to the Making Changes program. This is a moderate intensity program designed to target general offending behaviour and offending related to substance misuse. In 2015-16, a total of over one and a half thousand hours of the Making Changes program were undertaken, including 778 hours in prisons and 804 hours provided in the community.

The department's sex offender rehabilitation programs and violent offender rehabilitation programs also include specific drug and alcohol-related modules. The department also conducts—something the Hon. Mr Darley has already referred to—the substance misuse Therapeutic Community program. The focus of this program is sustaining abstinence from all drugs and alcohol. It focuses on the concepts of recovery, resilience and wellbeing.

The department has now had two cohorts graduate from this program and is progressing an evaluation throughout the course of 2017 to ascertain exactly what the success of that program has been. It is important that where a program is delivered, particularly if it is new, we measure its success to ensure we are not continuing with it if it is not doing what it is aimed to do; if it is, that of course provides a mandate to increase the investment in that particular program.

It is also important to note that the department does partner with other organisations and agencies in this area to be able to deliver programs. That includes engaging with Drug and Alcohol Services South Australia; OARS, which is Offenders Aid and Rehabilitation Services; and the Aboriginal Sobriety Group. In addition, Alcoholics Anonymous and also Narcotics Anonymous have regular meetings set up in prisons across the state. The South Australian prison health service also provides services that are appropriate to a prisoner's ongoing healthcare needs and are in line with the services that would be provided in the community, including support with self-management of drug and alcohol dependence.

These are just some of the programs. I could go into more detail regarding programs that are offered by some of those not-for-profit organisations. It is also important to note that, while not in prison, some offenders can be diverted from custody through to the South Australian Drug Court and can be subject to home detention curfew orders with electronic monitoring, in accordance with the Bail Act. In turn, intensive compliance officers support the Drug Court through an after-hours monitoring service, and all Drug Court placements are subject to home curfew conditions.

There is a range of different approaches that can be applied to tackle this issue. It is a real one, it is a live one, it is not going away anytime soon and it is something that I care about quite deeply. Apart from the fact that it makes sense to be able to address people's addictions on a human level, at a more pragmatic policy level, if we as a state are going to achieve the reoffending target that this government has outlined and that, I think, has set a new course for corrections policy in the state as of late last year, then this has to happen, and we have to make every effort to get better results when it comes to addressing addiction for people within our correctional services system.

But we have to learn. We can't be just throwing endless dollars at programs that make us feel better and relieve ourselves through feeling as though we are doing something, we have to make sure we are learning, and I am very keen to make sure that the department is always measuring the relative success of different programs that we offer. I have made it very clear to the department on more than one occasion—

The PRESIDENT: Will the minister address the Chair, not the crowd.

The Hon. P. MALINAUSKAS: I have made it very clear, Mr President—

The PRESIDENT: Good, that's much better.

The Hon. P. MALINAUSKAS: —that the department should not be spending money on programs that aren't delivering real results, and that is something we will continue to monitor as we proceed through this exercise.

Bills

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Committee Stage

In committee.

(Continued from 4 July 2017.)

Clause 1.

The Hon. A.L. McLACHLAN: To assist you, Mr Chair, and the members of the chamber, there are three sets of amendments filed in my name. Today, in committee, I will only be pursuing amendments in set No. 3. The third set is the refined model.

The CHAIR: The Hon. Mr Brokenshire, you have three sets as well. Which ones are you pursuing?

The Hon. R.L. BROKENSHIRE: I advise the council that amendment No. 1 [Broke-3], filed today, is the only amendment that I am moving today. Having had discussions with our Minister for Police, I am withdrawing the rest.

Clause passed.

Clauses 2 to 9 passed.

Clause 10.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–1]—

Page 8, lines 10 and 11 [Clause 10(1), inserted subsection (1)]—

Delete 'attend an assessment clinic for the purpose of submitting to an examination' and substitute:

submit to an examination by an approved assessment provider

The government is simply aiming here to accommodate the concern on behalf of some members in the chamber that there may have been too great a restriction on the capacity for a person seeking a drug dependency assessment being able to access one assessment provider, so is also now providing for a registered health practitioner, who has been registered under the Health Practitioner Regulation National Law and has the requisite skills associated with addiction medicine. I believe this amendment will provide greater flexibility, which I believe some members of the chamber were looking for.

The Hon. A.L. McLACHLAN: We will oppose the amendment but not the proposal by the government. We have incorporated the language of the government in my amendment, which I will move, amendment No.1, McLachlan–3, so that the government's intent survives, should this amendment fail. We have a subsequent amendment, which I will address in more detail, where we have an additional provision, not just an examination by an approved assessment provider, but also the registrar can ask for further evidence, in particular that the individual has gone to a prescribed alcohol dependency treatment.

The debate here in relation to alcohol and drugs, because the provisions are mirrored for alcohol and drugs, is that, in addition to the registrar seeking an approved assessment provider, there is also the option for the registrar under our amendments to receive evidence of a prescribed alcohol dependency treatment program.

The philosophy behind this is that we feel that there needs to be in these provisions some incentive to go through a treatment program. We still think the register has the ability to exercise discretion, reject or accept. I am happy to answer questions on the subsequent amendment, because members need to understand that, in the subsequent amendment by the Liberal Party to decide what you want to do with the government's amendment, we are incorporating their language, but if you like our amendment or wish to vote for it you will have to oppose the government's amendment.

The Hon. P. MALINAUSKAS: This may be an opportune time to respond why the government is concerned around the McLachlan proposition. This is a really important point for the chamber to understand. The intention of the McLachlan amendments is undoubtedly good and, as I have stated previously in this place, I share a desire to use someone being caught committing a drug driving offence as an opportunity to shoehorn them into a treatment exercise, but the fundamental objective of this exercise is to protect road users, to improve road safety, to ensure that those people who have their licence are not suffering from an alcohol or drug addiction.

The risk with the McLachlan amendment is that someone who was suffering from an addiction might get access to treatment, but then they fail in that treatment to deliver the desired outcome in terms of concluding their addiction. So just getting treatment does not guarantee that your addiction no longer exists. One could go to a registrar and say, 'Look, I undertook all this great treatment over here,' but they still suffer an addiction. The drug dependency assessment is specifically orientated to ensure that that person no longer suffers from an addiction, and of course that should require the registrar to satisfy themselves that that addiction no longer exists, not just the fact that they undertook treatment.

The chamber should be very clear—and this is a point the government will continue to make publicly, I think, in the event that the McLachlan amendment succeeds—that we would have created a risk here. We would have created a risk if the McLachlan amendment succeeds that someone gets access to treatment, which is to be applauded and congratulated and encouraged, but their treatment does not deliver the desired outcome, and they end up getting a licence while still suffering an addiction and then, of course, an accident could ensue.

We would encourage the chamber to support the government amendment, which aims to address the issue of greater flexibility in terms of getting the assessment done, but vote down the McLachlan amendment to mitigate the likelihood of a tragic accident occurring as a result of someone who is suffering an addiction getting their licence back.

The Hon. S.G. WADE: Is it the government's understanding that addiction medicine suggests that addictions can be cured or that addictions stay with you and need to be managed?

The Hon. P. MALINAUSKAS: I am not going to sit here and try to pretend that I am an addiction specialist or a doctor. All I care about, and all this chamber should care about, is that people

who get their licence back after committing a repeat drug-driving offence are not suffering an addiction any longer in the eyes of an expert who can make that assessment. That is what I care about, and that is the question before this chamber.

The Hon. M.C. PARNELL: I think the minister's exasperated tone does not really reflect the decision we have before us because, when we look at the Liberal amendment, the registrar needs to be satisfied of two things—not only that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on alcohol but also that they are no longer dependent on alcohol. In some ways, it is a tougher test under the Liberal amendment.

If we go back to first principles—and I am not going to re-agitate what we did when we debated clause 1 the other day—the issue is that these people have come to the attention of the authorities. The approach the government is taking is what I call a silo approach. They are saying, 'We only care about a narrow range of things. Do they get their licence back? What is the test for getting the licence back?' Whether or not they recover is of no great interest to the government provided they do not get their licence back because that is all we are interested in. It is a narrow silo approach.

The approach that originally the Hon. John Darley brought up—and I think the Liberals have adopted it, and certainly the Greens are sympathetic to it as well—is to say, 'Well, actually, no. We can do more for these people. We can steer people in the right direction.' Sure, we have heard that 'You can lead a horse to water, but you can't make it drink.' People who are unwilling to change and are unwilling to embrace therapies or treatments that might help them, if they do not want to, it might not happen but they are not going to get their licence back either. We are not debating a provision that says, 'Just turn up, do the course, and you will get your licence back.' It does not work like that.

The other point I would make is that it is a fundamental flaw in the whole regime where the protective test that we are looking at is in relation to impairment. Are you impaired in driving? I am not talking about this issue of drug tests versus alcohol tests because we have already established that there is no threshold for drugs. It is simply the case that, if it is detected, there is a presumption that you are impaired and you should not drive. That is just how the law works. There is not a .05 for cannabis or a .05 for ice: if it is detected, then that is it. There is a threshold for alcohol.

The big disconnect in this whole legislation—and we are perpetuating it with these amendments—is that the reference is in relation to dependence, and dependence does not equal impairment. People might say that that is just semantic. If someone is an alcoholic, then probably they are impaired sufficiently to not be suitable for driving. That is probably the case but not necessarily. I use the old Carlton United slogan: 'I allus has wan at eleven.' You might have someone who is dependent because they have to have their one beer a day.

You might say that I am living in some parallel universe and that, if you are an alcoholic, you are not an alcoholic having one beer a day. 'Dependent versus impairment' is a problem with the way these laws are drafted. Nevertheless, to cut to the chase, the Liberal amendments have incorporated the concept that the minister said he is trying to fix, and that is that the person in Mount Gambier does not have to make their way to a monopoly single provider in Adelaide, that there will now be other options for people to go to, and I think that is good.

The Liberals have incorporated that in their amendment but they have not lost sight of the other treatment options as well. When weighing the two things up, I think the Hon. Andrew McLachlan is right. The Greens will be opposing the government's amendment and will be accepting the Liberal Party's amendment, and I think there is a great deal of overlap between them.

The Hon. P. MALINAUSKAS: Maybe if I ask a question of the Hon. Mr McLachlan about his amendment so as to demonstrate the government's concern about the proposition. My reading of the McLachlan amendment is that it means that someone who needs to undertake a drug dependency assessment will now have the capacity to use an exercise in getting treatment as a vehicle or mechanism to get their licence back (as distinct from having a drug dependency assessment), provided they can demonstrate to the registrar that they are no longer dependent on drugs. If that is a correct interpretation of amendment No. 3 [McLachlan-3], that is, that at clause 10, page 8, after line 37 we insert all those provisions—and the Hon. Mr Parnell was talking about 5(b)—

The Hon. M.C. Parnell: 4(b), in fact.

The Hon. P. MALINAUSKAS: Sure, okay, both—then the requirement upon the registrar is that they need to be able to make the assessment about whether or not someone is dependent on drugs. Assuming the registrar is not a clinical expert in terms of addiction, how do we expect the registrar to be able to make a determination about whether or not that person is still suffering an addiction?

The Hon. A.L. McLACHLAN: The minister has articulated the effect of the combination of the amendments correctly. We are leaving it to the registrar; you are correct. Your arguments regarding risk, I think, are not well founded. I think this has equal risk in the government amendments unamended by the Liberals because you still have the registrar. Under the government amendments, the registrar gets this report and just relies upon the report. In effect, it is no different. The treatment program will have to produce some sort of report to the registrar, if the registrar is happy. We have left the power with the registrar. He still must make an assessment, so it is a question of what satisfies the registrar.

The registrar might say, 'That treatment program that you went to is rubbish.' The registrar has an option of putting on the web page, 'I will only accept evidence from these five treatments that produce me a report at the end of it,' which is effectively the same as an assessment report. They might be easier to get into, but it ties treatment—it gives an option for treatment. It may well be that the registrar, in the first instance, decides he wants a drug dependency assessment and treatment report. So, the registrar can take almost a holistic approach and say, 'I want both.' We are providing the option. We are not increasing the risk. In fact, we are making it potentially possible for the registrar to make it harder for someone to regain their licence.

The Hon. P. MALINAUSKAS: I do not want to labour the point. I just, respectfully, completely disagree with the Hon. Mr McLachlan. I come back to the core objective here: the core objective is to make sure that we do not give a licence back to a repeat drug offender who is still suffering a dependency, that is, an addiction to drugs. That is our objective here. I assert, and the government asserts, that there is no better person to be able to make an assessment about whether or not someone is still suffering an addiction than someone who specialises in addiction, which is a different exercise to treatment. They are two completely different things.

