LEGISLATIVE COUNCIL

Thursday, 14 November 2019

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

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

Bills

LANDSCAPE SOUTH AUSTRALIA BILL

Conference

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

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

Motion carried.

Parliamentary Procedure

SITTINGS AND BUSINESS

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

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

Motion carried.

Bills

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Final Stages

Consideration in committee of message No. 147 from the House of Assembly.

The Hon. S.G. WADE: If the council is agreeable, I propose to address all issues so that we can see my proposed course of action in totality. The Controlled Substances (Youth Treatment Orders) Amendment Bill 2018 passed the House of Assembly with eight amendments, following its consideration in this chamber. Five amendments were substantive, with three further amendments consequential from those amendments.

Of the two substantive amendments that were opposed by the opposition in the other place, the first sought to remove the two-year statutory requirement for the legislation to come into force. As I said, this was opposed in the other place and the Leader of the Opposition in this place has indicated to me that this amendment will not be supported. The government will not insist on this amendment.

The second amendment opposed by the opposition in the other place addressed the requirement for a reviewing clinician. The amendment passed in this place required that the clinician be a psychiatrist. The government considered this too restrictive as the needs of the child or young person may be far broader than could be supported by a medical practitioner with psychiatric expertise.

The amendment passed in the other place replaced 'psychiatrist' with 'medical practitioner'. The Leader of the Opposition in this place filed an amendment narrowing this scope, replacing 'medical practitioner' with 'medical practitioner with appropriate expertise in dealing with paediatric substance abuse or mental health issues'. The government accepts that the definition should be narrowed but still considers that this amendment is too narrow for the potential needs of the child or young person.

Consequently, I wrote to the Leader of the Opposition to suggest that, building on his wording, the council might consider an amendment that the medical practitioner have appropriate expertise in addiction, psychiatric or paediatric medicine or other expertise related to the order. The phrase 'related to the order' obviously links it to the particular child who is involved.

For the issues that that child faces, the medical practitioner would need to have relevant expertise. In most cases, one would expect that to be in the listed specialities, but the proposed amendment put forward is to provide the flexibility to make sure that the intent of the parliament, which is to ensure that there is medical supervision of these orders, is relevant to the child or young person who is subject to the order.

I am advised that the opposition supports this amendment. Accordingly, I filed it in my name. The government considers that the bill will now have the necessary flexibility to be applied in each case individually.

The Hon. C.M. SCRIVEN: I am pleased to hear that the government will be supporting our amendment to revert to the original proposal in regard to the time frame. I think it is worth placing on the record some comments in relation to that. The establishment of youth treatment orders was a key election commitment from this government, and even prior to that the scheme was introduced as a private member's bill by the now Attorney-General.

Despite the substantial length of time they have had to work out the final details, we still have very little information on how these orders will work in practice. We still have no idea how much putting these orders into practice will cost, what the model of care will look like and where these children will actually serve out their detention orders. The only aspect of the policy that has been funded is the cost of legal representation in this year's budget, and nothing else.

It is abundantly clear that the government introduced this bill and then stalled on it for months because they have not done any of the groundwork to properly implement the policy. This must be why the government in the other place reintroduced their amendments to skirt around the standard process of enacting a bill within two years of its passage. We think that is an important provision that needs to stand because otherwise there is no length of time, necessarily, that this would be implemented in. If not within two years, if not before the next election, when? Four years? Eight years? Ten years? None of that was clear. Any of those options were possible and the opposition considered that that was unacceptable.

After all, for something that the government said was urgent and part of their 'war on drugs', and for the government to say that they needed the law to not come in during this term of government at all, was simply remarkable. The government claimed they wanted to pass this legislation swiftly, but already we are 18 months since the election and the government still wanted more than two years to enact this legislation. I am very pleased that they have now reconsidered that and that the standard two-year provision will in fact be in place.

The opposition is pleased that there have been some important reforms to this bill, in terms of putting in some basic protections and requirements for treatment and care of children who are subject to these detention orders. We are also very pleased that the minister has moved his compromised amendment and, as stated, the opposition is pleased to support that amendment in regard to what type of medical practitioner and what kind of background and expertise they need to have to ensure that children under detention orders are receiving appropriate care.

The Hon. C. BONAROS: SA-Best, too, supports the compromised amendment that has been introduced and is pleased with the position in relation to the two years and echoes the sentiments just expressed by the Hon. Clare Scriven in relation to that. We have had 18 months to work on the model of care that will be implemented by the government in this space. It is something that we need to do and to act on quickly so there is absolutely no way we would have supported any measure that would have prolonged that beyond the two-year mark. It is certainly our hope that this government will have that model of care available and that that model of care and those services will commence well prior to the two-year mark that is mandated in the bill.

The Hon. S.G. WADE: By way of clarification for members, the government has not been waiting for the passage of this legislation before it started the work on the model of care. That work

is well underway, and I expect it will be released for broad community consultation in the not too distant future.

The Hon. C.M. SCRIVEN: A question in relation to the minister's clarification: could he just give a little bit more detail as to what 'the not too distant future' might mean?

The Hon. S.G. WADE: I think it means early next year, but it is certainly well developed. My understanding is there has been some targeted consultation, but it is certainly our expectation that it is a conversation the whole community should be involved in, and the model of care will be available for broader comment.

The Hon. T.A. FRANKS: Just for the purposes of your ability, Chair, to appropriately convene this place, we will be supporting the minister.

The Hon. S.G. WADE: I should have thanked the honourable members who have indicated support; that is appreciated.

Amendment No. 1:

The Hon. S.G. WADE: I move:

That amendment No. 1 be disagreed to.

Motion carried.

Amendments Nos 2 to 5:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendments Nos 2 to 5 be agreed to.

Motion carried.

Amendment No. 6:

The Hon. S.G. WADE: I move:

That the Legislative Council disagrees with the amendment made by the House of Assembly and makes the following amendment in lieu thereof:

Page 10, line 37 [clause 7, inserted section 54L(1)(e)]—Delete 'psychiatrist' and substitute:

medical practitioner, with appropriate expertise in addiction, psychiatric or paediatric medicine or other expertise related to the order,

Motion carried.

Amendments Nos 7 and 8:

The Hon. S.G. WADE: I move:

That amendments Nos 7 and 8 be agreed to.

Motion carried.

FLINDERS UNIVERSITY (REMUNERATION OF COUNCIL MEMBERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2019.)

The Hon. R.I. LUCAS (Treasurer) (11:23): I rise to close the second reading debate. I thank the following members for their contributions to the bill: the Hon. Clare Scriven and the Hon. Tammy Franks. The government is pleased with the general support that has been indicated for the second reading of the bill. There were a number of questions raised in the second reading stage by, I think, the Hon. Ms Franks. On behalf of the minister, I place on the record the following answers.

The first question was why the input of staff, students and the National Tertiary Education Union was not sought. The answer provided is that consultation on the bill is a matter that was

managed by the university. While they have not undertaken any consultation with staff and students generally, the decision to remunerate members was ratified by the council on 15 March 2018, which includes representation from staff and students.

Another question was: why do only some members of the council need to be paid, and why do they need to be paid at all, for that matter?

Answer: remuneration of council members is currently reasonably common practice. Of the 42 public and private universities in Australia, 33 are able to remunerate their council members; of these, 26 do so. There is a strong argument for remunerating council members as they contribute significant hours of their time and are required to exercise a high degree of skill, knowledge and expertise in carrying out their duties.

Further, some of the university's council members are drawn from the same pool of candidates as appointees to boards or governing bodies of local government, some government boards and committees, and private and public companies. Most of these roles are paid. For those members of the council, such as the general and academic staff on the council, their role and job descriptions would not normally include the additional duties and responsibilities of being a council member. Therefore, it would not be inappropriate for them to be remunerated to undertake this role.

The bill provides the flexibility for the university to determine, in the future, any particular classes of persons who ought not to be paid. The vice-chancellor's role, for example, includes the responsibilities and duties of being a member of the council, and therefore the vice-chancellor will not receive any additional remuneration in their capacity as a council member.

Question: clarification of what might be considered to be other factors in fixing different amounts of remuneration. Answer: other factors may include the specific responsibilities of a particular council member. Question: how these changes disapply section 18C of the act so that council members will not be in breach of their duty when it comes to conflicts of interest in relation to the making of determinations regarding remuneration.

Answer: section 18C of the act prevents a member of the council who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the council from taking part in any discussion of the council relating to the matter and from voting on the matter and requires that the person be absent from the meeting room when any discussion of voting is taking place.

Disapplying section 18C ensures that council members will not be in breach of their duty in respect to conflicts of interest in relation to the making of determinations regarding remuneration. It should be noted that sections 18A and 18B of the act, which require that council members act at all times in good faith and in the best interests of the university in the performance of their functions, will continue to apply to the making of determinations regarding remuneration.

With that, on behalf of the government, I commend the bill to the house.

The council divided on the second reading:

Ayes 16
Noes..... 2
Majority..... 14

AYES

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

NOES

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

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: Just a few questions arising from the summary that the minister just gave on behalf of the minister in the other place. If 26 of the 33 are able to afford remuneration for their councillors at various institutions across the country, how many of those 26 do so at variable levels?

The Hon. R.I. LUCAS: I will filibuster until the advisers arrive. Let me guess what the answer will be: I suspect that might be the sort of detail that we are probably not aware of. Reinforcements have arrived, and even with my trusty adviser we do not have that detail at hand. I am sure, on behalf of the minister, I could undertake to get that information and have the minister correspond by way of letter to the member with whatever information he and his officers are able to provide to the honourable member. I will give that undertaking on behalf of the minister who, I am sure, will be happy that I have done that.

The Hon. T.A. FRANKS: I am more than happy to have that taken on notice and indicate I only have two more questions on clause 1. The second of my questions is: given this bill disapplies section 18C, that direct or indirect pecuniary interest is therefore found a pathway around, and there was reference made to 18A and 18B of the act as well, how did the council make this decision to put forward to the government the idea of legislation that would benefit them?

Did they disallow 18C, 18A, 18B? What was the process for that, noting there was no consultation with the university community on this; there was only that decision of council?

The Hon. R.I. LUCAS: My advice is that that is the reason why 18C was disapplied, that is, to allow them as a council to take this particular decision. Section 18C was disapplied, and that allowed this particular decision to be taken, otherwise there was no way of actually getting an endorsement or not from the university council in relation to this particular issue.

I think if one looks at it sensibly, if a council or a university is going to either support a policy like this—as many have around the country evidently—or not, the only appropriate vehicle for a decision to be taken before it comes to parliament, obviously, is for their governing body to make a decision. If there was some impediment to that decision being taken, which evidently 18C technically might have, then there needed to be legal advice taken. I understand their legal advice, which was consistent with the legal advice made available to the government, was that this was the mechanism to be used for a policy decision to be taken by the council.

The government's position was that this was not something that the government was pursuing in its own right. It was a decision the council wished to pursue and there needed to be some indication that this was actually a decision of the governing body of the council on which, as the minister's answer indicates, the staff and students are represented. I do not purport to know how they voted on that, but ultimately there was a decision, so I am advised, of the council that supported this proposition.

I think from the government's and the minister's viewpoint, he would need to be comfortable that this was supported by whatever the governing body of the university was, which is the council. If it could not express a view, I am not sure who in the alternative would be able to indicate to the government, then ultimately through the government to the parliament, that this was actually supported by Flinders University.

If it is not going to be the council, then who else would represent that view? I do not think we would take the view that the chancellor himself or herself or the vice-chancellor himself or herself could purport to speak on behalf of the university on a big decision like this, so the appropriate forum or vehicle would appear to be the council. If there was a legal issue that needed to be resolved,

which is 18C, the legal advice indicated this was the mechanism through which an opinion could be expressed on behalf of the university.

The Hon. T.A. FRANKS: My third and final question at clause 1 is: given it was indicated that, for example, the vice-chancellor will not be benefiting from this particular legislative reform, because it is already in his package pretty much that he is compensated for his involvement with the university council, what is the vice-chancellor's salary package?

The Hon. R.I. LUCAS: I do not know that, but I must say I have seen some publicity on vice-chancellors around Australia and it is not inconsiderable in terms of their packages. It is significantly more than the honourable member and I think, indeed, myself as a minister earns. The member can take it as read that it is a very large sum of money and commensurate, they would argue, with the very important role that they undertake.

It is a very big budget and a very big institution and therefore I think it is not inappropriate that, if it is part of their role and responsibilities, they do not need to be additionally remunerated for something which is already part of their job spec. Certainly, I am not going to be greatly concerned that the vice-chancellor is missing out on getting paid. I think he is very healthily remunerated. But the answer is: I am not in a position to indicate what the remuneration package is of the vice-chancellor of Flinders University.

The Hon. T.A. FRANKS: A supplementary on that because I did ask for a specific answer: is it over $1 million?

The Hon. R.I. LUCAS: The honest answer is I do not know, but I have seen publicity about vice-chancellors' salaries around Australia. Some of them have been in the high six-figure sums, so they have not actually cracked through the magic $1 million mark, but some of them around Australia have. I do not know the answer to the question, but it is more than the honourable member earns, and it is more than I earn as the minister. That gives you a rough order of some, in terms of the publicity that I have seen in relation to salaries, but I have no knowledge of the specific remuneration package of the vice-chancellor of Flinders University.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (11:42): I move:

That this bill be now read third time.

Bill read a third time and passed.

LABOUR HIRE LICENSING (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2019.)

The Hon. C. BONAROS (11:43): I rise to speak in support of the second reading of the Labour Hire Licensing (Miscellaneous) Amendment Bill 2019. Back in May, I spoke on the repeal bill on behalf of SA-Best and gave our reasons at the time for opposing the repeal of the labour hire licensing scheme. We never supported the repeal of the legislation and our view was firmly that our job is not to scrap the legislation but to fix legislation that was rushed through parliament before it was prorogued in 2017.

Our position, with respect to the scheme, has been clear. At the time, we acknowledged there were valid concerns with the practical application of the current legislation and that we were always amenable to working with the government to tighten elements of the existing legislation. We acknowledge that there have been a number of unintended consequences and further acknowledge that the legislation attempts to correct those unintended consequences and to ensure the legislation

is focused and targeted on those industries highlighted in the 2015 *Four Corners* program *Slaving Away*. This report highlighted gross exploitation of the most vulnerable workers, predominantly migrants, in areas like meat processing and fruit and vegetable picking, as well as a number of state and federal reviews into worker exploitation.

At the time of the repeal bill, I implored the Attorney-General to work on strengthening the current legislation, rather than throwing out the bill in its entirety. I want to acknowledge the efforts of the Attorney-General in her willingness to work with us (particularly with me) on legislation that is more focused on the target, and for taking into consideration the very valid concerns that we have been raising with her.

We want to see a national scheme. I think that is the best outcome to protect vulnerable workers exploited by unscrupulous labour hire companies. I again note that in those discussions the Attorney indicated, prior to the 2019 federal election, that she would be writing to Bill Shorten and Prime Minister Morrison in relation the national scheme, and would ensure that they were aware of the importance of this issue, particularly in the South Australian context, in the lead-up to that election.

Following the re-election of the Morrison government, we are told they are still working through elements of a labour hire scheme, despite allocating money in this year's federal budget for the implementation of such a scheme. I am not, by any means, suggesting that this outcome is good enough, but I certainly note the efforts that have been made, particularly by the Attorney, to make sure that the Morrison government has this at the front and centre of their agenda.