By inserting a degree of subjectivity into this, which gives the registrar the capacity to do it, it means they may take a report from a treatment provider saying that their own treatment is successful. I think there is an inherent conflict with a treatment provider providing a treatment and saying, 'Yes, our treatment is successful,' as distinct from having a separate, more robust, more independent assessment about whether or not someone is still dependent. We think that test should be applied by someone who specialises in the area. Again, the amendment is full of good intent but we know that sometimes the path to hell is laid with good intent.

We do not want to do anything that precludes or prevents someone from getting access to treatment; we just want to make sure that when a repeat offender who has a history wants to get their licence back that they satisfy a test that demonstrates that they are no longer dependent. That assessment is not made by someone who has a conflict because they provided the treatment, but that assessment is made by someone who specialises in determining dependency or not.

The Hon. M.C. PARNELL: I think, with all due respect, the minister has missed the point. If we look at the Liberal amendment No. 3, it talks about the applicant having to satisfy the registrar that they are not dependent on alcohol. How do they satisfy the registrar? On the basis of the report of an approved assessment provider or such other evidence as the registrar may require. You are hanging on to that second part of it and saying that the registrar will not require an approved assessment provider, the registrar will take it on him or herself to accept some other lower standard of evidence.

I do not believe that necessarily follows. There is a clear path for the registrar. If I was a risk-averse registrar I would be looking at this legislation and saying, 'I need to go to an approved assessment provider,' in which case we are talking about a double whammy. They are going to do their treatment, there is going to be a report from that and the registrar is going to make them go to an approved assessment provider.

We are talking about people who are not complete free agents, operating in a vacuum and who will just make stuff up. There will become standards and protocols and things, just as the minister explained the other day. How long before you can do your test again? Three months—you clarified that, and thank you for the clarification. Where does that come from? Well, that comes from clinical advice. There is nothing in the act that says that you have to wait six months or three months before you can do the test again. It is just stuff that happens because we are in a professional environment and the professionals are doing their job properly.

I do not think that the sort of doom and gloom, worst-case scenario the minister has pointed out is at all likely. If I was the registrar I would be saying, 'I'm safe as houses if I go with an approved assessment provider and if I am going to go with someone else I am going to be damn sure that there is absolute quality in their assessment of this person's dependence on alcohol or drugs and, therefore, their suitability to drive a car.'

The Hon. P. MALINAUSKAS: This will be the last time I make a contribution on this. Again, I do not want to labour the point, although that is exactly what I am doing. I appreciate the Hon. Mr Parnell's position. For me, the government's amendment and position on this has little risk or mitigates the risk by necessitating, without question and without exception, that for someone to get their licence back they have to have passed the drug dependency assessment.

The Hon. Mr Parnell may well be right, that there is not an extraordinary risk associated with the McLachlan amendment passing. I am just saying that there is a greater risk than what is the case if we stick with the government's position, which is that the only way you get your licence back is if you pass the drug dependency assessment conducted by a clinician specialising in that area.

The Hon. A.L. McLACHLAN: I know I cannot persuade the minister but I am going to attempt to put the minister's mind at ease with goodwill. I do not think that the weighing up of the different risks is an appropriate paradigm to look at this. I think the risks are the same. We have repeat offenders with the drug dependency test, so they are not foolproof. What you are trying to debate with us is the quality of these tests and the quality of the programs. We do not know. This is simply—and I hesitate to say this because I am going to use an argument the Attorney-General uses in the other place—a framework piece of legislation and therefore does not bind the day-to-day operation, other than in a framework.

Therefore, it will still be in the hands of the registrar to make the decision. They carry risk now. The risk is with the individual that you appoint as registrar, as government. I suspect what will happen with this, over time, is that in the initial stages they will just go for the drug dependency test—the safe option—and, over time, as other market providers come in with types of treatment programs and assessments (perhaps combined) they will go with those. We are not buying them. If I can put the minister's mind at ease, I do not think we are increasing the risk. I do not think we are even measuring the different levels of risk. I do not even think we change it. I think the risk still exists.

In some correspondence you gave me or your staff prepared in short order to my question—and I should thank them whilst I am here, since I asked an enormous amount of questions—it said that about 608 drivers were repeat offenders in 2016. They may have gone through these drug dependency tests and offended again. Your system has risk. I do not think the system we are putting up has any more risk. It is just an option.

The Hon. R.L. BROKENSHIRE: Minister, just as a clarification, it was said in the chamber by one of our honourable colleagues that, under your amendments, if someone is a resident of Mount Gambier they may not be able to access any treatment in Mount Gambier. In other words, it was implied that they may have to travel a vast distance—e.g. even up to Adelaide.

Are you going to have a pool of people available with this expertise or are you going to instruct that, like some of the WorkCover situations, there are only two or three? My point is that I want it on the record that I would have thought there would be suitably qualified people in the Mount Gambier area to look after that person when it comes to the testing and assessments. I just want a bit of clarification.

The Hon. P. MALINAUSKAS: I am advised that it is a small field of people who have the capacity to conduct this incredibly stringent and robust test. I think what the government is seeking

to do in the amendment that we are considering immediately is to expand the pool of people beyond what has been the case up until this point, which has just been the Corporate Health Group as the approved provider.

By opening it up, as is proposed under this amendment, to people approved as health practitioners under national regulation law who specialise in the area, we will expand the pool. I cannot comment definitively right now as to whether or not one of those people resides in the South-East, but they may very well. Nevertheless, with respect to this amendment, it does expand the scope, as distinct from diminishing it, which would increase the likelihood of someone being available in the South-East.

The Hon. A.L. McLACHLAN: To further assist the Hon. Robert Brokenshire, that wording—and the opposition supports the government's intent—is incorporated into the Liberal amendments. It is not a choice, on that issue, between the two amendments. We have used that wording in ours.

The committee divided on the amendment:

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

AYES

Brokenshire, R.L.	Darley, J.A.	Gago, G.E.
Gazzola, J.M.	Hanson, J.E.	Hood, D.G.E.
Hunter, I.K.	Maher, K.J.	Malinauskas, P. (teller)
Ngo, T.T.		

NOES

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

Amendment thus negatived.

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

Amendment No 1 [McLachlan–3]—

Page 8, line 12 [Clause 10(1), inserted subsection (1)]—After 'alcohol' insert:

> unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed alcohol dependency treatment program not more than 60 days before the date of application for the licence

Unless the honourable members have any questions, I think we have had the debate in relation to that.

The Hon. P. MALINAUSKAS: I am loath to go through the whole thing again. However, I want to understand something a bit further, particularly on the back of the remarks by the Hon. Mr Parnell, who refers to amendment No. 3 from the Hon. Mr McLachlan. It is worth pointing out that that section operates, as I understand it, separately to the amendment we are discussing now. In the case of both amendment Nos 1 and 2, they are, in the first instance, the requirements that will need to be met in order to be able to pass a dependency assessment.

I am happy to stand corrected, but I do not follow the argument of the Hon. Mr Parnell that the registrar needs to be satisfied that the dependency no longer exists. I will say that again: amendment No. 3 does not operate in the circumstances in which Nos 1 and 2 do. In the first instance, if a person loses their licence and, under the government's position without this amendment, has to complete a drug dependency assessment, and if these amendments are

successful, they would only need to be able to demonstrate to the registrar that a dependency treatment program has been completed, as distinct from having to demonstrate the fact that they are no longer dependent, as is required under the next amendment that the Hon. Mr Parnell was referring to.

The Hon. M.C. PARNELL: It is not my amendment, but I might take the opportunity to get some advice.

The Hon. A.L. McLACHLAN: In response to the minister, this clause is designed, as I said, to put the power on the registrar. The registrar may determine whatever evidence the registrar may require. If you have a registrar who is risk adverse, as we discussed, they may go for a lesser treatment program. Again, it is all designed to put the burden on the registrar, and I accept that. It is our argument that the registrar will take the obligation seriously.

The Hon. P. MALINAUSKAS: Sure, but there is nothing in the McLachlan amendment No. 1 or No. 2 that requires the registrar to be satisfied that the dependency no longer exists, only that the dependency treatment program has been completed. They are two very different things.

The Hon. M.C. PARNELL: I can see it is a complex area, but I am still satisfied, using the language of the Hon. Mr McLachlan, that we have a framework, and, where the ultimate decision-maker is the registrar, the ultimate test is that the person is not dependent on alcohol. Whether you reach that conclusion through the successful completion of a prescribed alcohol dependency treatment program or some other mechanism, I think we are still in the same boat.

I accept what the honourable member said before. If we have 608 people who have had three or more drink-driving offences, presumably a fair chunk of them have gone through the current system, which is that you have to get an assessment, so they have either fooled the assessors or they have relapsed afterwards. That is clearly another option; they may have been on the wagon and then a year or two later they fall off again.

The risk that the minister was concerned about exists under all these scenarios. I think this is still robust enough. If there is some major inconsistency—legal inconsistency—that needs to be sorted, I am happy for the government and parliamentary counsel and others to look at it again, but I am satisfied that in a framework environment these amendments still stand up.

The Hon. P. MALINAUSKAS: Again, I think this creates a vaguety that does not currently exist in the legislation as currently composed. Inserting the Hon. Mr McLachlan's amendments, as well-intentioned as they are, provides scope for someone to determine or to exercise discretion about what constitutes a successfully completed alcohol dependency treatment program. Successfully completed might mean going through the program, but it might not mean adequately dealing with the addiction or dependency.

Again, the critical objective here is a road safety one, to make sure that people do not get their licences back if they are still suffering from a dependency. Going through a treatment program, as is outlined here, does not necessarily equate that you are no longer suffering a dependency. The way this is written, it explicitly provides the ability for the registrar to give someone their licence back on the basis that they have successfully completed a drug treatment program, whatever that means, without necessarily assuring themselves that they no longer suffer a dependency. I think that creates a risk.

The Hon. Mr Parnell and Mr McLachlan rightly point out that people in some instances get their licence back and still get done again for drug driving as repeat offenders. That is undoubtedly true. I do not have any statistics at hand in terms of exactly how many people are in that category, who have passed a drug dependency assessment and then reoffend, but the numbers are so large it is hard to conceive that there would not be people who do that. However, it is equally true that a lot of people who are repeat offenders or a lot of people who get behind the wheel of a car with drugs in their system die. And we are trying to reduce that number as best as we possibly can.

I fail to understand why the parliament would be increasing the scope of the capacity for people to get their licence back on the basis of one measure which is not as strong as ensuring that they have at least demonstrated that they no longer suffer a dependency.

The Hon. R.L. BROKENSHIRE: Just to start to get the ball rolling, the Australian Conservatives advise that they will not be supporting the opposition amendment and will be supporting the government.

The Hon. J.A. DARLEY: I will not be supporting the opposition's amendment.

The Hon. M.C. PARNELL: Just to make it really clear, I am on the record already saying I am supporting the opposition amendments.

The Hon. K.L. VINCENT: Just for clarity, the Dignity Party does support the opposition amendments.

Amendment carried.

The ACTING CHAIR (Hon. J.S.L. Dawkins): In relation to amendment No. 2 [Police–1], I understand the minister may not be proceeding with that, it being consequential?

The Hon. A.L. McLACHLAN: Perhaps I could assist? The opposition amendments are predicated on the movement of the government amendment No. 4, which contains definition provisions. So, we are opposing amendments Nos 1 to 3 [Police–1] but we are not opposing amendment No. 4 [Police–1], which has the definitions on which we intend to rely.

The ACTING CHAIR (Hon. J.S.L. Dawkins): My advice, minister, is that you probably will not proceed with amendments Nos 2 and 3 but that you would then proceed to amendment No. 4. They are all Police–1, and you have done No. 1. We are suggesting that you not proceed with Nos 2 and 3 of that set but that you move No. 4 of that set after Mr McLachlan.

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

Amendment No 2 [McLachlan–3]—

Page 8, line 37 [Clause 10(1), inserted subsection (2)]—After 'drugs' insert:

unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed drug dependency treatment program not more than 60 days before the date of application for the licence

This is identical to the previous amendment but refers to drugs.

Amendment carried.

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

Amendment No 3 [McLachlan–3]—

Page 8, after line 37—Insert:

(1a) Section 79B(3)—delete 'The superintendent of an assessment clinic' and substitute:

An approved assessment provider

(1b) Section 79B(4) and (5)—delete subsections (4) and (5) and substitute:

(4) Subject to subsection (6), if the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on alcohol, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that—

(a) that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on alcohol; and

(b) the applicant is no longer dependent on alcohol.

(5) If the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on drugs, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that—

(a) the applicant has undertaken a sufficient amount of appropriate treatment for dependency on drugs; and

(b) the applicant is no longer dependent on drugs.

(1c) Section 79B(6) and (7)—delete 'the superintendent of an assessment clinic' wherever occurring and substitute in each case 'an approved assessment provider'

This is the provision we have already debated.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 4 [Police–1]—

Page 8, lines 40 to 43 [Clause 10(2), inserted subsection (8)(a)]—Delete paragraph (a) and substitute:

(a) a reference to an approved assessment provider is a reference to—

(i) a person who—

(A) is registered under the *Health Practitioner Regulation National Law* to practice medicine as a specialist in addiction medicine; and

(B) is a Fellow of the Australasian Chapter of Addiction Medicine of the Royal Australasian College of Physicians; or

(ii) a person who—

(A) is registered under the *Health Practitioner Regulation National Law* to practice medicine as a specialist in psychiatry; and

(B) is a Fellow of the Royal Australian and New Zealand College of Psychiatrists; and

(C) holds a Certificate in Addiction Psychiatry; or

(iii) a person or body approved as an assessment provider for the purposes of this section by the Minister to whom the administration of the *Health Care Act 2008* is committed.

Amendment carried.

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

Amendment No 4 [McLachlan–3]—

Page 9, after line 16—Insert:

(9) For the purposes of this section, whether a person is to be regarded as having undertaken a *sufficient amount of appropriate treatment* is to be determined in accordance with the regulations.

This is consequential, but amendment No. 5 is not.

The Hon. M.C. PARNELL: I accept it is consequential; we have had the debate. To try to give some comfort to some of the concerns the minister raised before, the test of whether someone has undertaken a sufficient amount of appropriate treatment is to be determined in accordance with the regulations, so the government holds the whip hand in being able to determine the level of rigour that is required.

I would expect that the government would not just say, 'A two-week course, one hour every Wednesday. Provided you turn up, that will be enough.' It will not be that: it will be something far more rigorous. The government does retain the ability to make sure that people who have unsatisfactorily completed these courses will not be getting their licence back.

Amendment carried; clause as amended passed.

Clauses 11 to 19 passed.

New clause 19A.

The Hon. K.L. VINCENT: I move:

Amendment No 1 [Vincent–1]—

Page 12, after line 34—Insert:

19A—Insertion of section 47AB

After section 47A insert:

47AB—Drug driving offences—defence for users of approved medical cannabis products

(1) In proceedings for a drug driving offence involving THC, it is a defence if the defendant proves that, at the time of the alleged offence—

(a) the defendant had a medical condition or a disability requiring the defendant to use an approved medical cannabis product; and

(b) the defendant was in possession of a certificate given by a legally qualified medical practitioner certifying that, in the medical practitioner's opinion, the defendant is medically fit to drive a vehicle while using an approved medical cannabis product.

(2) In this section—

approved medical cannabis product has the meaning assigned to it by the regulations;

THC means delta-9-tetrahydrocannabinol.

This is a very simple amendment. It addresses the issue of medical cannabis, which is of course now a substance that we all know can be legally prescribed for medical use by certified medical practitioners. Yet there is still no exemption from licence disqualification if a person tests positive at a roadside drug test for THC, which is of course contained in cannabis, even if a legally qualified medical practitioner has certified that they are fit to drive while using that medical cannabis product.

Given that this is a legal substance now used for medical purposes, if a medical practitioner can prove that the person is safe to drive while using it, I think there is no reason not to allow that to occur. Principally, the amendment reads:

(1) In proceedings for a drug driving offence involving THC, it is a defence if the defendant proves that, at the time of the alleged offence—

(a) the defendant had a medical condition or a disability requiring the defendant to use an approved medical cannabis product; and

(b) the defendant was in possession of a certificate given by a legally qualified medical practitioner certifying that, in the medical practitioner's opinion, the defendant is medically fit to drive a vehicle while using an approved medical cannabis product.

So, I guess there are three facets to the amendment: first, you have to have a disability or medical condition that could be proven to be alleviated by the use of medical cannabis; secondly, you have to have a legally certified medical practitioner prove that you are safe to drive while using that product; and, thirdly, you have to be carrying the certificate proving that you are safe to drive using that legally certified product in your possession at the time.

Given that this parliament and the federal parliament has passed moves to allow the use of medical cannabis, I see no reason not to allow people to drive so they can get on with their lives and get the best out of this very important medical treatment.

The Hon. P. MALINAUSKAS: Again I thank the Hon. Ms Vincent for her efforts here. The Hon. Mr Parnell rightly pointed out earlier in debate that one of the challenges with testing for drugs is that we do not have a test like we do with alcohol regarding testing for impairment. We test for presence, and impairment is inferred from there. I neglected to mention earlier that one of the reasons for that is that my advice is that there is not a test anywhere to be able to test for impairment when it comes to cannabis or THC.

We do know that excessive levels of THC do cause impairment—that is a medically accepted fact. This is a difficult area because, while ideally our police would have devices that test for impairment, that test no longer exists. So we are left with the rather blunt instrument that we have currently. It is an unfortunate reality, but a reality that we have to operate within and deal with.

In that context, and acknowledging that, I have a question for the Hon. Ms Vincent, and that is this: let us say somebody is prescribed to use medical cannabis, and they are prescribed to use it in a particular way so as to prevent impairment, and on the basis of that advice the doctor issues a certificate as is being proposed here. But, then, the patient starts using the medical cannabis in a

way that is not consistent with the doctor's instructions, and consequently in a way that is in excess of the doctor's instructions. That then consequently results in impairment. Hence, they get behind the wheel of a car and put everyone's lives at risk—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! Minister, I think during question time the President asked you to not turn your back to the chair, and I would appreciate it too. I appreciate the fact that you are addressing the member, but it is good protocol to not turn your back on the chair.

The Hon. P. MALINAUSKAS: No problems. So, let's say they have the medical certificate, they have the drugs, but they do not follow the instructions of the medical officer. They consume the drugs in a way that is in excess of the prescribed amount, which consequently results in impairment. They then get behind the wheel of the car and put people's lives at risk. They then consequently get pulled over by a police officer, test positive for THC and present a certificate saying, 'It's all okay here, I'm allowed to do this,' despite the fact that they are suffering impairment and have been consuming the drugs in a way not consistent with their prescribed amount. How does the Hon. Ms Vincent see that circumstance operating under this provision?

The Hon. K.L. VINCENT: That is an important question, and if I might, I will just take a minute to get some advice.

The Hon. M.C. PARNELL: The honourable member will get advice, but I have thought about exactly that same issue. The question was put in the way you have put it: what if the person takes double the quantity that is prescribed? What if the person is prescribed a small amount and they then go and take another amount? The way it was put to me is that they are prescribed medicinal cannabis and then they go and smoke a joint.

It is a real-life question, but we have got to get this in perspective. If the person was impaired and the police officer formed the view that they were clearly impaired, then the approach that would be taken is exactly the same approach that you would take for heroin, cocaine, what they call hillbilly heroin—is it Endone?—the whole range of things that we know impair people's driving. They are not included in this legislation because, according to the advice we have, they are not as regularly found in the bloodstreams of people who have suffered accidents.

My understanding would be that, whilst the person might present and say, 'Here's my certificate from the doctor,' if the officer thought they were impaired, then the tests for old DUI or driving under the influence or whatever phrase we use, such as walking a straight line or various other measures that police officers, I presume, routinely take to get people off the road who they believe are incapable of safely driving, then those provisions would kick in. I would have thought that was fairly straightforward.

Just because someone is unfortunate enough to have a medical condition or a disability that requires them to use medicinal cannabis, I do not think that that somehow has a consolation prize that you can get as stoned as you want and drive and get away with it. I do not think that is what this means. It means that the narrow pathway of prosecution that is reflected by these roadside tests and a positive indicator might not work for this tiny cohort of people, but if they are unfit to drive, then they will be assessed in the way other people who are unfit to drive are assessed.

I keep making the point that there are a whole lot of drugs that impair people's driving that you do not test for. You do not test for cocaine, even though many of the machines that are used also test for cocaine. Many of them do; I have googled them all. A policy choice has been made not to test for cocaine. I do not think this is the 'Get out of gaol free' card that the minister suggests it might be.

The Hon. P. MALINAUSKAS: The government opposes this amendment because the object of this bill is to improve road safety. There is a startling statistic that I think members should have in the front of their mind when they contemplate this amendment: in the last five years, 66 drivers and riders who were killed on South Australian roads tested positive to drugs. That is a big number. It represents a very substantial proportion of all lives lost on the roads over the last five years. Of those 66, 48 tested positive to having cannabis or THC in their system, either on its own or in combination with other drugs. So, 48 lives have been lost in the last five years alone and that

arguably is directly attributable to the presence of THC in those drivers' systems. We measure the THC because that is the chemical that causes impairment. It is simple.

I am advised that there are forms of medical cannabis that do not contain THC and therefore do not have the same psychoactive effects that otherwise exist in cannabis that does have THC. Many of us are supportive of medical cannabis being applied and being used where there is a genuine health reason for someone being prescribed it accordingly. I would have thought that in many of those instances, those drugs that have been prescribed would be cannabis-orientated products that do not have THC within them. They will not be caught by this legislation.

What we are aiming to do here is make sure we are improving road safely. There is a direct link between THC reducing road safety, and therefore those people should be held to account, just like anybody else. It seems crazy that one person gets pulled over with THC in their system and they get reprimanded as a result. Why? Because it diminishes the road safety of everybody on our roads, but somebody else will be treated differently. Yes, albeit, it may be as a result of a medical condition, but the object here is to protect everyone on the road. Undoubtedly, in the government's view, this compromises that, notwithstanding the good intent.

The Hon. A.L. McLACHLAN: The opposition will be supporting this amendment, although I will make clear to the government that there will be an opportunity between the chambers to further discuss the clause and if the government is minded for any refinement to address its concerns, the opposition would be mindful to listen. I think the Hon. Mr Parnell articulated much of what I was going to say, but this is a defence, so it is not taking away from the unlawfulness but is giving an opportunity for someone who has a medical condition and has had it prescribed to have a defence before the court.

Prima facie, the risk the minister has identified—and it is a real risk—is still being mitigated by the primary provisions of the bill as it amends the act, but this is an ability for someone to establish their defence. The defendant must prove. It is not for the prosecution to prove. They will put the test results up and, prima facie, their case will be made. There is a reverse burden on the defendant, which is considerable in circumstances such as this. I know that may not ease the minister, but it is not as drastic as the minister has articulated.

I would just like to pick up on a point from the Hon. Mark Parnell. The government has made a risk assessment that it wants the top three drugs that are being seen in the community, and rightly so—I have not criticised it during the course of this debate. It has a series of test machines that, I think largely, test for those three, and it is probably difficult to have a fourth drug. In reality, we might have a fourth drug that is brewing (ice goes out of fashion) and we are still carrying that risk as a community. I just think the minister's looking glass on this issue—whilst I appreciate it, and I do not denigrate in any way—is not realistic in the modern world.

We have to, effectively, as a community, take risk. We have made an assessment that the person driving to the private school in the BMW high on coke will not get caught if they are driving unnoticed by the police. We have taken that risk as a parliament, and as a police force and a community. We have just picked the top three drugs and that is inappropriate but it is a risk assessment. When we leave today we will carry that risk.

I think these amendments, from an opposition's perspective, are appropriate and we will support them, but we are interested in a dialogue with the government between the chambers should other issues come to hand or if there are any submissions that the government make. At this point in time, we think it is appropriate to have a defence.

The Hon. T.A. FRANKS: I wish to respond to some of the minister's comments on THC. My first question is: will the drug testing regime be able to test also for levels of CBD, which is a different cannabinoid to THC? There are other cannabinoids. What I would say to the minister is, in some ways he is correct: CBD is often seen as a medical cannabis option; however, there are combinations and compounds in a whole range of different varieties and, indeed, CBD is often used with THC for different conditions and, indeed, counters the effects. So, the simple first question is: does the test also address the levels of CBD?

The Hon. P. MALINAUSKAS: My advice is no, it is for THC.

The Hon. K.J. Maher: That makes sense.

The Hon. T.A. FRANKS: The Hon. Kyam Maher says that makes sense. The bit that does not make sense is that you have assumed that THC would not be used with CBD as a medical product. Many medical products for medical cannabis do have levels of THC and I simply wanted to clarify that for the record. In fact, the psychoactive effects of THC, which is what the concern is here, are countered by the combination of that with CBD. That is why I would be very keen to know is it possible to test for levels of CBD?

The Hon. P. MALINAUSKAS: My advice is no, and the government again reiterates the point that we focus on THC and the test focuses on THC because that is the component that causes impairment. Regarding the Hon. Mr McLachlan's remarks, let me be clear that the government has never purported throughout this exercise that somehow this is going to mitigate all risk—not at all. What we are trying to do here is the same thing we do with road safety policy everywhere, and that is to try to reduce risk where we can. What has become increasingly clear, not just in South Australia and not just in Australia but globally, is that drug driving represents a growing portion of deaths on our roads. The single biggest contributor to deaths on our roads in terms of drugs is as a result of THC.