I, too, implore the Morrison government to work expeditiously on federal legislation that will protect vulnerable workers from exploitation by dodgy labour hire companies. In the absence of a federal scheme, there are schemes operating in Queensland and Victoria, and of course the bill before us. SA-Best notes that stakeholders raised a number of concerns about the difficulties of a wideranging scheme capturing industries and professions it was never intended to capture. That is really, I suppose, the essence of what we are debating: a wide-capturing scheme or a targeted scheme?

I have been briefed by the Liquor and Gambling Commissioner, Dini Soulio, who has articulated the difficulties with the current legislation and the need to exempt a number of industries and professions from the legislation since his office commenced the implementation of the current legislation. I note that the opposition is probably of the view that we should let that legislation operate for a while and see whether the problems highlighted will eventuate, but I think the view expressed by the commissioner, and the fact that he took the action that he did in relation to the scheme, illustrates that there are problems that needed to be addressed.

The amendment bill captures industries that have been identified as 'high risk' in a number of reports, including the Migrant Workers' Taskforce report released in March 2019, the Harvest Trail Inquiry report released in November 2019, and the Victorian Inquiry into the Labour Hire Industry and Insecure Work released in October 2016.

I note that although the security industry was identified as high risk, at this stage the government has not proposed to apply the act to that industry in South Australia, as they argue this industry is already heavily regulated and licensees are subjected to significant licence fees under the Security and Investigation Industry Act 1995. In addition, security firms are required to be licensed as security agents in order to perform security work, and persons who carry on businesses providing security agents must also be licensed.

The directors of such firms are subject to thorough probity checks with police and CBS through the personal information declaration (PID) process. As I understand it, the position take by the government on this bill—and again, this position is supported by the commissioner—with regard to the security industry is consistent with the current exemptions in place by the Liquor and Gambling Commissioner services employees.

Further, as I understand it, none of the abovementioned reports recommended that the construction industry should be specifically targeted because that industry is also already heavily regulated. There were also no recommendations that specifically suggested that the hospitality

industry should be captured, although I do note for the record that this is one of the sectors that I think does need further consideration. Certainly, evidence presented at the wage theft committee to date reflects that, so I will be pursuing further particulars from the government in relation to the exclusion of that industry from the current proposal.

I am pleased that the government has indicated its in principle support for the amendments that I have proposed. There are two filed sets of amendments. The first is a regulation-making power to include potential high-risk industries and professions but not to remove any as may be required in the future. That was a proposal I also raised with the commissioner at one of our briefings. I think there was consensus that it made sense that, should it become apparent that an industry needs to be included, the commissioner should have the ability to do that without necessarily having to come back to this place and open the bill up. I think that was an omission on the government's part, and I am glad that the government has seen sense in terms of supporting that amendment.

In addition to concerns raised by the Hon. Ian Hunter, I have also filed a second set of amendments for a further regulation-making power that would enable the inclusion of certain activities within a particular profession or industry, which is ancillary to my first set of amendments. Further to that, for the record, I would like to refer to an email that was sent to my office—and I believe all members have received the same email—from Brian Smedley of Wine SA. That email states:

> Dear Attorney-General
>
> I refer to my correspondence dated 28 October 2019 regarding the South Australian Wine Industry Association (SAWIA) on the Labour Hire Licensing (Miscellaneous) Bill 2019 (the Bill).
>
> I am aware that the Bill was debated in the Legislative Council on 12 November 2019. We are concerned that some of the remarks during this debate have the potential to confuse SAWIA's position on the Bill.
>
> We wish to reinforce that our position on the Bill remains, namely that we have very much welcomed and appreciated the consultative approach the Government has taken with regard to labour hire licensing and its genuine engagement with the South Australian wine industry and that there are sensible changes in the Bill that we do not oppose.

Mr Smedley indicates that he has advised other parties in writing of their position, including the opposition. I say that just in terms of clarification, because Mr Smedley thought it was important that that be placed on the record.

I also want to refer to some correspondence that the Attorney has sent me in relation to this process because I think it is important to put politics aside. I appreciate that we have two differing views from the major parties as to whether this should be a targeted scheme or a broad scheme, but I think that the Attorney has come at this issue—certainly in discussions, and there have been many that I have had with her—with a genuine desire to get this legislation right, in the absence of a national scheme. I think we can all agree that that is our preferred position, but we do not have that at the moment. Referring to the Attorney's correspondence most recently to me, she has said that:

> As opposed to a heavy-handed, broad-based approach, it targets those high-risk industries which have been consistently identified in Government inquiries as ones where workers are vulnerable to exploitation: specifically horticulture, meat processing, seafood processing, cleaning and trolley work.
>
> Clearly, this is not the repeal that some in the industry were seeking, but it does address identified deficiencies in the scheme and narrows the scope so the Bill's focus is, as it should be, on industries with a high risk of worker exploitation.

She goes on to say:

> As I have already discussed with you, Connie, in the absence of a national approach to date, it is better we advance our own reforms expeditiously here in South Australia.
>
> This, in turn, will influence the Bill that will ultimately be produced in Canberra and adopted nationally.

I think that is important because it demonstrates that the Attorney is seeing this issue through, particularly in terms of follow-up with the federal government. The Attorney goes on to indicate again that the government will ensure we retain the ability to swiftly address cases of exploitation arising in new industries by supporting the amendments that I am proposing and goes on to say that, however, should there be genuine issues raised with respect to other industries that have not been captured, she 'would have the capacity to prescribe these in regulations with your amendment'.

I am heartened by the comments of the Attorney, and I again thank her for working with me closely in relation to this matter. I am sure there is a lot more that will be addressed during the committee stage of the bill, and certainly there are a number of concerns which I think need to be aired in this place so that we can consider them appropriately. Whether that results in further amendments or not remains to be seen, but at this stage we remain very open-minded and supportive in principle of what the government has come back with.

We of course continue to have discussions with those stakeholders on both sides of the fence in relation to their concerns and hope that those issues can be thrashed out during the committee stage debate on this bill. With those words, I indicate our support for the second reading of the bill and look forward to the committee stage debate.

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

LOBBYISTS (RESTRICTIONS ON LOBBYING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 September 2019.)

The PRESIDENT: Clerk, I draw your attention to the state of the chamber, please ring the bells.

A quorum having been formed:

The Hon. M.C. PARNELL (11:58): The Greens will be supporting the second reading of this bill. It is a fairly simple bill, and we only have one simple amendment to move to it. The Greens' amendment is to clarify that the restriction on lobbying that currently applies to former South Australian state ministers should also apply to former federal ministers.

It has since been drawn to our attention that the amendment that I filed might have the effect of extending the restriction to ministers of other states and territories, so I have clarified, in a second amendment that has since been filed, that it was not our intention to stop the former West Australian or Tasmanian minister for health lobbying in South Australia, because that does not go to the heart of the problem that this legislation seeks to overcome, which is that people who have in recent times been in a position of some authority, being the minister for a particular portfolio, will have some hold or undue influence over current members of either the executive or the parliament. That certainly applies to former South Australian state members of parliament. It certainly applies to former federal members of parliament, but I do not think it necessarily applies to ministers who have been ministers in other state and territory governments.

I do not propose, through my amendment, to impact on the former Northern Territory education minister's ability to lobby in South Australia. I do not even know who might fall into that category, but I do not expect that they would have a great deal of weight such that their lobbying activities would need to be restricted in the same way that recent South Australian ministers might need to be.

With those brief words, we are supporting the second reading. I note that there are some additional amendments that have been filed by the Hon. John Darley, and I think there are some from the Labor Party as well. We will consider those when we get to the committee stage of this debate, but for now we are supporting the second reading of the bill.

The Hon. J.A. DARLEY (12:00): I rise to indicate that I will be supporting the bill. It is important that the community has confidence that there is transparency around lobbyists and the work that they do. I also flag that I will be moving an amendment in relation to fundraising undertaken by lobbyists; however, I will provide more information on this during the committee stage. I support the second reading of the bill.

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

SUMMARY OFFENCES (TRESPASS ON PRIMARY PRODUCTION PREMISES) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (12:02): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Mr President, today I introduce a Bill that would create a new aggravated offence in the *Summary Offences Act 1953* with significant penalties for trespass on primary production premises, and also increase the existing penalties for trespass-related offending on primary production premises.

Across the country, there has been a surge in anti-farm activism. While South Australia has remained somewhat protected from this activism, our farmers have experienced trespass, halting primary production and impacting on their ability to manage their farms.

Those who seek to be negligent and damaging to our farmers and primary producers must take responsibility for their actions, and their impact on our local farmers.

South Australia's primary industries are a vital part of our state's economy. Spread across the state, South Australia's grains, livestock, horticulture, wine, seafood, forests and dairy sectors are a significant contributor to our exports.

Maintaining food safety and product security is integral for SA to grow its competitive advantage in global markets.

Numerically, in 2017-18, primary industries and agribusiness supported 152,000 jobs and contributed $19.7 billion to the state's economy. Regional South Australia, where many of our primary producers are, contributes about $25 billion to the state's economy with just 29 per cent of the state's population.

This Bill goes a small way to protecting our produce, and our growth, for a long term and sustainable future.

Generally speaking, the new aggravated offence in the Bill will penalise a person who has entered or is present on primary production premises for an unlawful purpose or without lawful excuse and, while on the land:

- interferes with, or attempts or intends to interfere with, primary production activities;
- is accompanied by two or more persons;
- does anything that gives rise to a serious risk to the safety of the person or any other person on the premises;
- does anything that involves, or gives rise to a risk of, the introduction, spread or increase of a disease or pest or the contamination of any substance or thing;
- gives rise to any other risk, or kind of risk, related to primary production activities prescribed by the regulations; or
- intentionally causes, or is recklessly indifferent as to whether they cause, damage to an operation or activity connected to the primary production activities at the premises.

Primary production premises in the Bill means premises used for the purpose of primary production activities, which itself is defined to mean:

- agricultural, pastoral, horticultural, viticultural, forestry or apicultural activities;
- poultry farming, dairy farming or any business that consists of the cultivation of soils, the gathering of crops or the rearing or processing of livestock;
- commercial fishing, aquaculture or the propagation or harvesting of fish or other aquatic organisms for the purposes of aquaculture; and
- an activity prescribed by regulation.

The maximum penalty in the Bill for the new aggravated trespass offence will be $10,000 or 12 months imprisonment (or two years imprisonment where the trespass is for the commission of an offence punishable by a maximum term of imprisonment of two years or more).

Where a person is found guilty of the new aggravated trespass offence, the Court must also award the primary producer compensation against the defendant, except for where exceptional circumstances exist. This is a

new requirement under the Bill that ensures any commercial loss or damage experienced by the primary producer is appropriately compensated.

Putting the possible loss of primary produce in figures, the overseas export of South Australian food accounted for $3.97 billion, or 33 per cent of the state's total merchandise exports in 2017-18. Of this $3.97 billion, field crops accounted for $2.14 billion, followed by livestock and dairy with $1.22 billion, horticulture with $306 million and seafood with $238 million.

Where the trespass occurs on primary production premises in non-aggravated circumstances, the maximum penalties are $5,000 or six months imprisonment (or two years imprisonment where the trespass is for the commission of an offence punishable by a maximum term of imprisonment of two years or more).

This fine is double that of the current law.

These penalties are to be contrasted with the existing penalty for the general trespass offence under section 17 of the Summary Offences Act, which is $2,500 or imprisonment for six months (or two years imprisonment where the trespass is for the commission of an offence punishable by a maximum term of imprisonment of two years or more). These penalties would not be changed where the trespass occurs on non-primary production premises.

The Bill increases the penalty for the related section 17A offence to $5,000 or imprisonment for six months where the relevant premises are primary production premises—a fine again double that of the law as it currently stands.

The Bill also increases the maximum penalties for the offences in section 17B (interference with farm gates) and section 17C (disturbing farm animals), which are both currently just $750.

The Bill increases the section 17B penalty to $1,500 and introduces an expiation fee of $375 for that offence. The section 17B offence is also extended to include removing or disabling a gate on or leading to the land, interference with fences that allows animals to escape confinement, and to specify that a gate includes a cattle grid or any moveable thing used to enclose land, including a slip panel or moveable fence.

I particularly thank groups involved in roundtables lead by Primary Industries SA for this important contribution to ensure fences, and other enclosures are also covered by the Bill.

The Bill provides for a maximum penalty of $2,500 or a maximum term of imprisonment of six months for the section 17C offence of disturbing farm animals while trespassing. As this involves the elements of causing harm to the animal or loss or inconvenience to the farmer, a proportionally larger penalty is warranted.

South Australia has a global reputation for producing world-leading food and produce for local consumption and international export.

While we have remained reasonably protected from activism and farm disruption seen increasingly interstate, we must not be complacent. South Australia simply cannot continue to thrive with any major processing, farming or producing disruption.

Quite simply, maintaining and growing our farm gate value is crucial to Growing SA. This cannot be done with the possible implications of activists, outside the course of the Animal Welfare Act, disrupting production and risking biosecurity and animal security.

This is important reform impacting on each and every South Australian, and will lead the nation on work being done with the Commonwealth Attorney-General. I look forward to working with the whole Parliament to see the speedy passage of this Bill and for greater protections to be available for our primary producers.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Summary Offences Act 1953

4—Amendment of section 4—Interpretation

This clause inserts a definition of *primary production activities* into the principal Act.

5—Amendment of section 17—Being on premises for an unlawful purpose

This clause establishes a new offence of being on primary production premises for an unlawful purpose or without lawful excuse.

The clause sets out the circumstances in which a person commits the offence in aggravated circumstances.

6—Amendment of section 17A—Trespassers on premises

This clause creates a new penalty for an offence against section 17A for trespass on primary production premises.

7—Amendment of section 17B—Interference with gates and fences

This clause amends section 17B of the principal Act to add the following further limbs to the existing offence under that section:

(a) to remove or disable a gate on or leading to land; or

(b) to interfere with any part of a fence on or immediately surrounding the land in specified circumstances.

8—Amendment of section 17C—Disturbance of farm animals

This clause substitutes the penalty provision in section 17C of the principal Act.

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

LOCAL GOVERNMENT (ADMINISTRATION OF COUNCILS) AMENDMENT BILL

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (12:03): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

The Local Government (Administration of Councils) Amendment Bill 2019 (the Bill) will amend the *Local Government Act 1999* (the Act) to address three issues relating to the administration of councils under the Act.

Firstly, the Bill will amend the Act to address an issue highlighted by the administration of the District Council of Coober Pedy in relation to the maximum period a council may be under administration.

As Members will be aware, on 24 January 2019, His Excellency the Governor, the Hon Hieu Van Le AC, issued a proclamation declaring the District Council of Coober Pedy (the Council) to be a defaulting council pursuant to section 273(5) of the Act and appointed Mr Timothy Robert Sandford Jackson to be the administrator of the affairs of the Council.

This proclamation was made on the Minister for Transport, Infrastructure and Local Government's recommendation on the basis of an extensive report by the South Australian Ombudsman, finalised in July 2018, which demonstrated serious failings and irregularities in the conduct of affairs at the Council.

The Ombudsman's Report was in response to two referrals from the Independent Commissioner Against Corruption (the Commissioner) pursuant to sections 24(2)(a) and 24(3) of the *Independent Commissioner Against Corruption Act 2012* (the ICAC Act) in relation to the Council.

As Members will recall, the Ombudsman was of the view that this was 'one of the most serious examples of maladministration in public administration' that he had observed since the relevant provisions of the ICAC Act were enacted.

Subsequently, the Ombudsman's findings were supported by a lengthy examination of the Council by the Auditor-General that was released on 4 December 2018. The Auditor-General also identified significant failings and deficiencies in the Council's financial management and position.