The Hon. Mr McLachlan uses the cocaine example in a particular stereotype, and I am sure that is a relevant example, but what we are trying to do here—and we have never suggested that somehow by reducing one risk over here we are somehow pretending that this one does not exist over there, not at all; we are trying to control the things that we can. We know that THC is a significant contributor (and I mentioned the statistics earlier) which is why we are focusing on that.

I think it is a rather erroneous argument to somehow suggest that we should vote down or we should vote in favour of the Vincent amendment albeit that it is creating additional risk because there is risk everywhere else. The whole exercise in road safety policy is to try to reduce risk where you can, which is exactly why those people who are serious about trying to reduce the numbers like 48 people dying in five years as a result of this, should be persuaded not to support the Vincent amendment.

The Hon. R.L. BROKENSHIRE: This is probably a base question but I do not think it has been asked and it probably should be clarified by the minister. When the buccal swabs first came in they were very restricted in what they could pick up when it came to the types of illicit drugs that may be in the system. I understand that there has been some small broadening of that but does the buccal swab actually identify methamphetamines and so on? Is it really broad now, and therefore identifies that there is some form of illicit drug in a person's system, and then you go to the next test from there, or is a buccal swab that is available still quite restricted in what it picks up?

The Hon. P. MALINAUSKAS: My understanding is that the swab tests for THC, methamphetamine and MDMA; they are the three drugs that it tests for.

The Hon. J.A. DARLEY: For the record and having regard to the Hon. Mark Parnell's comments, I will be supporting the Hon. Kelly Vincent's amendment.

The Hon. R.L. BROKENSHIRE: Just for the record the Australian Conservatives will not be supporting the Hon. Kelly Vincent's amendment.

The Hon. K.L. VINCENT: While the debate has been going on and while I have been trying to clarify advice, I think other speakers have largely covered the points very well so I do not intend to go into them again; however, there are a couple of additional points I want to add. In particular, yes, the Hon. Ms Franks is right that sometimes a certain level of THC may be necessary in medical cannabis for medical purposes and can be counteracted by CBD. I am not an expert in these things.

I am certainly not talking about people who are so affected by CBD levels that they should not be driving, I am asking for people who are medically proven to medically require THC for medical treatment by a treating medical professional (and I am saying the word 'medical' too many times) to be allowed to drive, if they are declared fit to do so by a doctor. There are also a number of occasions, I would argue, where we already rely on the judgement of medical practitioners, including whether a person should be able to drive because of a physical disability that may impact their coordination or

movements. I do not quite accept that argument that just because there is no official test it does not stand to reason.

Also—and I am not trying to be mischievous with this question, but I would like to know this level of detail—of the 48 driver deaths on our roads that the minister mentioned, in the past four, or was it five, years—

The Hon. P. MALINAUSKAS: Five.

The Hon. K.L. VINCENT: —five years; thank you—with THC in their system, how many, if any, also had alcohol in their system?

The Hon. P. MALINAUSKAS: The statistic I have at hand is that 48 tested positive to cannabis either on its own or in combination with other drugs or alcohol.

The Hon. K.L. VINCENT: Sorry, just to clarify, I did not quite hear. Of the 48, it does not break down the level as to whether there was something else in the system or not.

The Hon. P. MALINAUSKAS: Correct.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Ms Vincent, I cannot see your light. Is it covered up?

The Hon. K.L. VINCENT: No, sir.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I can see the light on the microphone, but there is supposed to be another light. There it is.

The Hon. K.L. VINCENT: I do not put it on the whole time when I am speaking, because that would be very irritating.

The ACTING CHAIR (Hon. J.S.L. Dawkins): It is helpful to the chair when you press it when you want to speak, and I have not seen that for a while, so thank you very much.

The Hon. K.L. VINCENT: I appreciate that, sir. We will have to work on a better system. But as I have said, most of the other points I wanted to make have been made by other speakers so I do not intend to reiterate them. But I also want to make the point that I have already had a constituent who did get disqualified under previous laws before we amended the laws to allow for medical cannabis. The person actually had a letter from their treating medical practitioner stating that they were safe to drive under the influence of their medical cannabis.

So, it is not as though doctors are not already prepared to do some of this on some level. Given that we have legalised the use of medical cannabis and where it can be proven to be safe in the opinion of a treating medical practitioner, I think it is incumbent on us to do so. Again, I am not asking for any person ever under the influence of THC to be able to drive with no consequences, I am simply asking for those who can prove to the best of their ability that it is required for medical purposes and they are safe to do so, be allowed to do so.

The committee divided on the new clause:

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

AYES

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

NOES

Brokenshire, R.L.	Gago, G.E.	Gazzola, J.M.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.

NOES

Maher, K.J. Malinauskas, P. (teller) Ngo, T.T.

New clause thus inserted.

Clause 20.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley–2]—

Page 13, after line 17—Insert:

(3) Section 47B—after subsection (3) insert:

(3a) Subject to this section, if a court convicts a person of a second or subsequent offence against this section (other than a category 1 offence), the court must make an order requiring the person to undertake an intervention program designed to address alcohol abuse.

(3b) The court must not make an order under subsection (3a) unless it is satisfied that—

(a) the person is eligible for the services to be included in the program in accordance with applicable eligibility criteria (if any); and

(b) the services are available for the person at a suitable time and place.

(3c) The court may make appropriate orders for assessment of a person to determine—

(a) a form of intervention program that is appropriate for the person; and

(b) the person's eligibility for the services included in the program.

(3d) A certificate apparently signed by—

(a) an intervention program manager as to—

(i) whether the services to be included in an intervention program are available for a particular person and, if so, when and where they will be available; or

(ii) whether a particular person is eligible for the services to be included in the program; or

(b) a case manager as to whether a particular person has complied with conditions regulating the person's participation in an intervention program,

is admissible as evidence of the matter so certified.

(3e) In this section, *intervention program* and *intervention program manager* have the same respective meanings as in the *Sentencing Act 2017*.

The amendment will see those who are found to have committed a second or subsequent category 2 drink-driving offence be required to undertake an intervention program. The requirement only stands if there is availability in such a program. As indicated in my second reading speech, it is all very well to increase the penalties for drug driving and require people to not be dependent upon drugs or alcohol before their licence disqualification period is lifted; however, I believe assistance should be given to people so that they can meet the drug-free criteria required by the assessment.

In the paper recently, Chief Magistrate Judge Mary-Louise Hribal threw her support behind intervention programs and said:

For some offenders and some crimes, intervention programs provide a way to address the underlying chronic behaviours of defendants.

Increasing penalties sends a strong message from the parliament that it is unacceptable to drive when you have consumed drugs or are over the blood alcohol limit. However, we should also be helping people to learn about the effects of their decisions and should be rehabilitating them. If you

do not address the problem, the likelihood of reoffending is much higher and may be setting people up to fail.

This particular amendment addresses those who have committed a second or subsequent category 2 drink-driving offence. It is very similar to my amendment in [Darley–1], which addresses drug drivers. Both amendments will see those who have committed a second or subsequent drug or high-level drink-driving offence attend an intervention program to assist them to become drug or alcohol dependency free so they can receive their licence back. I commend the amendment to the chamber.

The Hon. P. MALINAUSKAS: The government opposes the amendments proposed by the Hon. Mr Darley. In recent years, the SA government has been presented with private members' bills in the parliament advocating for compulsory alcohol and drug treatment. Advice from health professionals, principally DASSA, is that there is little evidence to support the effectiveness of mandatory treatment in rehabilitating or achieving long-term behavioural change amongst those dependent on alcohol or other drugs.

Voluntary approaches to treatment are far more effective in addressing substance abuse. The National Drug Research Institute and the International Centre for Science in Drug Policy have concluded that there is little evidence to support the effectiveness of mandatory treatment in rehabilitating or achieving long-term behavioural change amongst those dependent on alcohol or other drugs. In particular, a recent review undertaken by DASSA, by Dr Steve Allsop, concludes that there is no robust evidence to support compulsory or mandated treatment approaches.

Research demonstrates that simple attendance at treatment programs is not sufficient to achieve behavioural change, as individuals must be active participants and be engaged in the treatment process to achieve positive outcomes. Those apprehended are more likely to succeed in overcoming drug problems when offered a degree of choice through the provision of a range of treatment options.

Very quickly, as I stated in my remarks, I think, at clause 1, I personally was very attracted philosophically to the idea of mandating treatment, as I have stated previously. I went hunting for any evidence that could demonstrate to me that mandating treatment as a result of a repeat offender being caught drug driving would be a good thing. I found myself genuinely conflicted on this, because, as I said, I was philosophically committed to doing exactly what I think the Hon. Mr Darley is trying to achieve here, but I think it is incumbent upon all of us that when we make decisions about how we vote it is informed by evidence.

I went looking for the evidence and I could not find it. I looked pretty hard. I had some pretty robust exchanges with various experts in the department and the like, and let me tell you, if I could have found any evidence that backed up what the Hon. Mr Darley is trying to achieve as being potentially effective, it would be in this bill. I sincerely appreciate the Hon. Mr Darley's efforts here, and again, philosophically and ideologically they sit very well with me, but I could not bring myself to put it in the bill because there was no evidence to substantiate it. For those reasons, the government is opposing the amendment, notwithstanding genuinely appreciating the effort the Hon. Mr Darley is trying to make.

The Hon. R.L. BROKENSHIRE: Over a long period of time, I have heard the experts. I do not for one minute profess that I am an expert in clinical and psychological health and addiction at all, but this has been a consistent thing thrown at us as members of parliament and the community generally for a very long period of time. I just want to say that if someone has a drug or alcohol problem generally, yes, I can understand that unless they can come around to the point where they say, 'Gee, I've got a problem here and I need to go and get some assistance,' they may not be a willing participant, but there is a difference here.

There are actually a couple of differences. The first difference is that we are bringing something in brand-new to try to circumvent what is a clear growth in illicit drug use and then driving, which is not only showing up with big numbers when SAPOL drug tests these people, but, as the police minister has shown in press releases and discussions, a very high rate of those people involved in fatalities and serious crashes have illicit drugs.

My point is that these people have broken the law, and it might just be a wake-up call to them if there is some pressure applied to them to have to do a mandatory rehabilitation course. From their personal point of view, it might just be, hopefully, that those people can engage in rehabilitation and get off illicit drugs, which would be wonderful for them and also would be wonderful for the community, because the community would be much safer.

So, I would say the Australian Conservatives will support Hon. John Darley's amendment. We can come back in here in five years' time and let those experts do some analysis of what has gone on in that five-year period, and if it is proven that we were wrong in supporting the Hon. John Darley's amendment, you can always pull it out of the legislation at that time. But just maybe we might have some actuarial work done over that period and we might actually discover that this is a positive thing. I would like to give anything a go that can get people off illicit drugs and make our roads safer. So, we will be supporting the amendment.

The Hon. M.C. PARNELL: The first thing I would like to say is that I think we all owe the Hon. John Darley a debt of gratitude, because it was his amendments that originally got the idea that others have then picked up and run with, that if we are looking at drug and alcohol issues in relation to driving, it is actually a trigger for having a look at other questions such as: what help do we give people? We can talk narrowly about: you can and you cannot get your licence, but what help are we giving people? What options are we giving them? So, I think it was amendments like this that got the whole topic on the agenda. Certainly, the Liberal Party picked up on some aspects of it, and it has morphed over the last several weeks.

I generally accept what the minister has said in relation to the evidence, that voluntary approaches are shown to have greater success than mandatory approaches. Forcing people does not work, as a rule. That is not to say, as the Hon. Rob Brokenshire said, that it will never work. You might get the occasional one where for the person being forced, it worked for them, but if it is an evidence-based system we are talking about, most of the evidence is that it mostly does not work. The person has to want to get help.

There are some circuit-breakers. For example, we know that the emergency departments of our hospitals take people on their presentation, 'It's drugs. It's alcohol,' or whatever. You get people who, in some cases where there is mental health involved, can be detained and the process of detention is enough time for someone to dry out, and that might be enough time for someone to convince them that a program might help them. There are circuit-breakers like that.

I think in this instance that the main driver—no pun intended—or the main lever is that the state has something that the person wants. What they have is: you get your licence back. If you do not want to ever get your licence back, do not do any courses, do not do any assessments, just go on the way you are going. It is a pretty powerful driver. People want their licence back, and if they want it back badly enough, then they are going to engage with professional help and hopefully the circuit can be broken.

The main problem, I think, with the amendment as drafted is that there is no discretion involved. The court must make an order requiring the person to undertake an intervention program. It is that mandatory nature of it. Whilst I accept that it may, in some cases, work, the evidence I have seen is that in most cases it will not work. I think we are better off looking at other levers and other drivers to get people before the programs that are going to give them genuine help. So, whilst we are very grateful to the Hon. John Darley, who got us thinking about this, we will not be supporting this amendment.

The Hon. J.A. DARLEY: I understand that the Queensland Crime and Corruption Commission in 2008 did a paper which showed that mandatory rehabilitation was as effective as voluntary.

The Hon. A.L. McLACHLAN: I will set out the Liberal Party position. The Liberal Party will not be supporting the Hon. Mr Darley's amendments. We gave them serious consideration, and we thank him for engendering a serious debate. We prefer the model that has been accepted by the chamber, which is to place it upon the individual to decide whether they want treatment and, in doing so, create great opportunities for a favourable consideration by the registrar. We hope that the desire

for their licence to be returned will encourage them to see the errors of their ways and try to cure their dependency.

Amendment negatived; clause passed.

Clause 21.

The Hon. D.G.E. HOOD: I move:

Amendment No 1 [Hood–1]—

Page 14, lines 4 to 8 [clause 21(3), inserted subsection (4)(a)]—

Delete subparagraphs (iii) and (iv) and substitute:

(iii) in the case of a third or subsequent offence—for such period, being not less than 5 years, as the court thinks fit;

This is a straightforward amendment, I would think. It simply deals with penalties for those detected so-called drug driving, and I will just take members through what it does. If you look at the penalties as prescribed by the bill, clause 21(3)(4)(a)(i) states that for a first offence—that is, the first time someone is caught drug driving—the court will impose a loss of licence penalty of not less than six months. That does not sound unreasonable to me, so my amendment does not seek to amend that at all.

Subparagraph (ii) then states that, in the case of a second offence—that is, if they are caught again doing exactly the same thing—then their disqualification period will be not less than 12 months. Again, I do not think that is unreasonable. The Australian Conservatives do not think it is unreasonable, so we have not sought to amend that either. We then come to the part that my amendment does touch.

The function of the amendment is to essentially remove subparagraphs (iii) and (iv) from the bill. Subparagraph (iii) states that, in the case of a third offence, the licence disqualification will be not less than two years, and subparagraph (iv) states that, in the case of a subsequent offence—that is, in addition to a third offence, so four or more offences—the licence loss should be not less than three years. What my amendment does is remove subparagraphs (iii) and (iv) and replace them with a new subparagraph (iii), which provides:

in the case of a third or subsequent offence—for such period, being not less than 5 years…

What my amendment simply does is this. Rather than after a third offence someone having a licence disqualification for two years and then having the opportunity to have a fourth offence to get a licence disqualification of three years, mine says, no, three strikes and you are out, and you will have a licence disqualification of not less than five years.

Let's think about that for a moment. This is an individual who has been prepared to put the lives of other road users, including their own and anyone else's in their vehicle, at very substantial risk. Not only have they done it once, they have done it twice and they have done it three times. Not only have they done it three times, they have actually been caught doing it three times. Who knows how many times they have done it. They might have done it 300 times, but they have been caught three times.

I have no sympathy for that person. If they are prepared to drive under the influence of one of these substances three or more times, they should have their licence removed for five years. I will be frank with the chamber. No doubt there will be strong voices of disagreement with my view here and that is fine, but I contemplated making it 10 years.

What on earth justifies anybody getting in a vehicle with one of these illicit substances in their system when they have done it at least three times? They have probably done it 300 times, but they have been caught three times. Why should they not get at least a five-year disqualification? I would argue 10 years, but my amendment does not go that far. My amendment stops it at five years in the hope that I would be able to get that through because whilst I generally—

Members interjecting:

The Hon. D.G.E. HOOD: That's right, yes. I am getting soft in my old age. I do not think anyone has ever called me soft on law and order.

The Hon. R.I. Lucas: Well, I just did.

The Hon. D.G.E. HOOD: It is the first time you have been wrong in a while, the Hon. Mr Lucas. So, that is the bottom line here. I think there is a case for even more than five years. I do not criticise the government because I think they are trying to ratchet up the penalties but, in my mind, they have not gone far enough here, so I move the amendment standing in my name.

The Hon. M.C. PARNELL: I have a question at this stage, and I will maybe make a contribution when I have heard what others have said. I have a question of either the mover, if he knows the answer, or the minister, if the mover does not know. My understanding was that the threshold beyond which you have to start again—when I say start again, I mean get your learner's permit again, do the 75 or 100 hours or whatever that is but, in other words, go back to the very start—was triggered at five years. Everybody is nodding, so I am assuming the answer is yes.

Without risk of stating the obvious, part of the additional penalty the member seeks to impose is that it is not just a question of being off the road for five years. Effectively, you are back at square one—learner's permit for a certain period of time, pay the money, do the test, and be on P-plates for a while with the various restrictions that relate to that. No doubt the alcohol restrictions would be weighing on the member's mind. Am I correct in that assessment?

The Hon. D.G.E. HOOD: Yes, that is my understanding. I thank the honourable member for his contribution. I have done that quite deliberately. Again, the simple fact is that these people are flouting the law. Three times they have been caught with an illicit substance in their system, controlling a vehicle and putting everyone's families, at risk. I have no sympathy for it. If you are prepared to do that three times, then why not go back to your learner's permit, why not go back through the P-plate system and show the community that are actually worthy of having a driver's licence?

The Hon. A.L. McLACHLAN: The Liberal Party's position is that it will not support these amendments. It accepts the bill in relation to penalties as drafted by the government. Our reasoning in part is based on the fact that we have tried to insert into the bill some rehabilitative methods and incentives to seek treatment. We think that, in those circumstances and within that context, the penalties as stated are appropriate.

The Hon. M.C. PARNELL: The mover posed the question, 'Why shouldn't they have to go back and do that again?' I absolutely accept that, if the motivation is to punish them, then it is a form of punishment. The point I make is that the purpose of getting your learner's permit, probationary licence and all that sort of stuff is to do with the skill of driving a car. There is no suggestion, necessarily, that the people who have been caught three or more times are not skilful in driving a car. They might be incredibly skilled, but we do not want them driving when they are drunk or affected by drugs.

Making them then go back to first base and, effectively, imposing conditions on them or assuming that they do not know how to drive a car is the wrong way to go. I accept that the member said that he was tempted to move for 10 years or whatever. In some ways, that would be more palatable than having to go back and pretend that people do not know how to drive and have to go through the basic mechanical skills of again learning how to park and so forth.

There is an argument that it would not hurt any of us who have had our licences for many years to do a refresher every so often. But, the position the Greens have landed on is that the government has increased the penalties, and we are not proposing to support any measure that increases them further, so we will not support this amendment.

The Hon. D.G.E. HOOD: It seems that this will not carry, unless the government has some wonderful news for me, which I doubt. With respect to the requirement to go back to do a learner's permit and the P-plate system, if someone has not driven a car in five years, it is probably not a bad idea that they have a refresher in exactly what are the road rules and have some practice through the P-plate system of learning how to drive a car again.

I do not know about the experience of other members, but if I have been overseas for two or three weeks and come back home, even in that very short time, your first time in a car is an unusual experience. If you extrapolate that out to a five-year period, it is a very long period of time not having driven a car, which is a very dangerous thing to do. It is probably the most dangerous thing any of us do on a daily basis.

I would not see any problem with individuals who have clearly flouted the law, by the way, on a number of occasions and been caught doing so, learning again how to operate and function in what is potentially a very dangerous situation. I would not have any problem at all learning how to do it again and learning how to do it properly.

The Hon. P. MALINAUSKAS: The government did actively contemplate supporting this amendment. One of the key things this bill seeks to do, as the Hon. Mr Hood knows—and his advocacy has been instrumental to the development of this bill—is to increase penalties to send a clear and strong signal, and the bill potentially will achieve that. However, regrettably, the government cannot and will not support the Hon. Mr Hood's amendment because, in the government's view, it would cause unintended consequences, not least of which is that the bill as it is currently written strikes a consistency with drug-driving offences.

We have seen the level of drink-driving offences come down and drug-driving offences go up. A range of things have contributed to the drink-driving stats coming down but, increasingly, the penalty regime over the years is one of the things that is doing that, so we are trying to replicate that with drug driving. If you do believe there is a correlation with the drink-driving stats coming down, it makes sense to have consistency between drug-driving penalties and drink-driving penalties. That is what this bill achieves.

The other variable that makes supporting the amendment difficult is that there would be inconsistency between the penalty for failing to submit to a drug test and the penalty for the drug-driving offence. If a repeat offender who had been done twice before was pulled over for drug driving, you would have a situation where they could choose to not undergo the drug-driving test because the penalty associated with that is three years versus five years for failing the test. You simply then create a perverse incentive for someone not to comply with the drug test. For those reasons, we are opposing the amendment as distinct from not being attracted to the merit of a harsher penalty for someone who clearly deserves to be punished.

Amendment negatived.

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

Amendment No 5 [McLachlan–3]—

Page 14, line 11 [Clause 21, inserted subsection (4)(b)]—After 'sentence' insert:

> unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than 1 month

This is to replicate a provision that exists in respect of drink-driving. When examining the act and the amending bill, members would have noticed that many of the provisions are mirrored between alcohol and then drugs. In the case of a first offence, if the court is satisfied with evidence on oath that an offence is trifling, they can consider ordering a period of disqualification that is less than the prescribed minimum period, but not less than a month. Given that all the provisions are mirrored, it is the view of the Liberal Party that it is appropriate to also apply that to drug driving.

The Hon. P. MALINAUSKAS: The government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 22 to 31 passed.

New clause 31A.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–3]—

Page 18, after line 37—Insert:

31A—Insertion of section 47L

After section 47K insert:

47L—Power to search vehicle for drugs etc

Despite any other provision of this Act or any other Act or law, if—

(a) a person has submitted to a drug screening test conducted by a police officer under this Act; and

(b) the officer reasonably believes, on the basis of the results of that test, that the person has committed a drug driving offence,

the officer, or another police officer or officers may—

(c) search the vehicle involved in the commission of the offence for the purpose of ascertaining whether any controlled drug, controlled precursor or controlled plant (within the meaning of the *Controlled Substances Act 1984*) is present in or on the vehicle; and

(d) if reasonably necessary for the purpose of searching the vehicle, break into or open any part of the vehicle, or anything in or on the vehicle.

Whilst we support and commend the government and the parliament for these initiatives, I believe there is a weakness that we could immediately strengthen regarding the powers of SAPOL officers to search a vehicle. This amendment inserts a new clause in relation to police power to search a vehicle for drugs. The intent of this amendment is to provide police officers with a clear discretion to search a vehicle for drugs where officers reasonably believe that a person—namely, the driver—has failed a drug test.

Under current legislation, police may conduct a search where there is a reasonable cause to suspect. This amendment, however, makes it clear—and not only for the police officers and supporting them but as the minister goes out and sells these initiatives to help keep our roads safer—that where there is reason to believe a person has committed a drug-driving offence (that is, a failure of a roadside drug test at that point) police officers will be well within their right to search the vehicle for drugs.

It is reasonable to assume that, where a person is under the influence of drugs whilst driving, there is quite a possibility that the person may also be in possession of prohibited substances. I believe this sends a very strong message that we will not tolerate drug driving nor the use and possession of drugs. Based on advice, amendment of schedule 1 of the Road Traffic Act is necessary as it contradicts powers SAPOL already has, which is why there is an amendment No. 2 that I am speaking to as well.

Police do a good job in detecting drugs being carted around the place. We heard stories not that long ago of quite a big haul in a car heading from Adelaide to, I understand, Melbourne, caught on the South Eastern Freeway. Unfortunately, there are also a number of people who consume illicit drugs who are also involved in different levels, be it low-level or even higher levels of drug trafficking, and who are carriers for drug traffickers. If we are serious about trying to look after our community then I believe we should be sending every message and giving every opportunity to SAPOL to clearly and quickly go in and have a look to see just what else is around.

I put this legislation in partly because in my own home town of Mount Compass I was very pleased to see an operation with SAPOL where they combined both drug and alcohol testing. They did bring the dogs down and they did run the dogs over the boats and trailers that were going down along the coast on that particular holiday period. I am sure they probably had, unfortunately, some success. This is just giving them another tool to work on what we rely upon them to do, that is, to try to keep South Australia as free as possible of illicit drugs.

The Hon. A.L. McLACHLAN: The Liberal Party will not be supporting this amendment. We think the power is unnecessary. We are mindful of the other powers that the police currently have. In these circumstances the test that is given is only indicative; it is not final. It is not necessarily so, that the individual may have drugs or other things in their car. I note that it was not asked for by the police in the first casting of this bill and therefore we are not minded to consider the amendment.