The District Council of Coober Pedy was the first council to be declared a defaulting council under the Act, and the first council in almost 30 years to be declared a defaulting council since the *Local Government Act 1934* (the 1934 Act). The last time that a council had been declared a defaulting council and an administrator was appointed was in 1990—the District Council of Stirling, under the 1934 Act.

The Act currently allows for a council to be a defaulting council (under administration) for a maximum period of 12 months.

This Bill proposes that this maximum period be extended to 24 months, following feedback from the Administrator currently appointed to the District Council of Coober Pedy that 12 months is an insufficient amount of time to allow for an administrator to address significant council issues, as administrators are only able to utilise one annual budget cycle to implement significant and difficult decisions, such as large rate increases.

Secondly, the Bill includes a special provision to extend the maximum period of administration for the District Council of Coober Pedy until the conclusion of the next local government periodic elections of 2022. This enables an administrator to be in place for the remainder of the current Council term, should this be considered necessary.

This reflects the very serious nature of the Council's failings that resulted in the appointment of the Administrator, the Council's deep-seated financial issues, and also the strong division within the township that the Administrator has reported. More time is needed to enable the Administrator to address these serious and complex issues.

A recent poll undertaken by the Administrator has indicated the Coober Pedy community's support for this proposal.

However, it is not certain that the Council will be in administration until November 2022. Under the Act, a council's period as a defaulting council ceases if the Governor issues a proclamation, any time prior to the expiration of the maximum period, that either revokes the proclamation by which the council was declared to be a defaulting council (thus resulting in suspended council members being reinstated), or declares the offices of all members of the defaulting council to be vacant (and elections are held to elect a new council). These provisions are unaffected by the Bill.

Finally, the Bill includes an amendment to correct an anomaly in the Act by clarifying that suspended members of a defaulting council will not be entitled to receive their respective allowances during the period of suspension, that is, while a council is a defaulting council. This is in line with community expectations that suspended council members should not receive allowances while not performing official functions and duties.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Local Government Act 1999

4—Amendment of section 273—Action on report

This clause inserts new subsection (8a) into section 273 of the principal Act to provide that members of a defaulting council are not entitled to their respective allowances under section 76 during the period of suspension under subsection (8).

The clause also amends section 273(16)(c) to make special provision for the District Council of Coober Pedy, which was declared to be a defaulting council in January 2019, to cease to be a defaulting council on the conclusion of the next periodic elections and to extend when a council ceases to be a defaulting council in other cases from 12 months after it was declared to be a defaulting council to 24 months after the declaration, except where the other circumstances in subsection (16) arise.

5—Transitional provision

This clause is a transitional provision which clarifies that new subsection (8a) in section 273 of the principal Act applies to a member of a defaulting council regardless of whether the council was declared to be a defaulting council before or after the commencement of the relevant provision of this Bill.

Debate adjourned on motion of Hon. R.P. Wortley.

Motions

BATTLES FOR FIRE SUPPORT BASES CORAL AND BALMORAL ANNIVERSARY

Adjourned debate on motion of Hon. T.T. Ngo:

That this council—

1. Acknowledges the 50th anniversary of the Battle of Coral-Balmoral which was fought between 12 May and 6 June 1968;

2. Recognises the bravery of those 3,000 Australian soldiers involved in the battles at Coral-Balmoral, and pays its respects to the 26 men who lost their lives and the more than 100 injured;

3. Commends the commonwealth government for officially recognising the gallantry of 3,000 Australian soldiers who fought at the Battle of Coral-Balmoral by awarding them a Unit Citation for Gallantry; and

4. Pays special tribute to the mothers of these fallen Australian soldiers, particularly those of the 11 men who died on the first night of the battle, which happened to be Mother's Day.

(Continued from 1 August 2018.)

The Hon. T.J. STEPHENS (12:05): I rise today to contribute to the recognition of those who fought at the Battle of Coral-Balmoral in Vietnam in 1968. Sir, 12 May 2018 marked the 50th anniversary of the Battle of Coral-Balmoral, and the commemoration service took place that morning in front of the Vietnam War Memorial at the Torrens Parade Ground. The Premier, as Minister for Veterans' Affairs, presented a ministerial statement on 10 May 2018 in the other place before attending the commemorative service on 12 May, along with some of our parliamentary colleagues in the other place.

I would like to commend the Vietnam Veterans Federation for arranging the 50th commemorative service. Dr Brendan Nelson AO, director of the Australian War Memorial at the time, presented the keynote address and gave a moving speech towards our Vietnam veterans as well as our South Vietnamese comrades who have now settled in South Australia. More than 60,000 Australians served in Vietnam. Sadly, 520 of them died and more than 3,000 were wounded. We honour all who served in this conflict, those who did not return, those who returned wounded and those who have since died.

During the service, a moment's silence was given to reflect again on the sacrifice of our Vietnam veterans, in particular the 26 young men who made the ultimate sacrifice in the Battles for Fire Support Bases Coral and Balmoral. Three of these men are buried at Centennial Park Cemetery: Sergeant Peter Lewis from Poochera, which is near Streaky Bay; Private Allan Cooper from Rose Park; and Private William Thomas, a national serviceman from Adelaide. Their service will never be forgotten.

Circumstances at the Battles for Fire Support Bases Coral and Balmoral are rather significant to our history and indicate the strength and vitality of our Vietnam veterans. In May-June 1968, Australian soldiers fought their largest, most sustained and, arguably, most hazardous battles of the Vietnam War. Units of the first Australian task force confronted regimental-sized formations of the North Vietnamese regular army and fierce actions around Fire Support Bases Coral and Balmoral.

The first of the battles occurred at Fire Support Base Coral when mass enemy units attacked the base in the early hours of 13 May 1968. Australian units withstood heavy enemy attacks during which a mortar platoon and two gun positions were partly overrun. After almost three hours of battle, the Australians drove off the enemy after a fierce attack. Unfortunately, 11 Australians were killed and 28 wounded, with an additional three losing their life the following day.

This attack was on 13 May 1968, which was Mother's Day, and it is devastating for any mother to bury their child let alone lose that child in action on Mother's Day. My condolences are with the mothers who lost their sons during this conflict. Over the following four weeks of the battle, further attacks were undertaken at both Fire Support Bases Coral and, later that month, Balmoral. A relatable quote I would like to highlight today is from the former director of the Australian War Memorial, Dr Brendan Nelson AO, who opened his speech for the 50th anniversary commemorative address with:

> We are Australians, defined less by our constitution and the machinery of our democracy than we are by our values and our beliefs, the way we relate to one another and see our place in the world.
>
> We are shaped by our heroes and our villains; our triumphs and our failures…
>
> As individuals and as a nation, every layer of experience shapes us, and in ways that we do not fully comprehend at the time.

Our veterans are our heroes. They put their lives on hold in order to protect our country; some paid the ultimate sacrifice.

The Vietnam War changed the lives of so many and it changed us as a nation. The Vietnam War inflicted deep wounds on many of our young soldiers, who returned home bearing emotional

wounds and who were denied healing by so many who shunned them as a reminder of a war that some in the community opposed.

Australia emerged from the Vietnam War divided and, with that, we failed our soldiers, our heroes, who fought for our country and our values. It is with this experience that we learned how to respond to those who fought in our name and for our country. I would like to take this moment to pay my respect and gratitude to those who served.

On 13 May 2018, federal Minister for Veterans' Affairs, the Hon. Darren Chester MP, stated the Battles for Fire Support Bases Coral and Balmoral were among the largest and most protracted battles fought by Australians in the Vietnam War and that those who fought 'displayed collective gallantry which is worthy of the Unit Citation for Gallantry'. The Unit Citation for Gallantry is awarded to a unit for extraordinary courage in action and it is a great honour that this recognition was finalised on the 50th anniversary of this battle.

Again, this chamber pays tribute and respect to those who have served and those who have sacrificed. We will remember them.

The Hon. T.T. NGO (12:10): I would like to thank the Hon. Terry Stephens for his contribution on this motion. I am sure other honourable members concur with what he just said regarding thanking all the service men and women who served in Vietnam during that time. I would like to thank this parliament for recognising the Battle of Coral-Balmoral. Once again, thank you for your contribution.

Motion carried.

Sitting suspended from 12:12 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

City of Playford—Report, 2018-19

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2018-19—
- Education Standards Board
- Legal Practitioner Disciplinary Tribunal
- Office of the Public Advocate
- South Australian Equal Opportunity Commission
- State Theatre Company of South Australia
- The Public Trustee
- Training Centre Review Board

Criminal Law (Forensic Procedures) Act 2007—Report undertaken by Ombudsman SA during the period 11 May 2018 to 30 June 2019

Review of the Children and Young People (Oversight and Advocacy Bodies) Act 2016—South Australia—October 2019

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

Reports, 2018-19—
- Department of Transport, Planning and Infrastructure, Amendment

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

Reports, 2018-19—
- Central Adelaide Local Health Network
- Central Adelaide Local Health Network Health Advisory Council

Country Health SA Local Health Network
Country Health SA Local Health Network Health Advisory Council Inc
Northern Adelaide Local Health Network
Northern Adelaide Local Health Network Health Advisory Council Inc
Pharmacy Regulation Authority SA
Southern Adelaide Local Health Network
Southern Adelaide Local Health Network Health Advisory Council
Women's and Children's Health Network
Women's and Children's Health Network Health Advisory Council Inc

ANSWERS TABLED

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

Question Time

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:19): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding SA Health staff.

Leave granted.

The Hon. C.M. SCRIVEN: Yesterday, during question time, the minister was asked whether his chief executive, Dr McGowan, relinquished his responsibilities regarding any commissioning of private, out-of-hospital programs, given his previous role as chief executive of private provider Silver Chain. The minister was also asked whether Dr McGowan immediately relinquished any and all roles at Silver Chain upon taking up his role as Chief Executive of SA Health last May. The minister responded, and I quote, 'It is certainly my understanding that he did but I will take that on notice.'

An article in InDaily has revealed that Dr McGowan was still listed as the director of Silver Chain during the first two months of his public appointment. My questions to the minister are: will the minister now apologise for misleading the chamber, take the opportunity to correct the record and consider his position as minister?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:20): I thank the honourable member for her question. The Department for Health and Wellbeing has issued a statement this morning, and I quote from it:

An administrative error by Silver Chain led to a delay in changing officeholder details on a non-operational, dormant subsidiary company of Silver Chain. As soon as Silver Chain identified the administrative error, the directorship details were updated.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:21): When was the minister first informed that his Chief Executive of SA Health, Dr McGowan, resigned his directorship with Silver Chain Corporate Services Pty Ltd over two months after he started his role as Chief Executive of SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): I became aware last night, in the context of a media inquiry.

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

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:21): Who did the minister's Chief Executive of SA Health, Dr Chris McGowan, notify within government when he was informed on 16 July 2018 that he was still a director of Silver Chain Corporate Services Pty Ltd and had been for over two months as a Public Service chief executive? In particular, did Dr McGowan not inform the minister or anyone else from his office?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I'm happy to take that question on notice.

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

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:22): Will the minister launch an independent investigation into the board membership of Dr Chris McGowan of Silver Chain Corporate Services Pty Ltd while he was a public servant?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): Dr McGowan has decided to refer this issue to the commissioner for public employment. I consider that is an appropriate course of action and I will await the commissioner's views.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:22): Further supplementary: what questions has the minister asked Dr McGowan since he found out that Dr McGowan did in fact hold directorship of Silver Chain while being the CE of his department of SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I have had conversations with Dr McGowan and I indicated that I support his decision to refer this matter to the commissioner for public employment.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:23): Further supplementary: will the Premier call on Dr Chris McGowan to stand down while his conduct is investigated by the commissioner for public employment, and if not, why not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I will certainly refer that question to the Premier.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:23): Why will the minister not take responsibility and answer the question in this place of why he will not ask Dr McGowan to stand down? What is he trying to hide?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I'm not the Premier; therefore, I wasn't able to speak for the Premier. Also, just quietly, all of the contracts with our chief executives are with the Premier.

The PRESIDENT: Supplementary, the Hon. Ms Scriven.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:23): So is the minister saying that it's the Premier's fault that we had the CE of his department, SA Health, holding a directorship of an outside organisation that was in negotiations for contracts? Is he blaming the Premier for that oversight and for that wrongdoing?

The PRESIDENT: The Hon. Ms Scriven!

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): It was the honourable member who asked me what the Premier was going to do. I do not speak for the Premier.

MCGOWAN, DR C.

The Hon. C. BONAROS (14:24): In recent days, I asked the minister about potential conflicts of interest and he responded that an investigation had been undertaken so there were no conflicts of interest. Does that include Mr McGowan?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I presume the honourable member is referring to the discussion in relation to Care Protect. I'm not aware of Dr McGowan having any involvement in that process, but certainly, as I indicated in relation to Care Protect, issues were raised in relation to conflicts of interest and, on the information provided to me, no conflicts of interest were identified.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:25): Supplementary: has the minister asked his Chief Executive of SA Health, Dr Chris McGowan, why he dated his resignation statement from Silver Chain Corporate Services Pty Ltd as signed on 4 May 2018 even though he signed those documents over two months later on 16 July 2018, and if he has not asked him why, why hasn't he asked that question?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): The reason why I haven't interrogated Mr McGowan is because the commissioner for public employment is the appropriate person to deal with these issues. The commissioner for public employment is an independent guardian of public sector values.

Members interjecting:

The PRESIDENT: Order, members of the opposition! I cannot hear the minister.

The Hon. S.G. WADE: It is appropriate that she consider the matters.

The PRESIDENT: One more supplementary, the Hon. Ms Scriven.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:26): Did your Chief Executive of SA Health, Dr Chris McGowan, approve any minute or advice regarding the procurement of Silver Chain before he resigned his directorship of the board of Silver Chain Corporate Services Pty Ltd on 16 July 2018?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): My understanding is that the one procurement process that had been brought to my attention was in relation to the SA Community Care program. I'm advised that Dr McGowan had no involvement in the negotiation or procurement of the SA Community Care program for non-government organisations in May 2018.

The PRESIDENT: Supplementary, the Hon. Mr Wortley.

MCGOWAN, DR C.

The Hon. R.P. WORTLEY (14:26): You mentioned a procurement inquiry process that was brought to your attention. Were there any that hadn't been brought to your attention?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I'm not aware of any procurement arrangements that I'm not aware of.

MCGOWAN, DR C.

The Hon. E.S. BOURKE (14:27): My questions are to the Minister for Health and Wellbeing. Does the minister think it is appropriate, under the public sector Code of Ethics, for a chief executive to hold an outside dictatorship of a private company that is bidding for government work—

Members interjecting:

The Hon. E.S. BOURKE: Sorry. Dictatorship—same thing. Directorship. Do you still have complete confidence in the performance—

Members interjecting:

The Hon. E.S. BOURKE: That's what the Treasurer's role is, isn't it? Do you still have complete confidence in the performance of your Chief Executive of SA Health, Dr Chris McGowan, and his adherence to the public sector Code of Ethics? How many contracts has Silver Chain been successful in being granted and what is the value of those contracts since Dr McGowan was appointed on 4 May 2018?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): Let me start with the second question first. Yes, I have confidence in my chief executive. I also have confidence in his decision to refer this matter to the commissioner for public employment. She is the appropriate officer to consider the matter.

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

MCGOWAN, DR C.

The Hon. E.S. BOURKE (14:28): What advice did you give to the Premier about Dr Chris McGowan's suitability to be the Chief Executive of SA Health before the Premier personally signed off the contract, and what steps did you take before the Premier signed that contract to ensure that he had resigned his board membership with Silver Chain?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): Appointments of chief executives are completely a decision for the Premier. Certainly, we had discussions in relation to that appointment, but those contracts are with the Premier. They are managed by the Premier.