The Hon. P. MALINAUSKAS: I have to say that I am somewhat surprised that the opposition has decided not to support this amendment. The government will be supporting the amendment. Members would be aware that the government recently undertook the exercise of the Ice Taskforce. One thing that came out of the Ice Taskforce, when we were looking at that supply side of the equation that I have talked about here previously, was that SAPOL is looking for additional resources and tools to be able to address it, but also, in some instances, additional powers. This was something that SAPOL specifically identified and suggested is worthy of addressing.

It was the government's intention, as a result of the Ice Taskforce, and it is still the government's intention, to bring forward an omnibus bill arising out of the Ice Taskforce to make a series of legislative changes, and this is going to be one of them. Notwithstanding that, the Hon. Mr Brokenshire has, through his amendments, suggested that we expedite that effort and it seems reasonable, of course, that if the government is committed to doing this that we may as well grab the opportunity to do it now and hence is supportive of the amendment. It also acknowledges the work that we have done with the Hon. Mr Brokenshire to amend the amendment to bring it into a format that better reflects the desires of SAPOL, so we thank him for doing that.

In terms of the substance of the issue, let's just think this through: a police officer pulls over a car and the driver of the car submits a positive roadside test to having drugs in their system. Now let's assume that they do not have a doctor's certificate saying that it is okay to be high. Then, the police officer wants the ability to search the car on the back of delivering a positive result: this will provide them with the capacity to do that. I think that is a pretty reasonable proposition. I think it is pretty reasonable that if someone delivers a positive roadside test to having an illicit substance in their system that then makes it eminently reasonable for SAPOL to search the car.

If someone driving that car has no drugs in the boot or no drugs in the car then they have nothing to worry about, but if they do then that is an opportunity where we should give the police every chance of catching that person for doing the wrong thing. We are trying to reduce the supply of illicit substances into the community. I do not know why, as a parliament, we would not give the police the capacity to do that. This presents an opportunity to do that. If they deliver a positive roadside drug test then I think it is eminently reasonable for the police to have the capacity to search that motor vehicle. Indeed, the police are—contrary to what the Hon. Mr McLachlan said—after this particular power.

The Hon. K.L. VINCENT: Point of order, Mr President: I object really strongly to the Hon. Mr Malinauskas' comments that a person has a certificate saying that a doctor allows them to be high. I have gone to extensive lengths about the fact that I want a doctor to clarify that the person is not high. I absolutely do not want people to be operating vehicles when they are high, and I find that a very offensive comment not only to me and the intent under which I moved this amendment but also to people who actually rely on medical cannabis, not to get high but to have decent, pain-free lives. I would ask the minister to withdraw that disgraceful comment.

The CHAIR: Unfortunately, the minister turned away and I did not see what he said because I normally lip read him because sometimes I cannot work him out.

The Hon. K.L. Vincent: He heard it.

The CHAIR: Minister, if it was offensive I think you should withdraw it.

The Hon. P. MALINAUSKAS: I am happy to withdraw the comment and rephrase it by saying that the person delivers a positive roadside drug test but has a certificate saying that it is okay for them to have THC in their system. That, in the assessment of some people, is consistent with being impaired, but I appreciate—

The Hon. K.L. Vincent: No.

The Hon. P. MALINAUSKAS: —that 'impairment' is probably a better word to be used than 'high'.

The Hon. M.C. PARNELL: On this amendment, I note that the Hon. Rob Brokenshire has modified it considerably since the first one. The first one I think almost obliged the officers to undertake inspections, not just of the car but of the person's home as well. The position we have taken is that the police have powers in relation to their reasonable suspicion in relation to offences

having been committed and there are a number of approaches that they can take, whether through warrants or otherwise. I do not think this additional power is necessary. The government has said, 'Well, we were going to do this anyway.' Let the government bring it back next time and we will look at it again but we are not going to be supporting it in this bill at this time.

The Hon. A.L. McLACHLAN: Has the mover socialised these amendments with the legal community, in particular the Law Society?

The Hon. R.L. BROKENSHIRE: No, I have not gone to the Law Society. There are a fair few liberationists in the Law Society and I do not need to go and consult with them on every occasion. I have had constituents in my office who lost a brother because there was an illicit drug driver driving, off his face, with a trailer with an unsecured vehicle on it, heavily involved in the drug structure of this state, and that car went off the trailer and killed the brother. I have had constituents in my face on this stuff who are broken as a result of what happened.

When I had the privilege that the honourable minister has now, I dealt with some pretty tough situations like a lot of other colleagues. Whilst we commend and support the government for what they were looking to do with this amendment when they came out with their legislation and other initiatives around the Ice Taskforce, we have a window of opportunity here right now to bring this in. If this actually happens to help find illicit drugs and take them off the streets and save other people from being caught up in addiction, then let us be proactive, positive and responsible. I am actually putting up this amendment based on all of that and the concerns constituents tell me about regularly about the ever-increasing growth in drug availability in this state. I do not have to actually go to the Law Society to consult with them on this.

The Hon. A.L. McLACHLAN: I thank the mover for that response. It is the view of the Liberal Party that there are other adequate powers currently under the law for them to search the vehicle in certain circumstances. I would ask the same question of the minister. Has the minister socialised these amendments or this intent as a result of the Ice Taskforce with the Law Society or the Bar Association?

The Hon. P. MALINAUSKAS: I make a couple of points. The government has not done it yet because this is not the government's amendment. In respect of our subsequent effort regarding the omnibus bill, the Ice Taskforce has given all members of the community the opportunity to make a submission to that exercise. I cannot recall whether or not the Law Society made a submission; they may have, but I am not sure. In many respects, the government has already engaged with stakeholders on views about legislation in this particular area. It may or may not be the case that, in due course depending what happens with this, a second effort is made to do this. That could precipitate an opportunity to engage the Law Society.

I just want to go back to a point around other powers that the police have to be able to do this. We contend that the act, as it is written—the Road Traffic Act, not the other powers that police have through other means—specifically prohibits a police officer from taking a positive drug test and using that as a reason to then search that person's car. The Brokenshire amendment unpicks that element of the Road Traffic Act. It is wrong to suggest that, as it stands, police already have the ability to do this. We disagree with that and that is why the government is supporting this amendment. We want to reduce the supply of drugs in the community.

The Hon. J.A. DARLEY: For the record, I will be supporting Hon. Robert Brokenshire's amendment.

The Hon. A.L. McLACHLAN: In response to the honourable minister, we remain unconvinced. It may transpire in the socialisation and dialogue post the Ice Taskforce recommendations that we may review our position, but at this point in time, we are going to oppose the amendments.

The committee divided on the new clause:

Ayes 9
Noes 10
Majority 1

AYES

Brokenshire, R.L. (teller)	Darley, J.A.	Gazzola, J.M.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Maher, K.J.	Malinauskas, P.	Ngo, T.T.

NOES

Dawkins, J.S.L.	Franks, T.A.	Lee, J.S.
Lucas, R.I.	McLachlan, A.L. (teller)	Parnell, M.C.
Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

PAIRS

Gago, G.E.	Lensink, J.M.A.

New clause thus negatived.

Clause 32 passed.

Clause 33.

The Hon. R.L. BROKENSHIRE: My amendment is consequential.

Clause passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (LEGISLATIVE COUNCIL VOTING) (VOTER CHOICE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 March 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) (17:35): I thank those honourable members who have contributed to the debate on this bill. As foreshadowed in the contributions of members and in the amendments that have been filed by them, it is clear that there is support in parliament for a model of changing the way preferential voting works for the Legislative Council. I am informed that there have been productive discussions between members of parliament in recent months as to the appropriate model of some form of optional preferential voting.

The government has filed amendments that propose the following model: that a person voting above the line must vote for at least one group and can vote for more than one group if they choose; and that a person voting below the line must vote for at least 12 candidates and can vote for more than 12 candidates if they choose to. A ballot paper that only indicates a preference for six candidates below the line will not be ruled informal, however.

Those government amendments—amendments under myself [Minister for Employment-1]—also contain a number of technical amendments that I hope honourable members will support even if the government's preferred model of optional preferential is not supported. They address issues that have been identified in relation to the bill since it was introduced in the house. They are amendments that are relevant irrespective of the model of optional preferential voting that finds support in this chamber, and I will draw attention to those particular amendments in the course of the committee stage.

The government has also filed a second set of amendments on a discrete issue. Those amendments seek to change the title of this bill to the Electoral (Legislative Council Voting and Other Measures) Amendment Bill and to insert a change to broaden the regulation-making power in part 13A. The purpose of this change is this: the government wants to require people making political donations to provide information on their donation disclosure returns that enables the public to identify foreign influence.

There is not currently sufficient regulation-making power in part 13A to make regulations that would require all donors to provide that additional information. The second set of amendments filed in my name provide that additional regulation-making power.

Again, I thank honourable members for their contributions, their support, and I look forward to dealing with this in a reasonable, expedient manner. I think there is general agreement on a number of the issues that are required irrespective of the model that gets up, and I think members understand what is being debated and what the alternative models are. This is an important issue, and I think there has been good discussion and I look forward to a model receiving support, because I think everyone agrees that the way that we currently do it does need reform.

Bill read a second time.

Standing Orders Suspension

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) (17:39): I move:

That standing orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

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

That it be an instruction to the Committee of the Whole that it have the power to insert new clauses in relation to disclosure of political donations and to amend the short title.

Motion carried.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I want to respond to the minister's closing of the second reading debate and agree substantively with his summary. Can I thank, on behalf of the government, the Attorney-General, his personal staff and advisers and his legal advisers from his department, together with, at various stages, Electoral Commission staff and party officers, who have all been involved in very intensive and healthy discussion and debate.

Can I also thank the representatives of the minor parties, or the third parties, in the Legislative Council. There have been a continuing series of discussions and debates about this particular issue. There was a clear wish and intention from all involved to resolve this issue before the coming mid-year break. We did not want to be in the position we were in prior to 2014, where it was all left too late. That has certainly been the intention from the government, from the opposition and from the other minor party representatives as well.

If I can summarise the position, which is very similar to what the minister summarised. Essentially, the package of amendments that I will be moving are what I will refer to as the Senate-

style amendments. In essence, they have been drafted on the basis of asking parliamentary counsel to reflect almost exactly the new model of voting that has been supported at the federal level for the federal Senate. Part of the argument, as we go into the detail of that, will be in relation to the consistency argument.

I think the situation now, with the withdrawal of various amendments, is going to be that everyone seems to be agreed that below the line, what is referred to as the Senate-style amendments, will be agreed. The minister has outlined voting for 12, etc., below the line. That is, in essence, the Senate-style system, so I think there is significant agreement right across the board in relation to that.

Where there is potentially two differing views will be on voting above the line. The amendments I will be putting will be indicating support for, again, the Senate-style system above the line. On the basis of my discussions, I think there is a reasonable prospect that there might be a majority in this chamber to support that, but it is for members to speak for themselves in relation to that. The minister has outlined the alternative above the line, which is the '1' in a box and you can use optional preferential for the rest if you want to. The Senate system, put simply, is exactly the same as in the Senate. You have six in a box, but there is a saving provision. The saving provision says that, if you happen to just put one in a box, your vote will count.

The thing the minister did not mention but has been mentioned in all of the debate is that the major reform in all of this, which has been discussed, is the removal of the voting tickets. The government, the opposition and I think most in this chamber have accepted that this is the major reform. We are, in essence, now having a debate about the appropriate form of optional preferential above the line. We are going to agree with what the optional preferential is below the line.

The test clause, I am told by parliamentary counsel, for our Senate-style system is my amendment No. 3. So, what I am suggesting is, if there is a majority for supporting the Senate-style system both above and below the line, the test case for that will be my amendment No. 3, so it is very early. If that is successful, then a whole range of the rest of my amendments will flow and we will not need to debate those particular amendments. It should be a fairly simple argument and debate from then onwards.

I indicate that I agree with the minister that there are some what are called technical amendments, which are consistent with both particular models. We will support the minister's technical amendments and then, in addition to that, there are one or two specific issues that we can address when they come around. Those are the donors issue, and there is the issue about the amendments the Hon. Kelly Vincent has tabled, which are separate issues as well, which we can debate when we get to those. By and large, I think most of these amendments can be collapsed back to almost one or maybe two decisions or votes of this chamber, and we can move very quickly through the committee stages.

The Hon. M.C. PARNELL: To assist the committee, I will not repeat all the things that the Hon. Rob Lucas just said, but I agree with his assessment of where this debate is going. Just to assist the chamber, leaving aside those additional issues such as the Hon. Kelly Vincent's issue and some of the other minor government things, we are talking about above the line voting and below the line.

When it comes to below the line, the Greens have a pure optional preferential model, which we will be pursuing. When it comes to above the line voting, we also have a pure model, but the government has adopted it into their amendments so, therefore, we will not be moving [Parnell-2], because they are effectively replicated in the government's amendments plus some additional clauses that are uncontroversial.