MCGOWAN, DR C.

The Hon. E.S. BOURKE (14:29): Supplementary: did Dr Chris McGowan sign or provide any declaration of interest before the Premier personally signed off on the contract and, if so, did the declaration include the directorship?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I will certainly take that question on notice and seek a response from the Premier. After all, these matters are managed by the Department of the Premier and Cabinet.

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

MCGOWAN, DR C.

The Hon. E.S. BOURKE (14:29): Can the minister guarantee that your staff, that you—

The Hon. J.M.A. Lensink: His staff.

The Hon. E.S. BOURKE: —his staff and any staff from your agency will cooperate with any investigation into this matter by an integrity body?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I can assure you that any assistance the commissioner needs the commissioner will get.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. I.K. HUNTER (14:30): I seek leave to make a brief explanation before directing a question to the Minister for Trade, Tourism and Investment regarding government communications.

Leave granted.

The Hon. I.K. HUNTER: Can I start out by wishing my old mate happy birthday. Changes in government communications policy require all whole-of-government marketing and communications to be referred to the Government Communications Advisory Committee, or GCAC. We understand this policy took effect from 1 July 2019. The trade, tourism and investment portfolio, I am quite sure, would be responsible for launching numerous marketing campaigns. My questions to the minister are:

1. Minister, do you note or approve all campaigns in your portfolio before they are submitted to the GCAC?

2. How many campaigns have been submitted to the GCAC relevant to your portfolio?

3. Have any of these campaigns been refused by you, or have you asked for any changes to any of these campaigns, and if so which ones?

4. In particular, will the minister advise if he was involved in any way with the now canned 'old mate' Coca-Cola ad, and when was the minister first made aware that the 'old mate' Coca-Cola ad had been canned—pun intended?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): I thank the honourable old mate across the chamber for his question. And he is right: there is a new government approval process in place—it has been in place now for some months—to approve all government communications. I think if I can work through in the order of the questions: I was asked do I approve or note any government campaigns. No, I don't. They have an approval process; they

are submitted to the appropriate body. So I don't have a list of how many have been gone up to particularly the government committee. That is independent of me.

Also I don't have any that have been refused by me, because I don't have that role. The 'old mate' Coke can—as members would be aware, I had the great honour and privilege and pleasure to represent our government in China last week, so I became aware, given the time differences, I think on Tuesday or Wednesday of last week. But I can't actually recall, because of course we were busy up there doing what we were doing. So that is when I became aware of it.

The PRESIDENT: Supplementary, the Hon. Mr Hunter.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. I.K. HUNTER (14:32): The honourable minister perhaps missed my last question. I will ask it again if I may. When was the minister first made aware that the 'old mate' Coke ad had been canned and who told him?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:32): I think it was in some communication with my staff. Again—

The Hon. E.S. Bourke: Do you still have the can? Is it on your desk? Did you drink it?

The Hon. D.W. RIDGWAY: Couldn't find much Coke in China. There were some red and white cans but with some sort of different writing on them. So, no, I think it was one of my staff members had said that it had been, as the honourable member said, canned.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. I.K. HUNTER (14:33): Supplementary: does the minister think it is appropriate to spend South Australian taxpayer dollars promoting Coca-Cola products instead of the state, especially following the retrenchment of hundreds of workers by Coca-Cola Amatil when they pulled up sticks and closed their Thebarton and Riverland factories?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:33): I think in the context: the first two iterations of 'old mate' have been particularly successful. I know members opposite—I think former treasurer Foley called it a dog of an ad. I think his erstwhile factum and now shadow minister for transport, or is he treasurer, Stephen Mullighan, anyway; he called it a dog of an ad. It has had the biggest number of hits on the website—12.3 million South Australians looked at it. So at the end of the day there was an opportunity, a different flavour of ad that Coca-Cola were interested in. Unfortunately that ad didn't make it through the approval process.

The PRESIDENT: A further supplementary, the Hon. Mr Hunter.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. I.K. HUNTER (14:34): I appreciate the minister trying to defend the decision to run the ad, but will the minister now admit that he has had time to reflect that selecting a Victorian company to run a South Australian tourism campaign was a bad idea then, and that it is a bad idea now, when all they can come up with is ads that actually promote Coca-Cola, which left South Australia?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:34): I take the opportunity to respond to that supplementary. Of course, the recruitment process was done by the honourable member's very good friend, the Hon. Leon Bignell, as the minister who was in charge of the South Australian Tourism Commission prior to the election. So, when they talk about a Victorian company, there was a procurement process, and 95 per cent of that process was conducted by the former Labor government.

So it's a bit rich to say that I appointed them. I think the members opposite need to understand that when you actually go through a proper procurement process—

Members interjecting:

The Hon. D.W. RIDGWAY: Of course, clearly what they are showing now is that there is nothing proper about any procurement process they went through in the previous 16 years. We have

a company that I think has done some fabulous work. We are now at $7.6 billion—the biggest this visitor economy has ever been.

The Hon. I.K. Hunter: Exports are going back by 18 per cent.

The Hon. D.W. RIDGWAY: We are talking about the visitor economy. Visitor tourism is a key export and is growing particularly well, and the advertising campaigns have been particularly good. I don't believe that it was actually the advertising agency that came up with the concept. Coke had already put out a can that had 'old mate' written on it. So I think there were just some discussions between the SATC and Coca-Cola as to whether they maybe would be able to leverage off that relationship. As I said, that particular opportunity did not make it through the approval process.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. I.K. HUNTER (14:36): Supplementary: the minister tells the chamber today that some bright spark in his agency thought it was a great idea to do a deal with Coca-Cola on an ad—a company that has left South Australia. Does the minister not agree that this is symptomatic of the reasons why his own backbench think he will be gone as a minister by the end of this year?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:37): Mr President, I am almost not going to answer that supplementary—but I suspect it was because the Tourism Commission saw an opportunity to partner with the fifth most recognisable brand in the world. I think they saw an opportunity, a different approach to it. As I said, unfortunately it didn't make it through the approval process.

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

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. F. PANGALLO (14:37): My question is to the minister.

The Hon. D.W. Ridgway: Is it supplementary?

The Hon. F. PANGALLO: It is a supplementary. Can the minister now elaborate for us whether the criteria for the success of a marketing campaign are hits on websites and platforms, rather than actual visitor numbers coming to the state? Does he have any indication if visitor numbers in South Australia have increased since the 'old mate' campaign? Can he perhaps also give us a breakdown of the demographics of that campaign?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I thank the honourable member for his question. As the honourable members all know, our target is $8 billion of visitor spending by 2020. It's a target that was embraced by the former government, and the current government embraces it. The first measure we use on success is visitor expenditure. About a month ago, we announced that it's at $7.6 billion, the biggest it has ever been in the history of this state. In actual fact, I don't have the exact figures with me today, but—as members opposite have interjected—some of the international figures are down a little bit, but the visitor spend is up, and intrastate and interstate visitations are also up.

For the honourable member's benefit, we measure it by actually striving to achieve our goal of $8 billion by 2020 and $12.6 billion by 2030. We are well on the way to achieving that goal. Campaigns like 'old mate', which are a little bit different and a little bit edgy—and I think all members recognise that—give us a chance to actually, if you like, stand out in the crowd a bit and attract attention. The theme of that whole ad was: don't leave it too late; come to South Australia before it's too late. Of course, we saw, during the AFL grand final, that 'old mate' came back with a couple of his old mates, to the tune of *The Boys are Back in Town*—another great success.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. F. PANGALLO (14:39): Is the minister confident that he can reach that $12.8 billion target by 2030 considering that there will be a 40 per cent cut in the tourism budget before then?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39): I thank the honourable member for his question. I do have a fair degree of regard for him, but his foresight

to know by 2030 that there will be a 40 per cent cut in the budget I find somewhat bemusing. On the current trajectory, if we keep investing—and the Marshall Liberal government has been investing $43 million of extra marketing money during this last budget round over the next three years—I am very confident it will be at $8 billion by the end of next year, which is the end of 2020. It will take another decade, then, to get the other $4.6 billion.

I am very confident that we will reach that target. And, Mr President, it will be some 50,000 jobs in South Australia in that industry; more than 43 per cent of them will be regional South Australia. And if we are at that $12 billion target, if you look at it, the 43¢ of every dollar spent in the regions, $430 million a month on average is being spent in the regions, $570 million a month in Adelaide. It will be a significant contributor to our regional economy.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. E.S. BOURKE (14:40): Did Coca-Cola offer any product placement sponsorship to appear in the advert?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41): I am not sure of the arrangements that were with Coca-Cola. I think there was some potential sharing of costs, but I will take that question on notice and bring back some more details for the honourable member.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. T.A. FRANKS (14:41): Supplementary: who is the target demographic for the 'old mate' campaign? Is it older Australians? Is it particular geographic areas? Is it boomers? Is it Gen X? Is it younger millennials? Who are the target demographics and how do you know that you are reaching them?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41): The target demographic are pretty much people that have heard a bit about South Australia but said, 'Oh, I'll do that next time; I'll put it off.' It was a broad look at people across the nation that think about South Australia but don't ever quite get there: 'We'll go there one day.' As you know, today is my birthday, Mr President; I am still in my 50s, but only just. It's a demographic right across the board, not for the millennials but those of us, maybe 45 and older, who think, 'Yes, I'll go to South Australia one day.' The theme of it was: don't put it off until it's too late; come and enjoy what we have to offer right now.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. C. BONAROS (14:42): Supplementary: is the minister concerned that many of the visitors that South Australia was anticipating coming here may well have ended up in Tasmania instead, given their tongue-in-cheek parody of the ad campaign?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:42): I thank the honourable member for her question and a chance to talk about my good friend the Premier and tourism minister, the Hon. Will Hodgman, in Tasmania. I think imitation is the greatest form of flattery, that we had an 'old mate' campaign that got national coverage, that people were actually talking about South Australia on national TV—all over.

Tasmania are good friends of ours—a great Liberal government. If in the end a few tourists went because they grabbed our idea, good on them. We are in this together. In fact, we share a number of opportunities with Tasmania, in a triangular path with Melbourne, to try to attract people to the southern states. If Tasmania can leverage off what was a great idea and get a few extra tourists down there, good luck to them.

The PRESIDENT: One more supplementary, the Hon. Ms Bourke, and then we will move on to another topic.

GOVERNMENT MARKETING AND COMMUNICATIONS

The Hon. E.S. BOURKE (14:43): Just going back to the minister confirming that there could have been a partnership between Coca-Cola and his agency, how much was Coca-Cola willing to put towards the making of this advert and who signed off on that agreement?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:43): That would have been an operational matter for the South Australian Tourism Commission. As I said to the honourable member a few minutes ago, I will try to get some details and bring them back for her.

ZONTA INTERNATIONAL

The Hon. D.G.E. HOOD (14:44): My question is to the Minister for Human Services, about Zonta International. Can the minister please update the chamber about celebrations to recognise Zonta International's significant milestone?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I thank the honourable member for his question. The organisation known as Zonta, a global organisation, celebrated its 100th anniversary on 8 November 2019. It was started in Buffalo, New York, by a journalist and playwright by the name of Marian de Forest, who was a trailblazing journalist—not many in those days. A group of women conceived of a club that would recognise leaders in business and the professions with the purpose to network and share professional experiences of women to provide services to other women through cooperative efforts. Other clubs began to be established and the Confederation of Zonta Clubs was founded, as I said, on 8 November 1919.

Its first focus was the education of girls and young women, so it clearly shares a lot of parallels with South Australia in our 125th anniversary and similar movements that took place in South Australia to improve conditions for women and children. Its constitution, by-laws and criteria for membership and classification were developed with the official colours of mahogany and gold. The name Zonta is a Sioux Indian word meaning 'honest and trustworthy' and was adopted in 1930.

In 1969, Zonta was introduced to Adelaide by Dorothy Thompson, a Zontian from Toronto, Canada. She met with a group of women who later became the charter members of a new Zonta club. We have some 13 clubs in South Australia, including Adelaide Flinders, Adelaide Hills, Adelaide Torrens, Clare and Districts, Fleurieu Peninsula, Gawler, Lower Eyre, Mount Barker (of which I am a member), Noarlunga Southern Vales (of which the member for Reynell is a member), Para District Area, Port Lincoln and the Riverland.

On Saturday night, 9 November, a number of us were privileged to come together to share in the celebrations. There were performances celebrating 125 years of suffrage in South Australia and Natasha Stott Despoja AO was awarded with the centenary medal for her work for the advancement of women and girls, not just in Australia but globally.

The Zonta clubs are well known for their advocacy, and not just in Australia, on a range of issues. They held, quite recently—a couple of months ago—a forum in relation to older women and their experiences of homelessness, at which the Hon. Tammy Franks, the member for Hurtle Vale, the member for Bragg and myself attended and spoke.

They have also been celebrated at Government House and the clubs are very active in terms of their global advocacy. They are quite well known for producing breast cushions for women who have had breast cancer surgery and also for their birthing kits, which are provided to developing nations to assist women. We wish them well in their hundredth year and may their tradition long continue.

PSYCHIATRIC IMPAIRMENT ASSESSMENT GUIDELINES

The Hon. T.A. FRANKS (14:47): I seek leave to make a brief explanation before addressing a question without notice to the minister for industrial relations on the topic of the ReturnToWorkSA psychiatric impairment assessment guidelines.

Leave granted.

The Hon. T.A. FRANKS: As I am sure the minister is aware, under the Return to Work Act 2014, a person must have a whole person impairment of at least 30 per cent to be entitled to damages. This is the same for a physical injury as it is for a psychiatric injury.

I have previously raised with the minister concerns around the way psychiatric injuries are assessed, with certain criteria ensuring that it is potentially almost impossible for a person to be assessed as having a 30 per cent whole person impairment. There is therefore a strong possibility

that many people who have suffered a significant workplace psychiatric injury are missing out on compensation or damages by a narrow margin because of a poorly designed matrix. My questions are:

1. How many people assessed have not met the 30 per cent whole person impairment threshold for compensation/damages for a psychiatric injury under the psychiatric injury assessment guidelines and how many have?

2. How many people have been assessed as having between a 25 per cent and 30 per cent whole person impairment for a psychiatric injury?

The Hon. R.I. LUCAS (Treasurer) (14:48): I am happy to take the question on notice and bring back a reply.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:49): My question is to the Minister for Health and Wellbeing. Does the minister consider that the matter of SA Health CEO, Dr Chris McGowan, has reached a threshold where it warrants investigation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): I welcome the fact that Dr McGowan has referred this issue to the commissioner for public employment, and I await her views.

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:49): Supplementary: by supporting that, is the minister saying that, yes, he does think it has reached a threshold that warrants investigation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): I think that Dr McGowan's decision to refer this matter to the commissioner for public employment was an appropriate course of action. That's what I meant.

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

MCGOWAN, DR C.

The Hon. C.M. SCRIVEN (14:49): Does the minister disagree with the Premier, who has said that the matter of Dr McGowan has reached no threshold whatsoever?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): The Premier can speak for himself. What I'm saying is that I support Dr McGowan's decision.

VOLUNTEER SCREENING CHECKS

The Hon. J.S. LEE (14:50): My question is to the Minister for Human Services.

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, please!

Members interjecting:

The PRESIDENT: Are we all finished? The Hon. Ms Lee, I would like to hear from you, your question.

The Hon. J.S. LEE: My question to the Minister for Human Services is about screening checks for volunteers. Can the minister please provide an update to the council about the cost savings that have been achieved in the volunteering sector since free volunteer screening checks were implemented by the state government last year?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): I thank the honourable member for her question. I start by acknowledging her personal interest in this area and the wonderful work that she does with our many community organisations, who play some fabulous roles in our community. It was clearly an election commitment from the Liberal Party to provide free screening checks for South Australian volunteers, which has been very well received in the community. On 1 November 2018, we were able to implement that particular commitment.

Formerly, South Australians were required to pay $59.40 each per screening, which was one of the highest rates in the nation. It had been called for by Volunteering SA and a number of community organisations and is certainly reaping rewards in terms of what the organisations are able to do. Quite recently, the Premier and I met with Little Athletics. What they reported to us—particularly the Munno Para Little Athletics, who were attending to their usual Saturday morning training—was that, since the free screenings, they have been able to recruit a range of new volunteers.

As we know, with a number of sporting organisations, it can be hard to find volunteers and find new sources of volunteers. The free screenings have been a huge boon to them in terms of recruiting additional parents to provide those volunteer roles, which has had flow-on effects for other sporting organisations, such as the soccer club, and a range of areas because once—

An honourable member interjecting:

The Hon. J.M.A. LENSINK: And multicultural organisations. Once those individuals have their screenings they have them for five years and clearly can use them for other roles as well. There has been some $3.4 million saved by the sector since the implementation of free screening checks, so in a 12-month period, which enables a lot of organisations to provide that funding towards their own equipment. Previously, they may have been quite constrained because they were paying for the volunteering checks themselves. Now that they no longer have to, that is certainly an assistance for their particular cash flows.

In terms of working with children checks generally, this is an extension from the volunteer sector. Close to 20 per cent of South Australians now hold a working with children check. Clearly, this is a vital service in our community. We are very pleased with the uptake that we have had within our community and the welcome reception that free screening has provided.

KALIMNA HOSTEL SITE

The Hon. C. BONAROS (14:54): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the Kalimna hostel in Strathalbyn.

Leave granted.

The Hon. C. BONAROS: Aged-care residents in the region were left stranded when the hostel was closed in 2016 due to it not meeting fire safety standards. In a media release dated 20 December 2017, the minister said that, if elected at the 2018 state election, the Liberals would invest $1.1 million in the hostel and would, and I quote, 'see the community decide its future as either for accommodation for the aged or transform it into an aged allied health centre'. Then, in May last year, the minister announced the commencement of a business case to determine the future of the hostel. My questions to the minister are:

1. Does the government still intend to develop an aged-care healthcare centre as sought by the Strathalbyn community and, if not, why not?

2. If the government intends to develop the aged-care allied health centre, when does it intend to commence the redevelopment, what services will be available to the Strathalbyn community, and will private providers have an opportunity to co-locate with government services?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I can assure the honourable member that this is a government committed to delivering on its promises and Kalimna is no different. In relation to Kalimna, we have had ongoing discussions with the people at Strathalbyn in terms of the development of the residential aged-care facility on the western side of the main street—High Street, I think—in Strathalbyn.

On the western side, you have a residential aged-care facility where the Morrison federal Liberal government and the Marshall state Liberal government are investing in a superb residential aged-care facility. On the eastern side is the former Kalimna site, which was closed overnight by the former Labor government without any consultation with the residents, any consultation with the community. That was a slap in the face for a community that had raised money in the 1980s so that the people of Strathalbyn and districts could continue to receive the aged care that they need.

So this government, a consultative government, committed to consulting with the community, and we have done exactly that in relation to the development of the residential aged-care facility. We have also done the same in terms of the former Kalimna hostel on the eastern side. The community, both before the election and after the election, have been consistent that they would prefer the Kalimna site to be used for aged accommodation. We have gone out for an RFI, I think it's called; it's one of those processes. A preferred partner has been identified and discussions are ongoing with that party to deliver on our commitment.

The PRESIDENT: The Hon. Ms Bonaros, a supplementary.

KALIMNA HOSTEL SITE

The Hon. C. BONAROS (14:57): So I take it from that that the government does intend to use the Kalimna hostel site?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): Yes.

AUSTRALIAN INTERNATIONAL 3 DAY EVENT

The Hon. R.P. WORTLEY (14:58): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding the Australian International 3 Day Event.

Leave granted.

The Hon. R.P. WORTLEY: The Australian International 3 Day Event has been running for more than 20 years in Adelaide's East Parklands. It is one of only six equestrian events in the world held at the highest level and the only one in the Southern Hemisphere. The event makes it possible for the best horses and riders from Australia and New Zealand to compete at the highest level from their home base in the region.

The event attracts up to $5 million in new economic spend, with more than 50 per cent of the spectators attending from interstate and overseas generating in excess of 13,000 bed nights for the state. In previous years, the SATC has provided sponsorship to this major event, but the government's $23 million cuts to tourism have led to cuts to events such as the Adelaide Motorsport Festival and the Adelaide Fashion Festival. My questions to the minister are:

1. Did the SATC sponsor this year's event?

2. Will the government sponsor next year's event?

3. Have there been any negotiations with the event's organisers for ongoing support for the event?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:59): I thank the honourable member for his ongoing interest in matters equestrian. Indeed, the three-day event, the Mitsubishi Motors Australian International 3 Day Event, is a particularly important event. It has been hosted here annually since 1997. Indeed, the Tourism Commission is supporting the event again this year. It starts on the 14th, which of course is today. It is a significant day in my life, and certainly it starts today and runs across the weekend.

It is important this particular year because it is an Olympic qualifying round. Of course, it is the last one of the events in Australia for our equestrian team to qualify for the Olympics in Tokyo next year, so we expect to see a particularly strong field of contenders across all the different disciplines. This year, I was fortunate enough to be down at Victoria Park, where the equestrian team has renamed the arena in front of the old grandstand the Gillian Rolton Main Arena, in commemoration of the contribution that she made to this particular sport.

The Tourism Commission is more than happy to support the event again this year. As always when we look at events, I have been in constant discussion with the organisers of the three-day event about how we can raise its profile. Interestingly, I think Bill Gates's daughter showjumps at three-day events in the US, and we have talked about how we might be able to attract people like her here. The Queen's granddaughter Zara Phillips also rides in those sorts of events. We wondered whether we might be able to attract her. Interestingly, Bruce Springsteen's daughter also rides in these events.

We are having some discussions as to how we can, I guess, if you like, try to raise the international profile. It's one of those great events that, from an equestrian point of view, is a very high quality event, but with all the events we need to make sure that we are constantly driving the biggest possible benefit to the visitor economy. We are very happy to support it this year, and we will be continuing to work with the committee and the team, Belinda Lindh and Greg Rolton and others, to try to make sure that this event continues to provide the sort of return on investment that South Australians want.

AUSTRALIAN INTERNATIONAL 3 DAY EVENT

The Hon. C.M. SCRIVEN (15:01): Supplementary: minister, can you be specific? Is this SATC support that you mentioned sponsorship both for this year and for next year?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:01): I thank the member for her question. It is obviously this year, because it is happening right today. The event has started. Then what we do is we have a look at all events to make sure that they provide an opportunity for a sound return on investment, that they actually deliver on some KPIs, those visitor numbers. We will sit down with the organisers.

People just don't have ongoing contracts that are evergreen. We actually sit down with the organisers and say, 'What do we need to do to keep this event vibrant?' I mentioned some of those celebrities who ride horses internationally. How can we actually drive more people here and raise the profile of the event? We will continue doing that and we are in constant communication with the organising committee.

The PRESIDENT: The Hon. Ms Scriven, a supplementary.

AUSTRALIAN INTERNATIONAL 3 DAY EVENT

The Hon. C.M. SCRIVEN (15:02): Given that the minister has said that sponsorship next year is not guaranteed, can he advise when that decision will be made?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:02): It will be made sometime after this year's event.

AUSTRALIAN INTERNATIONAL 3 DAY EVENT

The Hon. R.P. WORTLEY (15:02): Supplementary in the same line: will the minister confirm whether the SATC will continue to be the sponsor next year?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:03): I am not quite sure I understood the honourable member's question. As I said, we sit down with the organisers after every event and do an evaluation to make sure they are delivering on the KPIs that we look for, on the growth to the visitor economy, and how we can raise the profile of events. We will continue to sit down with them, and we will go through that negotiation process next year.

AUSTRALIAN INTERNATIONAL 3 DAY EVENT

The Hon. C.M. SCRIVEN (15:03): Supplementary: was the value of the sponsorship this year from the SATC the same as the value of the sponsorship last year?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:03): I will double-check, but my understanding is that it was.

VETERANS' MENTAL HEALTH

The Hon. J.S.L. DAWKINS (15:03): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding veterans' mental health.

Leave granted.

The Hon. J.S.L. DAWKINS: I have spoken before in this chamber about our veterans, the contribution they make and the challenges they face. With Remembrance Day having been commemorated earlier this week, and certainly, I think, most members of this chamber having been to Remembrance Day services—I had the opportunity to lay a white wreath to honour the service of

service personnel who had taken their own lives—will the minister update the council on veterans' mental health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): I thank the honourable member for his question. Remembrance Day does give us an opportunity to pause. It gives us the opportunity to acknowledge the contribution made by Australian service men and women, and thank them for the sacrifices they have made and still make today.

Unfortunately, military service often has serious consequences for their health, both physical and mental. This was highlighted to me again on Monday, when it was my privilege to attend a Remembrance Day service in the historic chapel at the Repat. The service was again superbly organised by Darryn Renshaw, SA Health's Veteran Liaison Officer. Reverend Hilary Reddrop officiated, with the ode read by World War II veteran Les Brown.

The congregation was fortunate to hear an address by veteran Nathan Bolton, the veteran representative on the Premier's Council on Suicide Prevention. I acknowledge the honourable member who asked the question is the chair of that body, as the Premier's advocate on suicide prevention. Mr Bolton is also a member of the South Australian Mental Health Commission Community Advisory Committee.

Mr Bolton spoke directly to the significant mental health challenges often faced by veterans. He served two tours of duty in Afghanistan with the Special Operations Engineer Regiment. His duties included searching for and clearance of improvised explosive devices, mines or bombs. He left the Army diagnosed with post-traumatic stress disorder and major depression as a result of those experiences.

His speech included a moving reflection on his experiences of loneliness amongst the crowds during an Anzac Day back in Australia. His closing words were particularly powerful, and I would like to put them on the record. He was calling for the community to have the courage to reach out:

> It is the courage to reach out and say, 'I got you mate. You are not alone. Not on my watch. You have done your time, and today, my time is yours. And alone you shall not be.' Today, I will honour the fallen, but I shall also remember the living. Why? Because if you ask me, there is no better way to honour the fallen than to take care of those who lived.

It is important to hear these personal stories, and it is important to heed the call to provide support. Both the federal and state governments are working to provide support to veterans facing mental health challenges. The Marshall government has committed $2.5 million to support the work of the Premier's Council on Suicide Prevention and suicide prevention networks throughout the state.

Mr Bolton's role on the council is a sign of the importance given to veterans in these networks. We have also worked with the Morrison Liberal government to roll out the Way Back program here in South Australia, with $37.6 million committed by the commonwealth government across Australia to the initiative. Here in South Australia, the Jamie Larcombe Centre provides specialised veteran mental health services.

I would like to conclude by thanking everyone who was involved in Monday's service. In particular, I thank Nathan for his clear clarion call to remember the fallen, and honour them by looking after those who return.

CRUISE SHIP STRATEGY

The Hon. M.C. PARNELL (15:08): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question about cruise ship visitation to Kangaroo Island.

Leave granted.

The Hon. M.C. PARNELL: I have previously asked the minister about the impact of cruise ships on South Australian destinations such as Kangaroo Island. I note that, last month, consultants to Tourism Kangaroo Island prepared a report entitled 'Impacts of cruise ship visitation on Kangaroo Island'. That report, as you would imagine, went through numbers and some of the economic impacts, but in its recommendations, it points out what most people would have accepted as obvious:

that is, if you have 1,000 or more people arriving at once in a destination, there will be infrastructure required to look after them.

So whilst it wasn't the brief of the consultants to Tourism Kangaroo Island to actually do detailed cost assessments or action plans, their recommendations do provide quite a long list of areas that need further investigation, further planning and further funding. They include things like improved footpaths around Penneshaw, the number of public toilets, car parking, traffic management and all manner of infrastructure.

So my questions of the minister in relation to this are, firstly, will the minister be formally responding to this report on the impact of cruise ship visitation on Kangaroo Island and, secondly, given that much of the infrastructure identified in this report is normally the responsibility of local councils, will the minister be chipping in with state government support to those councils to help them build some of the infrastructure that is required?

I note, in asking that question, that one of the recommendations is a consideration of the introduction of cruise ship passenger landing fees, which I have raised before with the minister. I note that his former colleague, now Mayor of Kangaroo Island, Mr Pengilly, has made exactly that same call in recent times.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:10): I thank the honourable member for his ongoing interest in the cruising part of the tourism offering we have in South Australia and, as we know, it's a significant part and distributes tourists to regional South Australia.

Unfortunately, with bad weather we have had a couple that have been unable to call into Kangaroo Island as the weather was too rough, although the *Sea Princess*, which was at Outer Harbor recently, was delayed and stayed here for a couple of days extra because it was too rough for it to leave, so I guess there are swings and roundabouts.

I haven't yet read a copy of the report the honourable member refers to and I'm not sure that it was prepared for Tourism KI (TKI). I would assume they would provide a copy to the South Australian Tourism Commission. Maybe seek a response from them, rather than me directly as minister. Nonetheless, if it comes across my desk, I will be keen to look at it. As I said, I haven't seen it, but if the honourable member, whom I absolutely trust, is repeating accurate information from the report, the thing that—

The Hon. T.J. Stephens: He gets it wrong with GM, so why would you believe him?

The Hon. D.W. RIDGWAY: He sometimes may be a little bit misguided on GMs, but we are not talking about GMs today. Footpaths and local infrastructure—I think that clearly is an issue for local government.

It is interesting to note that Kangaroo Island is like a lot of parts of regional South Australia—tourism now accounts for, I think, at least 50 per cent of the economic activity on Kangaroo Island with the rate base from hotels, tourism offerings and the like. Fifty per cent of the rates come from tourism operators, but it is often a challenge for local government to fund all of those bits and pieces.

The hardworking mayor, the Hon. Michael Pengilly, was a member of the House of Assembly here for, I think, 12 years. I'm there this weekend. I leave at the lovely sharp hour of half past four tomorrow morning from my house to get to the ferry. So I will be there all day tomorrow and all day Saturday, and I'm sure I will speak to the local mayor, the Hon. Mr Pengilly—Mr Pengilly is not titled honourable; he probably would like to have been, but he's not—about the report and the opportunities that we might be able to look at to make sure that we encourage council to invest in some of those areas, like public toilets and footpaths and the like, because it is important—

The PRESIDENT: Four minutes down; any supplementaries?

CRUISE SHIP STRATEGY

The Hon. M.C. PARNELL (15:13): I appreciate the minister will be speaking to his former colleague the current mayor. The question is: given that these visitors do not pay rates and they are currently not even paying any passenger ship landing fees, there is no source of revenue for local

council to provide these services, so will the government step in and assist if the new infrastructure that is required is specifically required for the increased visitation caused by tourism visitors?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:13): You can arrive as a tourist in a number of ways—by a plane, by a ferry with the current SeaLink service or by cruise ship—so I don't think that to levy just the cruise ship passengers to pay for these services or facilities would be an appropriate way to do it. As I said in my answer a few weeks ago, that is a matter that is of ongoing discussion between the SATC and the local council. I think the tourism commission does spend—I don't have an exact figure—a couple of hundred thousand dollars providing services there.