We are happy to proceed on that basis but just to provide additional information to help in the calling of divisions, it is not my intention to call divisions but, if there were to be any, we will be supporting the government amendments and opposing the opposition amendments, and we will be supporting at least one or two of the Hon. Kelly Vincent's amendments.

The Hon. D.G.E. HOOD: I will be very brief as well and just indicate that there is no need to go over the ground that has already been spoken about. In terms of which amendments the

Australian Conservatives will support, I thank all members for the extensive discussions we have had in this place about coming to a mutual decision as to what may be the right outcome.

There are obviously different views about that, and they are reflected in the various amendments before us today but, after a great deal of reflection and discussion, we have decided that we will be supporting the opposition amendments. We will not be supporting the government's position. I have disclosed that to the Attorney-General in the last 48 hours or so. I have had discussion with the Greens previously as well, and we will not be supporting their amendments. So, that is our position, and we look forward to the bill passing.

The Hon. J.A. DARLEY: Just to clarify my position, I will be supporting the Hon. Rob Lucas's amendments, I will be opposing the government's amendments and I will be opposing the Greens' amendments.

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

Amendment No 1 [Employment–2]—

Page 2, line 4—Delete ')(Voter Choice' and substitute 'and Other Measures'

This amendment changes the short title of the bill. I foreshadowed the purpose of that in my second reading summing up speech, so I will not go over that ground again. It is pretty simple.

The Hon. R.I. LUCAS: Support.

Amendment carried; clause as amended passed.

Clauses 2 to 5 passed.

New clause 5A.

The Hon. K.L. VINCENT: I move:

Amendment No 2 [Vincent–3]—

Page 3, after line 19—Insert:

5A—Amendment of section 57—Deposit to be forfeited in certain cases

Section 57(1)(c)—delete '4 per cent' and substitute '2 per cent'

This amendment seeks to reduce the primary vote attainment threshold required from 4 per cent to 2 per cent, to have the $3,000 candidate deposit returned to the Legislation Council group candidates only. For minor parties, the changes we are making to the voting system in the Legislative Council significantly disadvantage minor parties and threaten to reduce the diversity the electorate is offered.

We believe that a compromise position, which acknowledges that South Australia still has an upper house candidate deposit at least six times greater than any other state, creates a significant barrier to the democratic process. This is to get back your $3,000 for group candidates in the upper house only, not the lower house.

The Hon. M.C. PARNELL: The Greens support this amendment. Our position has always been that the barrier to entry to parliament should be getting sufficient votes from the community. We do not want to see unnecessary barriers to standing for parliament, and a $3,000 deposit in the upper house is a barrier. If you have a team of three that is $9,000. We support the reduction of the amount of votes you need to get back that money to be reduced from 4 per cent to 2 per cent.

The Hon. K.J. MAHER: I rise to indicate that the government has reviewed the amendment and will support the Hon. Kelly Vincent.

The Hon. R.I. LUCAS: I indicate that we will not oppose the amendment, given that with the government's support and minor party support the amendment will pass. I recognise the numbers in the chamber. I have not had an opportunity to take this to a party room meeting, as you would know Mr Acting Chairman, but I recognise the numbers in the chamber and I will not be voting against it.

New clause inserted.

Clauses 6 to 9 passed.

Clause 10.

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

Amendment No 1 [Employment–1]—

Page 4, line 35 [clause 10(6)]—Delete subclause (6) and substitute:

(6) Section 66(4)—delete 'the electoral material referred to in subsection (1) is arranged' and substitute:

material is displayed in a poster or posters prepared under this section

I foreshadowed this amendment in the second reading summing-up that applies, in our view, irrespective of the model of OPV that is passed. Very briefly, it was proposed on the basis that section 66(4) appeared to duplicate 66(2). However, the Deputy Electoral Commissioner has advised that section 66(2) informs the order in which candidates must be listed on the how-to-vote card and section 66(4) informs the way in which how-to-vote cards will be displayed in a poster prepared by the Electoral Commissioner. On that basis, that section still has work to do. We think this is a sensible amendment that will have a function regardless of which model of OPV is preferred by this chamber.

The Hon. R.I. LUCAS: The Liberal Party acknowledges that this is a technical amendment consistent with both models and we will support the amendment.

Amendment carried; clause as amended passed.

Clause 11.

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

Amendment No 1 [Lucas–1]—

Page 5, line 9—Delete '76(1)(b)—delete paragraph (b)' and substitute:

76(1)(a) and (b)—delete paragraphs (a) and (b)

This is exactly the same as the government amendment, so I am sure there will be furious agreement.

Amendment carried.

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

Amendment No 2 [Lucas–1]—

Page 5, after line 9—Insert:

(a) by placing the number 1 in the square printed opposite the name of the candidate for whom he or she votes as his or her first preference and consecutive numbers in the squares printed opposite the names of other candidates so as to indicate the order of preference for not less than 12 candidates in total (or, if there are 12 or fewer candidates in the election, so as to indicate the order of preference for all remaining candidates); or

This is essentially the first amendment that incorporates a Senate voting system below the line as outlined by the minister, which he and the government are now supporting as well.

The Hon. M.C. PARNELL: I had better say this now. This amendment is inconsistent with the Greens' amendment. If this amendment passes, mine will not. The Greens' position is that below the line voters should not be forced to vote for candidates they do not want to. Our position is for pure optional preferential—as many or as few as you want below the line—so I will be opposing this amendment.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Mr Parnell, earlier I thought you indicated that you were not going to be moving your amendment. You have now indicated that if this result happens—

The Hon. M.C. PARNELL: That is a different issue. I said I would not move my above the line amendments, so I will not be moving set 2 and I probably will not be moving set 1, to be honest, because this may well pass. I just wanted it to be on the record that the Greens' position is for optional preferential below the line. We do not think you should be forced to vote for 12 or any other number. As many or as few as you want is our position.

The Hon. K.J. MAHER: I put on the record very quickly that the government will be supporting the Hon. Rob Lucas's amendment. We had an amendment in exactly the same terms to require that number preference be indicated in below the line voting.

Amendment carried.

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

Amendment No 3 [Lucas–1]—

Page 5, line 12 [clause 11, inserted paragraph (b)]—After 'preference' insert:

and consecutive numbers in other group voting squares so as to indicate the order of preference for not less than 6 groups of candidates in total (or, if there are 6 or fewer group voting squares on the ballot paper, so as to indicate the order of preference for all remaining groups of candidates)

My advice is that this is, in essence, the test clause for above the line. As we have already outlined, I think we know where everyone stands in relation to this. This is introducing the Senate-style voting system above the line. There are no voting tickets. You vote for six groups above the line. You can vote for all of them if you want to, but you have to vote for six. There is a saving provision in the Senate and there is a saving provision in this as well. If you vote for only one, it will count as a valid or formal vote for one. It is exactly the same as the Senate system, again, on the consistency argument.

The Hon. K.J. MAHER: I can indicate that the government will be opposing the Hon. Rob Lucas's amendment in preference for an amendment that we have filed. We are not miles apart, I do not think, on the two rival schemes that are being proposed. As he has indicated, the Hon. Rob Lucas's scheme requires, like the Senate, a minimum of six, but with a saving provision should someone continue the practice that they may have engaged in for a number of decades in voting for just one.

What we propose is full OPV. If you know me and my views on this over a consistent amount of time, I think doing away with group voting tickets is very desirable. We will be voting against the Hon. Rob Lucas's amendment in preference for ours, but we recognise that they both go substantially towards doing the same thing, and that is voting above the line. It is a full OPV system versus a Senate-style OPV system.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Can I ask you to formally move it?

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

Amendment No 4 [Employment–1]—

Page 5, line 12 [clause 11, inserted paragraph (b)]—After 'preference' insert:

and, if the voter so desires, by placing the number '2' and consecutive numbers in the group voting squares that relate to other groups of candidates in the order of the voter's preference for them (but not so as to be required to indicate a preference for all groups of candidates)

The Hon. M.C. PARNELL: I will be opposing the Liberal amendment and I will be supporting the government amendment. The reasons are very similar to those that I outlined for below the line voting. We do not believe voters should be forced to vote for anyone they do not want to vote for. The way to achieve that result is to enable people to vote for as many or as few candidates, or in this case parties, as they want above the line. We will not be supporting the Liberal amendment. We will be supporting the Labor amendment, which is the same as the Greens' amendment, which I will not be moving.

The Hon. J.A. DARLEY: I indicate that I will be supporting the Liberal amendment on this occasion and opposing the government's amendment.

The Hon. D.G.E. HOOD: I indicate the same as the Hon. Mr Darley. We will be supporting the opposition amendment and opposing the government amendment.

The committee divided on the Hon. R.I. Lucas's amendment:

Ayes.....10
Noes 9

Majority..... 1

AYES

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

NOES

Franks, T.A.	Gago, G.E.	Gazzola, J.M.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Parnell, M.C.	Vincent, K.L.

PAIRS

Lensink, J.M.A.	Malinauskas, P.

The Hon. R.I. Lucas's amendment thus carried.

The CHAIR: That means the minister's amendment will not proceed.

The Hon. D.G.E. HOOD: Very briefly, given that we have just had that vote and it has been successful, I have a question for the minister and his adviser to clarify. I think I know the answer but just for the sake of absolute caution, is there still the provision then existing, as there is in the Senate that parties cannot advertise to just 'Vote 1'; they still have to encourage voters to 'Vote 1 to 6'?

The Hon. K.J. MAHER: It is similar to the lower house where there is the same provision, but you cannot actually advertise it.

The Hon. R.I. LUCAS: This is exactly the same as the provision in the House of Assembly, and the advice I had is that there is a saving provision in the House of Assembly where, if you just vote 1 in a box in the House of Assembly, your vote will count, but you cannot advertise to just 'Vote 1' in a box.

The Hon. K.J. MAHER: For the sake of further information, I am advised that it is section 126(1) that applies to both the Legislative Council and the House of Assembly. Even though in both houses there is the saving provision, you are not allowed to advocate doing what would otherwise be an informal vote but for that saving provision.

Clause as amended passed.

New clause 11A.

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

Amendment No 5 [Employment–1]—

Page 5, after line 12—Insert:

11A—Amendment of section 84B—Applying provisions of Act to elector using electronic assisted voting

Section 84B(1)(b)—delete 'satisfy the requirements of section 76' and substitute:

not be an informal ballot paper

This is one of those provisions that we would have had to do regardless of whichever regime got up. That is the system being advocated by the opposition. It contains a requirement for at least 12 votes below the line for candidates. We discussed this in relation to an earlier clause and both the opposition and the government supported it.

The Hon. R.I. LUCAS: As I understand it, it relates to electronic assisted voting. It is a technical amendment which we support.

The Hon. K.J. MAHER: For the sake of clarification, the honourable member is right. It is a technical amendment for electronic assistance for the requirement to vote for at least 12 candidates below the line.

New clause inserted.

Clause 12.

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

Amendment No 4 [Lucas–1]—

Page 5, lines 16 to 28 [clause 12, inserted subsections (2) and (3)]—

Delete inserted subsections (2) and (3) and substitute:

(2) If 1 or more numbers, that are not disregarded under section 94(4d), are placed in group voting squares on a ballot paper in relation to groups of candidates (each group being a *preferenced group*), the ballot paper is taken to have been marked as if—

(a) each candidate in a preferenced group was given a different number starting from 1; and

(b) candidates in a preferenced group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and

(c) the order in which candidates in different preferenced groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and

(d) when all the candidates in a preferenced group have been numbered, the candidate whose name is at the top of the next preferenced group is given the next consecutive number.

This is a consequential amendment.

Amendment carried.

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

Amendment No 5 [Lucas–1]—

Page 5, lines 29 to 31 [clause 12, inserted subsection (4)]—

Delete 'a ballot paper in accordance with subsection (2) and also indicates preferences for individual candidates (whether or not the voter also places other numbers in other group voting squares)' and substitute:

1 or more group voting squares in accordance with subsection (2) but also indicates preferences for individual candidates

This is a consequential amendment.

Amendment carried.

The CHAIR: The Hon. Rob Lucas has another two amendments. Are they consequential?

The Hon. R.I. LUCAS: I seek the minister's adviser's advice on this. This is actually consequential, but my understanding is that the government amendment No. 10 might be a better version of this. It does exactly the same thing, but the words are slightly different. Therefore, if that is the government's advice, I would not move this particular amendment in lieu of government amendment No. 10.

The Hon. K.J. MAHER: I indicate that the adviser is nodding furiously and we think that is a sensible way to proceed. I move:

Amendment No 8 [Employment–1]—

Page 5, line 34 [clause 12, inserted subsection (4)(a)]—Delete ', if it stood alone, constitute a valid' and substitute:

not, if it stood alone, constitute an informal

Amendment No 9 [Employment–1]—

Page 5, line 39 [clause 12, inserted subsection (4)(b)]—Delete 'not, if it stood alone, constitute a valid' and substitute:

, if it stood alone, constitute an informal

These are technical amendments in the vein of ones we have previously talked about that we would have had to do regardless of the bill.