Of course, there was well over $1 million spent by SATC for the tender facilities for the boats to come from the ships—the smaller boats to come into Penneshaw—so there has been a significant amount of investment, and those issues around passenger levies are an ongoing discussion. I'm sure at some point in the future, we will have some more clarity on that issue.

CHRISTMAS PAGEANT

The Hon. I. PNEVMATIKOS (15:14): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding the Christmas Pageant.

Leave granted.

The Hon. I. PNEVMATIKOS: On Saturday 9 November this year, thousands of South Australians attended the National Pharmacies Christmas Pageant. In addition to the Premier blowing the whistle for the pageant to commence, the Minister for Trade, Tourism and Investment participated in the pageant as a fisherman. The minister congratulated people for the support provided to the event, saying, 'Adelaide should be so proud of the way they support this fabulous event.'

However, the government hypocritically refused to provide support themselves by refusing to bring back free public transport for the Christmas Pageant and by refusing to step in and assist when South Australians learned the Magic Cave would be removed as part of the Christmas Pageant. My question to the minister is: why did the government decide to withhold support for the pageant?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:15): I thank the honourable member for her question. It was indeed a great thrill to be involved in the Christmas Pageant this year—the National Pharmacies Christmas Pageant, the first time that they have sponsored it. I think they were delighted with it. I do recall going to the Christmas Pageant with my mother more than 50 years ago. So it is something that has been enduring.

It is fabulous. I think it is in its 87th year this year. The actual thrill—to sit on a float and watch the look on the children's and mums' and dads' and grandparents' faces I think is a real thrill. My understanding is that 325,000 people lined the streets of the 3.3-kilometre route. We have a new sponsor that wanted to end the pageant at the town hall. It was a pleasure to be there with the Lord Mayor and the king and queen, I might add, to welcome Father Christmas—

The PRESIDENT: Minister, we are down to about—

The Hon. C.M. SCRIVEN: Point of order.

The PRESIDENT: Don't worry about it, the Hon. Ms Scriven; I am on it. We are down to 2½ minutes. The question was: why didn't the government provide funds? I am going to be tight on relevance because I am not having you run the clock down. Minister.

The Hon. D.W. RIDGWAY: Mr President, the government is very happy to partner with National Pharmacies. We had a wonderful event. It now ends at the town hall. It was a great new concept and we are happy to continue with the sponsorship of National Pharmacies. The Magic Cave won't be funded.

The PRESIDENT: Supplementary, the Hon. Ms Franks.

SANTA'S WONDERLAND

The Hon. T.A. FRANKS (15:17): How successful has the winter wonderland down at the Wayville Showgrounds been for replacing the previous experiences of the Magic Cave?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:17): I will take that question on notice. I don't have those details—in the interests of saving time.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

The Hon. T.J. STEPHENS (15:18): My question is to the Minister for Trade, Tourism and Investment. Can the minister update the council on how the relationship with MIT is continuing to grow and deliver outcomes for South Australian businesses and organisations?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:18): Relationships, as we know, are crucial to furthering international engagement, which is why the government made a decision to open five new trade offices in key markets around the world. By building relationships you build trust, which helps facilitate business to business interactions.

Recently, the Department for Trade, Tourism and Investment facilitated a small business mission to the Massachusetts Institute of Technology in the US to further build on the relationship between our state and one of the world's leading universities: MIT, of course, who chose Adelaide as the location for one of its Living Labs, which was announced in July this year with the help of BankSA, Optus and DSpark.

Representatives from the University of Adelaide, the University of South Australia, BankSA, Adelaide city council and Adelaide-based tech company FOUR took part in the week-long trip. Over the course of the week, the attendees had the privilege of being hosted by MIT and chaperoned around their state-of-the-art facilities. The delegation met with a number of senior staff, including Professor Sandy Pentland, who is one of the most cited authors in computer science and who visited Adelaide for the launch of the Living Lab earlier this year.

MIT are very keen to work with South Australian businesses and organisations to identify ways to grow the South Australian economy through data analytics and cutting-edge technology. The lab itself is at Lot Fourteen and on track to open early next year. An immediate outcome of this trip has seen MIT agree to fund an additional three interns through its MISTI program to come to South Australia to work with local researchers and companies on future technologies like data analytics, artificial intelligence and virtual and augmented reality. An MOU was also signed between MIT and UniSA.

Other promising opportunities to be further developed between South Australia and MIT include school linkages and how we can expand on our Living Lab model. One of the attendees was small business FOUR, which was thrilled to have the opportunity to travel to MIT and believes that prospects such as MIT's Living Lab are key to making South Australia a magnet for talent and keeping young people in our state. Without the Living Lab having been established in South Australia, opportunities like this would never have happened. The relationship that we as a government built with MIT has enabled these economic opportunities to appear.

I am certain that this trip will result in even more collaborations and announcements between MIT and local players in the future, which I look forward to updating the council on as they arise. I am excited to see where the relationship with MIT can take our state as it continues to grow and have long-lasting impacts for South Australians.

Bills

LANDSCAPE SOUTH AUSTRALIA BILL

Conference

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:20): I have to report that the managers for the two houses conferred together and it was agreed that we should agree to the recommendations.

GAMBLING ADMINISTRATION BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:22): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The *Gambling Administration Bill 2019* seeks to regulate and control gambling activities in the State and to repeal the *Gambling Administration Act 1995*.

The Marshall Liberal Government is committed to gambling laws which meet contemporary needs and community expectations, while maintaining the right balance between reducing the risks and costs to the community and individuals from harm caused by gambling and the maintenance of an economically viable and socially responsible gambling industry in South Australia.

The gambling reform measures contained with the *Statutes Amendment and Repeal (Budget Measures) Act 2018* provided the critical legislative amendments to complete the first stage of the transition towards a new regulatory framework for gambling in South Australia and was consistent with the conclusions of the *Administrative Review of Gambling Regulation in South Australia* by retired Supreme Court Judge Tim Anderson QC that there should be a single regulator responsible for all of the State's commercial gambling legislation.

These reforms essentially transferred the gambling regulatory and policy functions previously overseen by the Independent Gambling Authority to the Liquor and Gambling Commissioner and included responsibility for the supervision of commercial gambling operators across the State, powers to prescribe codes of practice and training requirements and management of the welfare barring and family protection schemes.

As required by section 105 of the *Statutes Amendment and Repeal (Budget Measures) Act 2018*, the second stage of this regulatory transition has involved a review of all gambling related legislative instruments in the State with the aim of achieving greater uniformity and consistency in the application of regulatory requirements and processes across the States gambling industry.

This Bill seeks to improve regulation for business, strengthen harm-minimisation intervention measures and standardise and reform existing regulatory requirements.

This Bill consolidates the administrative powers and functions of the Commissioner under one Act, being consistent with Mr Anderson's findings, each respective gambling act being the:

- Authorised Betting Operations Act 2000
- Casino Act 1997
- Gaming Machines Act 1992
- Problem Gambling Family Protection Orders Act 2004; and
- the new proposed Lotteries Act 2019

Each respective gambling act continues to retain the relevant licensing and operational aspects required of a gambling provider.

The type of administrative matters that are consolidated under this Bill include:

- the Commissioner's powers of inquiry and direction;
- the Commissioner's powers when conducting proceedings;
- uniform rights for gambling providers to seek a review of a decision by the Commissioner before the Licensing Court;
- a streamlined process for the Commissioner to prescribe advertising and responsible gambling codes of practice and gambling administration guidelines;
- extending expiations fees to all gambling providers for a breach of a code of practice;
- the appointment of persons as inspectors for the purposes of the gambling acts and providing uniform powers of inspection; and
- simplifying and standardising the legislative powers for compliance, enforcement and disciplinary action.

Furthermore, the Bill:

- strengthens existing harm-minimisation response measures by allowing persons at risk of harm, or at risk of causing harm to a family member, because of gambling, to be barred for any period or an indefinite period (including from the premises of a single gambling provider or from the premises of multiple gambling providers);
- introduces greater deterrent measures in support of exclusion programs in response to people who may have difficulties resisting the urge to return to venues after being excluded;

- expands the scope of purposes for which the Gamblers Rehabilitation Fund may be applied including the facilitation of public education and information programs, providing treatment and counselling programs and undertaking gambling research;

In addition, the State Government has committed an additional one million dollars a year into the Gamblers Rehabilitation Fund, to further enhance the mechanisms for supporting people at risk of gambling related harm.

The Government supports additional measures aimed at ensuring greater transparency around online gambling data that is collected, and will move to establish a Committee in the other place to investigate online wagering and sports betting in SA.

I commend this Bill to the House and seek leave to insert the explanation of clauses into Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause is formal.

3—Purpose and objects of Act

This clause sets out the purpose of the Act, being to consolidate various administrative and regulatory provisions relating to different forms of gambling in the State, and to confer various functions and powers on the Commissioner in connection with the administration of gambling. The clause also sets out several objects of the Act. The Commissioner and others exercising powers and functions under the Act are to have regard to the objects of the Act.

4—Application of Act in relation to gambling Acts

It is proposed that the provisions of the proposed Act will be read together with the provisions of the *Authorised Betting Operations Act 2000*, the *Casino Act 1997*, the *Gaming Machines Act 1992* and the legislation regulating lotteries and gaming in the State. This provision clarifies that the provisions of the proposed Act are to prevail in the event of any other inconsistent provision in one of these other Acts.

5—Interpretation

This clause defines terms used in the proposed Act. The following Acts are defined as *gambling Acts*, which are, among other matters, to be read together with the proposed Act as a single Act:

- the Authorised Betting Operations Act 2000;
- the Casino Act 1997;
- the Gaming Machines Act 1992;
- the Lotteries Act 2019;
- any other Act prescribed by regulation.

In connection with the proposed Act providing for administrative matters in relation to gambling providers under a gambling Act, *gambling provider* is defined as each of the following:

- the holder of a licence under the Authorised Betting Operations Act 2000;
- an authorised interstate betting operator under the Authorised Betting Operations Act 2000;
- the holder of the casino licence under the Casino Act 1997;
- the holder of a licence under the Gaming Machines Act 1992;
- the holder of a licence, or a person conducting a lottery under the Lotteries Act 2019.

Part 2—The Commissioner

Division 1—Functions and powers of Commissioner

6—Functions of Commissioner

This clause sets out the functions of the Commissioner.

7—Inquiries by Commissioner

This clause sets out the circumstances in which the Commissioner may conduct an inquiry for the purposes of carrying out the Commissioner's functions. It also provides that the Minister may request the Commissioner carry out an inquiry. The clause further sets out the reporting requirements once an inquiry is completed.

8—General power to obtain information

This clause makes it a condition of each licence, authorisation or exemption held under a gambling Act to provide certain information set out in the clause to the Commissioner if requested to do so in writing. It is an offence with a maximum penalty of $10,000 if a person fails to provide the required information within the time specified in the request.

9—Powers to make interim or conditional decisions and accept undertakings from parties

Subclause (1) provides that the Commissioner may grant an application under a gambling Act on an interim basis, and may specify that a condition of a licence, approval, authorisation or exemption is to be effective for a specified time, giving any necessary procedural directions in the matter. The clause further sets out various powers and procedures of the Commissioner in the event the Commissioner exercises the powers as set out in subclause (1).

10—Commissioner may give directions

This clause provides power for the Commissioner to issue directions to a gambling provider in relation to any aspect of the operations conducted by the gambling provider, and the manner in which the Commissioner must notify the gambling provider before giving directions.

Division 2—Proceedings before Commissioner

11—Conduct of proceedings

The clause provides that the Commissioner, in proceedings under a gambling Act, must act without undue formality and is not bound by the rules of evidence.

12—Powers of Commissioner

Subclause (1) sets out the powers that may be exercised by the Commissioner, including issuing a summons requiring a person to attend before the Commissioner, producing documents, equipment or items, giving evidence on oath and answering questions. It is an offence with a maximum penalty of $10,000 or imprisonment for 6 months for a person to fail to comply with a request of the Commissioner of a kind in subclause (2), or who misbehaves, wilfully insults or interrupts the proceedings of the Commissioner. Subclause (3) allows the Commissioner to order, on request, the prohibition of publication of the name of a person, an answer given by them in proceedings before the Commissioner or any document produced to the Commissioner. A maximum penalty of $10,000 applies to a person who contravenes such an order. Subclause (5) allows the Commissioner to conduct proceedings at any time and place and to adjourn proceedings.

13—Representation before Commissioner

The clause provides how a person appearing before the Commissioner may be represented.

14—Power of Commissioner to refer questions to Court

The clause provides for the Commissioner to refer certain matters for hearing and determination by the Licensing Court.

Division 3—Codes of practice

15—Codes of practice

This clause provides that the Commissioner may, by notice in the Gazette, prescribe advertising and responsible gambling codes of practice. It sets out the matters that may be provided for in the codes. The Commissioner may designate a provision of a code of practice as mandatory for the purposes of a specified provision of a gambling Act, and determine whether failure to comply with a mandatory provision is a category A, B, C or D offence or expiable offence. The codes may, by further notice in the Gazette, be varied or revoked and the Commissioner must give notice and undertake consultation before doing so. The Commissioner may, at any time, undertake a review of the codes of practice and must seek submissions on the review from the Commissioner of Police, relevant gambling providers, relevant bodies representative of gambling providers and from the public.

16—Offence of breach of mandatory provisions of codes

This clause sets out the level of penalty and expiation for each category of offence for contravening a mandatory provision of the advertising or responsible gambling code of practice.

Division 4—Gambling administration guidelines

17—Gambling administration guidelines

The clause provides that the Commissioner may, by notice in the Gazette, issue guidelines (the *gambling administration guidelines*) that address the following:

- requirements for the approval of systems and procedures designed to prevent gambling by children;
- requirements as set out in the clause in relation to cashless gaming systems and automated risk monitoring systems operated under the *Casino Act 1997* and *Gaming Machines Act 1992*;
- requirements in relation to applications for approval to the Commissioner;
- requirements for facial recognition systems to be approved by the Commissioner under the *Casino Act 1997* or the *Gaming Machines Act 1992*;
- any other matter relevant to operations undertaken under a gambling Act.

The clause further provides that the Commissioner must give notice before making, varying or revoking the gambling administration guidelines and undertake consultation. The gambling administration guidelines are to be made available to the public on a website maintained by the Commissioner.

Division 5—Delegation

18—Delegation

This clause provides for the manner in which the Commissioner may delegate functions and powers of the Commissioner under the proposed Act or an instrument to another person.

Part 3—Disclosure of information

19—Disclosure of information

This clause sets out limitations on the disclosure of information by the Commissioner or an authorised person obtained in the course of carrying out official functions. An *authorised person* is defined as a police officer, an inspector, a prescribed person, a member of the Gambling Advisory Council, a person who has been a member of the gambling advisory committee established under section 73BA of the *Gaming Machines Act 1992* or a person who at any time is or has been engaged in the administration or enforcement of a gambling Act (including the former *Independent Gambling Authority Act 1995*).

20—Disclosure of statistical information about expenditure on gambling activities

This clause outlines the manner and circumstances in which the Commissioner may make publicly available statistical information about expenditure relating to gambling activities undertaken under a gambling Act.

21—Publication of determinations—confidential information

The clause sets out the kinds of information required to be excluded from publication of a determination published under a gambling Act.

22—Criminal intelligence

This clause makes provisions in relation to the handling of information classified by the Commissioner of Police as criminal intelligence.

Part 4—Inspectors

Division 1—Inspectors

23—Appointment of inspectors

This clause allows for the appointment of inspectors for the purposes of a gambling Act.

24—Identification of inspectors

This clause requires each inspector to have and produce identification of a kind outlined in the clause.

Division 2—Functions and powers of inspectors

25—Purpose of exercising powers of inspectors

This clause provides that inspectors may exercise their powers under the measure at any reasonable time for the purposes set out in the clause.

26—Power to enter and inspect etc

This clause sets out several powers of an inspector to enter, search and inspect premises, seize things and require persons to answer questions in the circumstances and within the limitations outlined in the clause. It also allows an inspector to be accompanied by an assistant.

27—Power to give directions in relation to gaming operations

This clause empowers an inspector to give directions to a gambling provider or an employee of the gambling provider in circumstances set out in the clause.

28—Power to enter and remain in casino premises

This clause provides that an inspector may at any time enter or remain in the casino premises to ascertain whether the operation of the casino is being properly supervised and managed, or the provisions of this measure, the casino licence and the *Casino Act 1997* are being complied with.

29—Power to ask for evidence of age

This clause provides power for inspectors to ask a person whom the inspector reasonably suspects is under the age of 18 years who is in, about to enter, or in the vicinity of a place at which operations of a kind authorised under a gambling Act are conducted to produce evidence of that person's age that complies with the regulations. There is a maximum penalty of $2,500 or an expiation fee of $210 for a person who fails to comply with an inspector's request.

30—Commissioner and police officers to exercise same powers as inspectors

This clause provides that the Commissioner and police officers may exercise the same powers as inspectors.

Division 3—Miscellaneous

31—Report to Commissioner

This clause sets out the requirements for inspectors to report irregularities, deficiencies or defects in relation to various matters to the Commissioner.

32—Dealing with seized things

This clause provides that any material or thing seized by an inspector must be dealt with in accordance with the regulations. The clause further sets out the matters that may be provided for in the regulations.

33—Offence to hinder or obstruct an inspector etc

This clause sets out a number of offences in relation to a person's dealings with an inspector, with a maximum penalty of $20,000.

34—Inspectors not to gamble

This clause makes it an offence with a maximum penalty of $10,000 for an inspector to engage in gambling at the casino premises or operate a gaming machine on premises subject to a gaming machine licence or special club licence under the *Gaming Machines Act 1992* without being authorised to do so by the Commissioner.

Part 5—Disciplinary action against gambling providers

35—Interpretation

This clause defines terms used in the proposed Part.

36—Cause for disciplinary action

This clause sets out the grounds on which disciplinary action may be taken against a gambling provider. It further sets out the types of disciplinary action that the Commissioner may take, and the matters that the Commissioner may have regard to, in determining whether there is cause to take disciplinary action.

37—Compliance notice

This clause provides for the Commissioner to give a compliance notice to a gambling provider specifying grounds for disciplinary action and that such action may be avoided if the provider takes action as specified in the notice within a specified time. A gambling provider who fails to do so is guilty of an offence with tiered penalties applying to specified gambling providers as set out in the clause.

38—Default notice

This clause provides for the Commissioner to give a default notice to a gambling provider specifying grounds for disciplinary action and informing the provider that disciplinary action may be avoided by payment of a specified sum not exceeding those set out in respect of the various types of gambling providers specified in the clause.

39—Disciplinary action

This clause sets out the manner in which the Commissioner may notify a gambling provider of the Commissioner's intent to take disciplinary action against them of a kind set out in the clause. The gambling provider is to be afforded an opportunity to show cause within 14 days of receiving the notice why action should not be taken against them. The clause sets out other requirements and procedures in relation to taking disciplinary action against a gambling provider. Failing to comply with a requirement, order or direction regarding the taking of disciplinary action is an offence, with a tiered penalty provision applying to specified gambling providers as set out in the clause.

40—Injunctive remedies

This clause gives the Licensing Court jurisdiction to order a person who is believed on reasonable grounds to be about to contravene or fail to comply with a provision of a gambling Act, or a condition of a licence or authorisation under a gambling Act, to refrain from the contravention or non-compliance. A person who fails to comply with an order of the Court commits a contempt of Court.

41—Punishment of contempts

The clause sets out the jurisdiction and procedure of the Court to deal with contempts. It also provides that a contempt of the Court is a summary offence punishable by a maximum fine of $10,000 or imprisonment for 6 months.

42—Effect of criminal proceedings

This clause clarifies that the Commissioner may take disciplinary action whether or not criminal proceedings have been, or are to be, taken in relation to the matters the subject of the disciplinary action and even though a penalty may have been already imposed by the Commissioner; however, the Commissioner must, in imposing a fine, take into account any fine already imposed in criminal proceedings.

Part 6—Barring orders

43—Interpretation

This clause defines terms used in the proposed Part.

44—Barring orders

The provisions in this clause replicates the provisions in section 15C of the *Gambling Administration Act 1995*, but updates the grounds for making barring orders. Under this clause, the Commissioner may make a barring order if there is a reasonable apprehension that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling, and is satisfied that the making of the order is appropriate in the circumstances. A gambling provider may make a barring order in relation to a person if the person is behaving in a manner that indicates that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling and is satisfied that the making of the order is appropriate in the circumstances. A barring order may still be made by the Commissioner or a gambling provider at the request of a person.

45—Variation or revocation of barring order

The powers to vary or revoke a barring order are the same as those currently in section 15D of the *Gambling Administration Act 1995*. The period for which the barring order is to remain in force where no minimum period is specified has changed from 6 months for all barring orders to 12 months for a Commissioner's barring order and 3 months in relation to all other barring orders.

46—Notice of barring order etc

The provisions in this clause replicate those in section 15E of the *Gambling Administration Act 1995*.

47—Contravention of barring order

The provisions in this clause replicate those in section 15F of the *Gambling Administration Act 1995*, with minor consequential amendments.

48—Reconsideration of barring order by Commissioner

The provisions in this clause allow a person who is affected by a decision to make, or refuse to make, a barring order to apply to the Commissioner for a reconsideration of the decision. This provision streamlines and consolidates the process currently set out in sections 15G and 15H of the *Gambling Administration Act 1995*.

49—Powers to remove etc

The provisions in this clause replicate those in section 15I of the *Gambling Administration Act 1995*.

50—Liability

The provisions in this clause replicate those in section 15J of the *Gambling Administration Act 1995*.

51—Delegation

The provisions in this clause replicate those in section 15K of the *Gambling Administration Act 1995*.

52—Register

The provisions in this clause replicate those in section 15M of the *Gambling Administration Act 1995* with a consequential amendment.

53—Winnings of barred person

This clause provides power for a gambling provider to withhold winnings from a person if satisfied that the person is subject to a barring order, but must obtain the person's name and address and inform them of their right to have the decision reviewed. The person may apply within 14 days of the decision to have the decision reviewed by the Commissioner, who may confirm or revoke the decision. If the Commissioner revokes the decision, the withheld winnings must be paid to the person. If the Commissioner confirms the decision the withheld winnings are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund established under the *Gaming Machines Act 1992*.

Part 7—Review

54—Right of review

This clause sets out the process and manner by which a person dissatisfied with various decisions of the Commissioner under various gambling Acts (as set out in the clause) may apply to the Licensing Court for a review of the decision. The clause further provides the powers that the Court may exercise on a review.

55—Operation of decisions pending review

The clause makes clear that a decision, order or direction of the Commissioner to which a right of review exists continues to operate despite the right of review or the commencement of review proceedings, but that the Court or the Commissioner may suspend the operation of a decision, order or direction or make another order or direction as appropriate in the circumstances.

56—Finality of Governor's decisions

The clause provides that a decision by the Governor under a gambling act is not subject to review or appeal in any court.

Part 8—Gambling Advisory Council

57—Gambling Advisory Council

This clause provides that the Gambling Advisory Council established under Part 2A of the *Gambling Administration Act 1995* continues, and otherwise replicates the provisions of section 5 of the *Gambling Administration Act 1995*.

58—Proceedings

This clause replicates the provisions in section 6 of the *Gambling Administration Act 1995*.

59—Use of staff and facilities

This clause replicates the provisions in section 7 of the *Gambling Administration Act 1995*.

60—Committees

This clause replicates the provisions in section 8 of the *Gambling Administration Act 1995*.

Part 9—Miscellaneous

61—Annual report

This clause consolidates the requirements in other gambling Acts for the Commissioner to report annually to the Minister regarding the performance of the Commissioner's functions during the preceding financial year in a manner set out in the clause.

62—Prohibition on participation in gambling

This clause replicates with 1 technical amendment the provisions in section 16 of the *Gambling Administration Act 1995*.

63—False or misleading statements

The clause makes it an offence with a maximum penalty of $10,000 or imprisonment for 2 years for a person to knowingly make a false or misleading statement in response to a requirement under a gambling Act.

64—Evidence

This clause sets out evidentiary provisions consequent on provisions in the measure.

65—Service

This clause provides for the manner in which documents required to be given to a person under the measure may be given to that person.

66—Regulations

This clause provides that the Governor may make regulations for the purposes of the proposed Act.

Schedule 1—Repeal, savings and transitional provisions etc

1—Interpretation

This clause defines terms used in the Schedule.

2—Repeal

This clause repeals the Gambling Administration Act 1995.

3—Transitional and other provisions

This clause makes transitional provisions consequent on the measure.

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

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:22): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The Statutes Amendment (Gambling Regulation) Bill 2019 amends the:

- Authorised Betting Operations Act 2000
- Casino Act 1997
- Gaming Machines Act 1992
- Problem Gambling Family Protection Orders Act 2004
- State Lotteries Act 1966

The introduction of this Bill contributes to the government's gambling reform agenda, which began last year, following the consolidation of all gambling regulatory and policy functions within Consumer and Business Services and the appointment of the Liquor and Gambling Commissioner as South Australia's sole gambling regulator in December 2018.

Following this change to the gambling regulatory framework, the government began seeking views from industry, the non-government sector and affected government stakeholders on the future of gambling regulation in South Australia, which has ultimately culminated in the development of this, and two other related, Bills.

This gambling reform package has two key goals—supporting an important part of our economy and community, and ensuring there are strong protections in place for vulnerable South Australians who find themselves needing support due to gambling related issues.

The government is confident that this Bill strikes the right balance and achieves these goals.

The government has introduced and agreed to a number of additional measures to further strengthen protections for people at risk of gambling harm. These additional measures compliment those already put forward and include:

- Mandating facial recognition in venues with more than 30 machines to better detect people barred from gaming rooms;
- Mandating a maximum of $50 notes allowed for use in note acceptors on gaming machines;
- Retaining the gaming machine reduction target of 3000 machines and formulating a more efficient system for clubs and hotels to sell their machine entitlements;
- Prohibiting gaming rooms from operating on Good Friday and Christmas Day, and;
- Retaining the current limit of machines at club venues.

Further, in addition to expanding the scope of the Gamblers Rehabilitation Fund and ensuring that money won by barred patrons and any unclaimed winnings are paid direct into the fund, the state government will also inject an

additional one million dollars a year, to go towards initiatives to help, for instance, venues seek out and identify problem gamblers in venues and refer them to appropriate help services.

The government is confident that this package of amendments supports a vibrant hospitality sector, while ensuring there are sufficient harm minimisation controls and help available to those who are at risk and meeting the broader community's expectations around responsible and safe gambling.

I commend this Bill to the House and seek leave to insert the explanation of clauses into Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Authorised Betting Operations Act 2000

4—Insertion of section 2

This clause inserts a new section as follows:

2—Objects

This section sets out the objects of the Act.

5—Amendment of section 3—Interpretation

This clause amends several definitions in the Act consequent on other amendments in the measure.

6—Insertion of section 3A

This clause inserts a new section as follows:

3A—Interaction with Gambling Administration Act 2019

The proposed section provides that the *Authorised Betting Operations Act 2000* and the *Gambling Administration Act 2019* will be read together as a single Act.

7—Amendment of section 4—Approved contingencies

The clause amends section 4 to provide that the Commission must, before approving contingencies or varying an approval, be satisfied that betting operations in relation to the contingencies does not allow betting in relation to amateur sporting events or sporting events where the only participants are children.

8—Insertion of section 4A

This clause inserts a new section as follows:

4A—Fit and proper person

The proposed section consolidates and expands the fit and proper person provisions currently found in various sections in the Act to make them consistent with the fit and proper person provisions to be enacted in the *Casino Act 1997* and the *Gaming Machines Act 1992*.

9—Amendment of section 5—Close associates

This clause amends provisions dealing with when a person will be taken to be a close associate of a person for the purposes of the Act to make them consistent with the close associate provisions in the *Casino Act 1997* and the *Gaming Machines Act 1992*.

10—Substitution of sections 6A and 6B

This clause deletes sections 6A and 6B, which are now located in the *Gambling Administration Bill 2019* and substitutes the following section:

6A—Commissioner may approve staff training courses

The proposed section provides for the Commissioner to approve courses of training to be undertaken by staff involved in betting operations.

11—Amendment of section 12—Approved licensing agreements

This clause makes an amendment consequential on the provisions in the *Gambling Administration Bill 2019*.

12—Amendment of section 22—Determination of applications

This amendment is consequential on those in clause 8 of the measure.

13—Amendment to section 24—Investigative powers

This clause makes an amendment consequential on the provisions in the *Gambling Administration Bill 2019*.

14—Insertion of Part 2 Division 6A

This clause inserts a new Division into Part 2 as follows:

Division 6A—Notification of change of prescribed particulars

26A—Licensee to notify change of particulars

The proposed section requires the holder of a major betting operations licence to notify the Commissioner within 14 days of any change in prescribed particulars. *Prescribed particulars* are defined as any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence, or other particulars of a kind prescribed by the regulations.

15—Amendment of section 27—Accounts and audit

This clause makes an amendment consequential on the relocation of provisions into the *Gambling Administration Bill 2019*.

16—Repeal of section 28

This clause makes an amendment consequential on the relocation of these provisions to the *Gambling Administration Bill 2019*.

17—Repeal of Part 2 Division 9

These provisions are proposed to be relocated to the *Gambling Administration Bill 2019*.

18—Amendment of section 34—Classes of licences

This clause deletes obsolete provisions.

19—Amendment of section 37—Application for grant or renewal, or variation of condition, of licence

This clause makes a consequential amendment.

20—Amendment of section 38—Determination of applications

These amendments are consequential on those in clause 8 of the measure.

21—Insertion of section 38B

This clause inserts a new section as follows:

38B—Licensee to notify change of particulars

The proposed section requires the holder of a licence under Part 3 of the Act to notify the Commissioner within 14 days of any change in prescribed particulars. *Prescribed particulars* are defined as any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence, or other particulars of a kind prescribed by the regulations.

22—Amendment of section 40A—Authorisation of interstate betting operators

This clause amends section 40A to provide that the notice required to be given under the section must be given in the manner and form required by the Commissioner, and that a copy of such notice must be available for inspection on a website to which the public has access free of charge.

23—Insertion of section 40AA

This clause inserts a new section as follows:

40AA—Interstate betting operator to notify change of particulars

The proposed section requires an interstate betting operator to notify the Commissioner within 14 days of any change in prescribed particulars. *Prescribed particulars* are defined as any address for service or other email address, telephone number or street or postal address provided by the operator to the Commissioner for purposes connected with the authorisation, or other particulars of a kind prescribed by the regulations.

24—Amendment of section 43—Prevention of betting by children

This clause makes an amendment consequential on measures in the *Gambling Administration Bill 2019*.

25—Repeal of sections 52 and 53

This clause repeals obsolete provisions.