The Hon. R.I. LUCAS: We agree. We support government amendments Nos 8 and 9.

Amendments carried.

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

Amendment No 10 [Employment–1]—

Page 5, line 40 [clause 12, inserted subsection (4)(b)]—After 'recorded their vote' insert:

by the marking of the group voting square or squares

This is the amendment, as I understand it, that I am moving in preference to amendment No. 6 standing in the Hon. Rob Lucas's name. It does a very similar thing with very slightly different wording.

Amendment carried.

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

Amendment No 7 [Lucas–1]—

Page 6, lines 1 to 15 [clause 12, inserted subsections (5) and (6)]—Delete inserted subsections (5) and (6)

This is consequential. Whilst the minister takes advice, in my view, this amendment is consequential, although it is tangentially consequential. That is, what this is saying is that in the government package of amendments, if you had one in a square below the line, then in some way that would count for a vote above the line. That was consistent with the government package of amendments. Given the government package has not got up, we do not believe it has any work to do and, therefore, from that viewpoint, we believe it is consequential to the package of amendments that parliament has now accepted.

The Hon. K.J. MAHER: The government agrees that it is consequential, given the vote that the chamber had earlier.

Amendment carried; clause as amended passed.

Clause 13.

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

Amendment No 8 [Lucas–1]—

Page 6, lines 28 and 29 [clause 13(1), inserted paragraph (b)(ii)(B)]—

Delete subsubparagraph (B) and substitute:

(B) the order of the voter's preference for groups of candidates in accordance with section 76(1)(b); or

This is consequential on previous discussions. I think it might also be consistent with one of the government amendments.

Amendment carried.

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

Amendment No 9 [Lucas–1]—

Page 6, after line 29—After subclause (1) insert:

(1a) Section 94(3)—after 'ballot paper' (first occurring) insert 'for a House of Assembly election'

This is consequential.

Amendment carried.

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

Amendment No 10 [Lucas–1]—

Page 6, line 34 [clause 13(4)]—After 'delete subsection (4a)' insert:

and substitute:

(4a) A ballot paper for a Legislative Council election where there are more than 6 candidates is not informal under subsection (1)(b)(ii)(A) if the voter has placed consecutive numbers (starting from the number '1') in the squares printed opposite the names of at least 6 candidates in total.

(4b) For the purposes of this Act, the following numbers placed in a square printed opposite the name of a candidate on a ballot paper for a Legislative Council election are to be disregarded:

(a) numbers that are repeated and any higher numbers;

(b) if a number is missed—any numbers that are higher than the missing number.

This is consequential.

Amendment carried.

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

Amendment No 11 [Lucas–1]—

Page 6, after line 34—Insert:

(5) Section 94—before subsection (5) insert:

(4c) A ballot paper for a Legislative Council election is not informal under subsection (1)(b)(ii)(B) if the voter has placed the number '1' in a group voting square, or has placed the number '1' and one or more higher numbers in group voting squares, on the ballot paper.

(4d) For the purposes of this Act, the following numbers placed in a group voting square on a ballot paper for a Legislative Council election are to be disregarded:

(a) numbers that are repeated and any higher numbers;

(b) if a number is missed—any numbers that are higher than the missing number.

This is consequential.

Amendment carried; clause as amended passed.

Clause 14.

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

Amendment No 16 [Employment–1]—

Page 7, lines 1 and 2 [clause 14(3)]—Delete subclause (3)

Amendment No 17 [Employment–1]—

Page 7, lines 10 and 11 [clause 14(6)]—Delete subclause (6)

Amendment No 18 [Employment–1]—

Page 7, lines 23 to 39 [clause 14(11)]—Delete subclause (11) and substitute:

(11) Section 95(15)—after 'last vacancy' insert:

for which 2 continuing candidates remain

(11a) Section 95(16)—delete 'the last vacancy' and substitute:

a vacancy referred to in subsection (15)

(11b) Section 95(17)—after 'are elected' insert:

(regardless of whether those candidates have received a number of votes equal to or greater than the quota)

These are amendments, as foreshadowed, that have occurred from advice when the bill was drafted and would have applied, regardless of the scheme that was preferred.

The Hon. R.I. LUCAS: The Liberal Party will support them as they are technical amendments. An added benefit is that I therefore will not be moving amendment No. 12 [Lucas] because that is subsumed by government amendment No. 18. I support these amendments from the government and I will not move my amendment No. 12.

Amendments carried; clause as amended passed.

Clause 15 passed.

New clause 16.

The Hon. K.L. VINCENT: I move:

Amendment No 3 [Vincent–3]—

Page 8, after line 4—Insert:

16—Amendment of section 130Q—Payment not to be made or to be reduced in certain circumstances

(1) Section 130Q(1)(a)—delete 'at least 4% of the total primary vote; or' and substitute:

—

(i) in the case of a candidate in a Legislative Council election—at least 2% of the total primary vote; or

(ii) in the case of a candidate in a House of Assembly election—at least 4% of the total primary vote; or

(2) Section 130Q(2)(a)—delete '4%' and substitute '2%'

My third amendment seeks to reduce the primary vote attainment threshold required from 4 per cent to 2 per cent to receive public electoral funding for Legislative Council group candidates. Again, as I have said earlier in this place—in fact, as I have said many times—the changes that have been made and continue to be made to the Leg. Co. reduce the likelihood of election for many major parties and thereby reduce the diversity in our parliament. Allowing public funding at this lower threshold enables some funding towards costs incurred in running an election for those who achieve 2 per cent of the statewide vote or higher.

Again, we want to see diversity in our parliament and we think the more recognition we can give to parties for the votes that they attain after that threshold, whether it be 2 or 4 per cent (but we would like 2), the better.

The Hon. K.J. MAHER: I indicate that the government has reviewed these amendments and, like the previous amendments moved by the Hon. Kelly Vincent, the government indicates support.

The Hon. R.I. LUCAS: I have no authority from my party room because I have not discussed this issue with my party room. I acknowledge that if the government is supporting it—and I understand that whilst the Hon. Mr Parnell has not indicated publicly his position, he is—

The Hon. T.T. Ngo: He's taking advice.

The Hon. R.I. LUCAS: He is taking advice, okay. I think I need some indication from the other minor party members as to where they are going to be. Previously the Attorney and I have had a remarkably productive relationship in terms of discussing matters of public funding. On this particular issue I have had no discussion with the Attorney. I have had a brief discussion and expressed some disappointment with the Attorney's adviser in relation to this issue that the government is agreeing to this particular position, which is something contrary to the discussions I have had with the Attorney and the government previously in relation to public funding and the access to public funding at the 4 per cent threshold issue.

I am a realist in relation to these things, and the government has made its decision. But I am just not in a position to indicate the party's position on this because we have not discussed it. I really am looking to the other members of the chamber to indicate where they are going to be on this, because if ultimately there is a majority in this chamber, then, as with the earlier one, the position of the Liberal Party is not going to matter. But, ultimately, if there is a divided view amongst the other minor parties on this particular issue, I will have to put a Liberal Party position, which will essentially be that I cannot support at this particular stage because I have no authority to do so.

I think the Hon. Ms Vincent would understand that position. I guess I am looking to hear from other members as to where they are; given that the government is now supporting the Hon. Ms Vincent's position I am interested to know the positions of the Greens, the Australian Conservatives and the Hon. Mr Darley on the issue.

The Hon. M.C. PARNELL: The Hon. Rob Lucas is correct in that we had been working on the assumption that the government would not have a bar of this, so we thought it was a bit of a moot point. We have not consulted widely with it, but we are well aware of what it does. It provides that parties that have at least 2 per cent of the vote in the upper house only will be able to access public funding. In the interests of keeping the issue alive, and for the reasons the Hon. Kelly Vincent set out, we will support the amendment.

The Hon. D.G.E. HOOD: We had also anticipated that the government would reject the amendment, so I must say that we have not widely consulted either. That said, in the case of public funding it is in my DNA, I think—as it is no doubt in other members' DNA—to be very careful with public funding, but in the case of public funding there are several hoops that a political party has to jump through. It is not just the vote they receive, of course, whether it be 2 per cent or 4 per cent; there is also a registration process, etc., etc.

I do not believe that changing the threshold from 4 per cent to 2 per cent will create a substantial difference in the number of parties that actually qualify for public funding. That being the case, and given that the government is supporting it, we are prepared to support the amendment.

The Hon. J.A. DARLEY: Likewise, I will be supporting the amendment.

The Hon. R.I. LUCAS: There is obviously a majority in this chamber to support it, and on that basis I will not divide against it. I am just not in a position to indicate that we can support the amendment.

New clause inserted.

New clauses 17 and 18.

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

Amendment No 2 [Employment–2]—

Page 8, after line 4—After clause 15 insert:

17—Repeal of section 130ZU

Section 130ZU—delete the section

18—Insertion of section 130ZZH

After section 130ZZG insert:

130ZZH—Regulations

(1) The regulations may require greater detail to be provided in returns than is otherwise required by this Part.

(2) Without limiting subsection (1), the regulations may—

(a) require that a return under Division 7 include additional information relating to persons making gifts, loans or bequests; or

(b) require that the total amounts referred to in section 130ZN be broken down in the way specified in the regulations.

(3) The regulations may reduce the amount of information to be provided in returns under section 130ZO.

Section 130ZU sets out regulation-making powers that relate specifically to division 8 of part 13A. This amendment deletes section 130ZU and replaces it with new regulation-making powers. The new section 130ZZH is in terms that are very similar to the former section 130ZU; the differences are that it applies to part 13A in its entirety and not just to division 8, which relates to political party returns, and it specifically provides that a return under division 7 can include additional information relating to persons making gifts, loans or bequests.

The reason for the amendment is as follows. The government wants to require people making political donations to provide information on their donation disclosure returns that enables the public to identify foreign influence. This will further enhance transparency around political donations and political influence. There is currently not sufficient regulation-making power in part 13A to make regulations that would require all donors to provide the additional information. This amendment addresses that.

The Hon. R.I. LUCAS: Again, this is not an issue I have had a chance to discuss or to take to the joint party room. I can speak personally and indicate that, on the surface of it, I have no great opposition to this particular amendment. The particular savings provision is that it essentially establishes a regulation-making power and, should my party eventually take a position that the particular regulation the government seeks to bring down is offensive, we still have the power as a parliament to move to disallow that regulation in the Legislative Council. That would be a savings provision.

As I said, on the surface, this particular amendment is hard to argue against in relation to being able to establish the bona fides of foreign donors and seeking further information. In terms of the specifics of any particular regulation, we reserve our position until we see that. Clearly, as a party and as a chamber, we have the power to disallow a regulation if we think it is too intrusive or too offensive. On that basis, I do not intend to oppose the amendment moved by the minister.

New clauses inserted.

Title passed.

Bill reported with 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) (18:30): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

Resolutions

WOMEN'S SUFFRAGE ANNIVERSARY

The House of Assembly notified its appointment of the committee.

Bills

SENTENCING BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (POSSESSION OF FIREARMS AND PROHIBITED WEAPONS) BILL

Final Stages

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

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) (18:32): I thank honourable members for the way we have conducted business this week. There have been some very passionate debates and I think we have all done exceptionally well, sitting late in the night and dealing expediently with matters that have been important today.

At 18:32 the council adjourned until Wednesday 2 August 2017 at 14:15.

Answers to Questions

MOUNT SERLE STATION

In reply to **the Hon. J.S.L. DAWKINS** (12 April 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 am advised:

1. No formal management appointment has been made over Mount Serle, as the proposal involves the grant of a sub-lease requiring the approval of the Pastoral Board and the consent of the Minister for Environment and Conservation.

2. I understand that the proposal by the party recommended by the Adnyamathanha Traditional Lands Association subsequent to a formal selection process includes the operation of a cultural tourism venture.

3. While the lease is a grazing lease it does not require stock to be grazed on the property. There is currently no stock on the property, nor any immediate intention to stock it.

4. Currently there are programs in place to control wild dogs and feral goats. At present, no weed control measures are required. It is anticipated that any sub-lease would require the sub-lessee to participate in measures initiated by the SA Arid Lands Natural Resources Management Board or the Pastoral Board.

SUPPLY CHAIN WORKERS

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (16 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 am advised:

The website was designed as a tool for increasing awareness about assistance available to automotive supply chain workers; and to encourage workers to start planning for their future.

CAREER AND WORKFORCE DEVELOPMENT CENTRE

In reply to **the Hon. A.L. McLACHLAN** (16 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 am advised:

From 25 February 2017 to 23 May 2017 there has been a further 22 information sessions held at the Warradale Career and Workforce Development Centre, indicating an increase in demand.