26—Amendment of section 54—Places at which bets may be accepted by bookmakers

This clause deletes an obsolete provision.

27—Amendment of section 60—Prevention of betting with children by bookmaker or agent

This clause makes an amendment consequential on measures in the *Gambling Administration Bill 2019*.

28—Amendment of section 62A—Prevention of betting by children

This clause makes an amendment consequential on measures in the *Gambling Administration Bill 2019*.

29—Repeal of Part 5

The provisions in this Part are proposed to be relocated to the *Gambling Administration Bill 2019*.

30—Amendment of heading to Part 6 Division 1

This clause makes a technical amendment.

31—Repeal of sections 67 to 73

These sections are proposed to be relocated to the *Gambling Administration Bill 2019*.

32—Amendment of section 73A—Disciplinary action for taxation defaults

This amendment is consequential on provisions dealing with disciplinary action being relocated to the *Gambling Administration Bill 2019*.

33—Amendment of section 76—Administrators, controllers and liquidators

The amendments in subclauses (1) to (4) are of a technical nature. Subclause (5) inserts a new provision requiring an administrator, controller or liquidator of an authorised betting operator to notify the Commissioner within 7 days of assuming control of a business conducted under a licence or authorisation under the Act.

34—Repeal of Part 7

The provisions in this Part are proposed to be relocated to the *Gambling Administration Bill 2019*.

35—Amendment of section 84—Offences by bodies corporate

This clause makes consequential amendments.

36—Amendment of section 87—Confidentiality of information provided by Commissioner of Police

This clause inserts a new subsection (2) stating that the provisions in the section apply in addition to those proposed by the *Gambling Administration Bill 2019*.

37—Repeal of section 88

The repealed section is proposed to be enacted by the *Gambling Administration Bill 2019*.

38—Amendment of section 89—Evidence

These amendments are consequential on provisions proposed to be enacted by the *Gambling Administration Bill 2019*.

39—Repeal of section 90

The repealed section is proposed to be enacted by the *Gambling Administration Bill 2019*.

Part 3—Amendment of *Casino Act 1997*

40—Amendment of section 2A—Object

This clause makes technical amendments to align the objects of the Act with other gambling Acts.

41—Amendment of section 3—Interpretation

This clause amendments several definitions in the Act consequential on other amendments in the measure.

42—Insertion of section 3A

This clause inserts a new section as follows:

3A—Interaction with Gambling Administration Act 2019

The proposed section provides that the Act is to be read together with the *Gambling Administration Act 2019* as a single Act.

43—Amendment of section 4—Close associates

The clause amends the section to make it consistent with the close associates provisions in other gambling Acts.

44—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

The amendments to section 14 provide that appeals against orders made under the section are to be made to the Licensing Court, instead of the Supreme Court.

45—Amendment of section 14B—Approval of designated persons

The clause amends the section to make the provisions regarding whether a person is a suitable person, or a fit and proper person, for the purposes of the Act to be consistent with those in other gambling Acts.

46—Insertion of Part 4 Division 1AA

This clause inserts a new Division as follows:

Division 1AA—Right of entry to casino premises

27AA—Right of entry to casino premises

The section provides that no person has a right to enter or remain on casino premises except with the permission of the casino licensee.

47—Amendment of section 27A—Gambling only allowed in enclosed areas

This amendment updates an obsolete reference.

48—Substitution of Part 4 Divisions 2 and 3

This clause deletes Part 4 Divisions 2 and 3 and substitutes a new Division 2 as follows:

Division 2—Casino management and staff

28—Interpretation

The proposed section defines key terms to be used in the Division, including *special employee*, defined as a person employed or appointed by the licensee to carry out any of the following duties in respect of operations under the casino licence:

- conducting authorised games;
- handling, dealing with and accounting for money or gambling chips in the casino premises;
- exchanging money or chips for casino patrons;
- security and surveillance of the casino premises;
- operating, maintaining, constructing or repairing equipment for gambling;
- duties relating to intervention programs for patrons adversely affected by, or at risk of harm from, gambling;
- duties relating to the operation and conduct of gambling in premium gaming areas, including premium player attraction programs;
- accounting;
- supervising the carrying out of the duties set out above;
- any other duties related to the operations under the casino licence specified by the Commissioner for the purposes of this definition and notified to the licensee.

29—Licensee to notify Commissioner of appointment of special employees

The proposed section makes it a condition of the casino licence for the licensee to notify the Commissioner within 14 days of the employment or appointment, or the ceasing of employment or appointment of a person as a special employee. This provision is not to apply in respect of a designated person or in respect of an administrator, controller or liquidator of the licensee.

30—Commissioner may notify Commissioner of Police of appointment of special employees

The proposed section allows the Commissioner to provide to the Commissioner of Police a notice of the employment or appointment of a person as a special employee, and requires the Commissioner of Police to make available to the Commissioner any information about that person's criminal convictions or other information that is relevant as to whether the Commissioner should issue a prohibition notice in relation to the person.

31—Commissioner may give prohibition notice

The proposed section allows the Commissioner, by notice, to prohibit a person from carrying out duties as a special employee either permanently or for a specified period, and provides other formal provisions in relation to the giving, revocation or variation of the notice.

32—Offences in relation to special employees

Proposed subsection (1) makes it an offence with a maximum penalty of $20,000 for the licensee to employ or appoint a minor or a person of a prescribed class to be a special employee.

Proposed subsection (2) makes it an offence with a maximum penalty of $20,000 for the licensee to permit a special employee to carry out duties unless their appointment has been notified to the Commissioner.

Proposed subsection (3) provides that the offences in this section do not apply in respect of a designated person or in respect of an administrator, controller or liquidator of the licensee.

33—Identity cards

The proposed section sets out the requirements for designated persons and special employees in respect of wearing and producing identity cards while on duty on casino premises, and a range of penalties and expiations for non compliance with the provisions.

34—Certain staff not to gamble

Proposed subsection (1) provides for an offence with a maximum penalty of $10,000 or imprisonment for 6 months for a designated person or special employee to gamble on the casino premises while carrying out their duties.

Proposed subsection (2) provides for an offence with a maximum penalty of $5,000 for a staff member (other than a designated person or a special employee) who gambles on casino premises while working on casino premises.

35—Special employees and designated persons not to accept gratuities

The proposed section provides for an offence with a maximum penalty of $20,000 for a designated person or special employee to accept a gift or gratuity, other than a gratuity of a kind or given in circumstances approved by the Commissioner.

36—Staff exempt from Security and Investigation Industry Act 1995

The proposed section provides an exemption from the provisions of the *Security and Investigation Industry Act 1995* for staff of the casino.

37—Commissioner may give exemption from application of Division

The proposed section provides that the Commissioner may, by instrument in writing, exempt the licensee, a designated person, a special employee or a staff member from compliance with the proposed Division to an extent specified in the instrument of exemption.

49—Amendment of section 39—Operations involving movement of money etc

These amendments replace the term 'authorised officer' with 'inspector'.

50—Amendment of section 40—Approval of installation etc of equipment

The amendment in subclause (1) replaces the term 'authorised officer' with 'inspector'. The amendment in subclause (2) clarifies that certain approved equipment must not be removed or destroyed without the approval of the Commissioner.

51—Amendment of section 40A—Approval of automated table game equipment, gaming machines and games

The clause inserts new subsections (8) and (9) which provide for the manner in which the Commissioner may vary or revoke and approval made under the section.

52—Substitution of section 40B

This clause substitutes section 40B and inserts new provisions as follows:

40B—Commissioner may approve certain systems to be operated in connection with authorised games, gaming machines and automated table game equipment

The proposed section provides that the Commissioner may approve certain systems as outlined in the proposed section to be operated in connection with authorised games, approved gaming machines or automated table game equipment. It also requires licensees to provide information to the Commissioner that has been recorded by an approved system. The proposed section further provides for the manner in which the Commissioner may vary or revoke an approval made under the proposed section.

40C—Commissioner may approve staff training courses

The proposed section provides that the Commissioner may approve courses of training to be undertaken by casino staff, and the manner in which the Commissioner may vary or revoke such an approval.

40D—Commissioner may approve facial recognition system

The proposed section provides for the manner in which the Commissioner may approve a facial recognition system. A facial recognition system is defined as a system operated by the licensee that enables the facial image of a person who is about to enter a gaming area to be recognised, identified and recorded.

53—Amendment of section 41—Interference with approved systems, equipment etc

Subclause (1) inserts a new subsection (2a) to provide that in proceedings for an offence against subsection (2), an allegation in the information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of a system, equipment, machine or game approved under Part 4 Division 4 will be accepted as proved in the absence of proof to the contrary. Subclauses (2) and (3) replace a general reference to an authorised staff member in subsection (4) to a special employee within the meaning of the definition proposed in section 28.

54—Repeal of section 41A

These provisions are proposed to be enacted by the *Gambling Administration Bill 2019*.

55—Amendment of section 41B—Compliance with codes of practice

These amendments are consequential.

56—Amendment of section 42B—Provisions relating to authorised games, gaming machines and automated table games

The clause amends several provisions in the section to provide for requirements for gaming machines and automated table games only to be operated if certain criteria as specified in the section are met.

57—Insertion of section 42D

This clause inserts a new section as follows:

42D—Provisions relating to operation of facial recognition system

The proposed section makes it a condition of the casino licence for the licensee to operate a facial recognition system approved under proposed section 42D in accordance with any requirements prescribed by the regulations. A further condition provides that the licensee must not allow a person to enter a gaming area unless the licensee has caused a record of the person's facial image to be made by means of a facial recognition system in accordance with any requirements prescribed by the regulations.

58—Amendment of section 43—Exclusion of children

The clause makes amendments to increase all penalty provisions in the section and provide that all offences are to be expiable.

59—Amendment of section 44—Licensee's power to bar

The amendments in this clause make the provision consistent with licensee barring provisions in other gambling Acts.

60—Amendment of section 45—Commissioner's power to bar

The amendments in this clause make this provision consistent with Commissioner barring provisions in other gambling Acts.

61—Amendment of section 45A—Commissioner of Police's power to bar

The amendments in this clause make this provision consistent with Commissioner of Police's barring provisions in other gambling Acts.

62—Repeal of Part 4 Division 8

The provisions of the repealed section are proposed to be enacted by the *Gambling Administration Bill 2019*.

63—Amendment of section 47A—Requirement for Commissioner to consult licensee

This clause makes a consequential amendment.

64—Amendment of section 48—Accounts and audit

Subclause (1) removes a provision requiring accounts to be kept in a particular form. Subclause (2) inserts a requirement for the licensee to provide to the Treasurer or Commissioner, on their request, a copy of the audited accounts in relation to the operation of the licensed business.

65—Repeal of section 49

The clause repeals the requirement for the licensee to supply a copy of audited accounts to the Commissioner. Provisions proposed in the *Gambling Administration Bill 2019* will allow the Commissioner to request copies of audited accounts.

66—Repeal of Part 6

The provisions in the repealed Part are proposed to be relocated to the *Gambling Administration Bill 2019*.

67—Repeal of Part 7 Divisions 1 to 5

The provisions in the repealed Divisions are proposed to be enacted by the *Gambling Administration Bill 2019*.

68—Amendment of section 63—Power to appoint manager

The clause inserts requirements for the Commissioner to consult with the Commissioner of Police before making a recommendation as to the appointment of an official manager, and for the Commissioner of Police to provide such information about criminal convictions and other information as may be relevant to whether or not the Commissioner recommends a person for appointment.

69—Amendment of section 64A—Administrators, controllers and liquidators

The clause inserts a provision requiring an administrator, controller or liquidator to notify the Commissioner within 7 days of them taking control of the casino business.

70—Repeal of Part 8

The provisions in the repealed Part are proposed to be enacted by the *Gambling Administration Bill 2019*.

71—Amendment of section 69—Confidentiality of information provided by Commissioner of Police

The clause inserts subsection (2) which provides that the section applies in addition to the provisions proposed to be enacted in Part 3 of the *Gambling Administration Bill 2019*.

72—Repeal of sections 70 and 71

These provisions are proposed to be enacted by the *Gambling Administration Bill 2019*.

Part 4—Amendment of Gaming Machines Act 1992

73—Insertion of section 2

This clause inserts a new section as follows:

2—Objects

The proposed section sets out the objects of the Act.

74—Amendment of section 3—Interpretation

This clause amends a number of definitions consequential on other amendments in the measure.

75—Insertion of section 3A

This clause inserts a new section as follows:

3A—Interaction with Gambling Administration Act 2019

The proposed section provides that this Act and the *Gambling Administration Act 2019* will be read together as a single Act.

76—Insertion of section 4A

This clause inserts a new section as follows:

4A—Provisions governing whether person is fit and proper

The proposed section consolidates the provisions that were previously enacted elsewhere in the Act as to when a person will be considered a fit and proper person for a particular purpose under the Act.

The provisions in this section replicate requirements in other gambling Acts so that the provisions regarding fit and proper persons are consistent across gambling legislation.

77—Repeal of Part 2

The repeal of Part 2 is consequential on these provisions being enacted in the *Gambling Administration Bill 2019*.

78—Amendment of section 15—Eligibility criteria

The clause updates obsolete legislative references, and makes other amendments consequential on the replacement of the requirement for a social effects certificate with a community impact assessment.

79—Substitution of sections 17A and 17B

This clause deletes section 17A requiring an applicant for certain licences to have a proposed premises certificate, and section 17B which required certain applicants to have a social effect certificate, and replaces them with a requirement for a community impact assessment to be undertaken in respect of the application as follows:

17A—Commissioner to be satisfied that designated application is in community interest

The proposed section requires that the Commissioner may only grant an application for a gaming machine licence or any other applications as determined by the Commissioner (defined as a *designated application*), if satisfied that it is in the community interest to do so. In determining whether or not a designated application is in the community interest, the Commissioner must apply the community impact assessment guidelines made under proposed section 17B, as well as have regard to the following:

- the harm that might be caused by gambling, whether to a community as a whole or a group within a community;
- the cultural, recreational, employment or tourism impacts of gambling;
- the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises;
- any other prescribed matter.

17B—Community impact assessment guidelines

The proposed section provides that the Commissioner must publish guidelines (the *community impact assessment guidelines*) for the purposes of determining whether or not an application is a designated application for the purposes of proposed section 17A and whether or not a designated application is in the community interest. The proposed section further sets out the requirements for the publication, content, variation and revocation of the guidelines.

17C—Certificate of approval for proposed premises

The proposed section allows for the Commissioner to grant a certificate of approval for proposed premises if the Commissioner has refused to grant a gaming machine licence on the grounds that proposed premises are incomplete. The proposed section further sets out the requirements, limitations terms and conditions of a certificate of approval granted under the section.

80—Amendment of section 18—Requirements for licence application

This clause makes several amendments to section 18 consequential on the amendments in clause 79 and clause 112 of the measure.

81—Amendment of section 19—Certain criteria must be satisfied by all applicants

The clause amends section 19 to allow for the Commissioner to determine that a person need not comply with a requirement to be fit and proper if the person is found to be otherwise fit and proper. This is to prevent duplication of fit and proper inquiries under other legislation.

82—Repeal of section 20

The repeal of section 20 is consequential on the amendments in clause 112 of the measure.

83—Repeal of section 23A

The repeal of this section is consequential on the removal of the requirement to have a proposed premises certificate.

84—Amendment of section 24—Discretion to refuse application

These amendments are technical.

85—Amendment of section 24A—Special club licence

The amendment inserts a new subsection (6) to clarify that nothing in the section will be taken to prevent the grant of the special club licence to some other person or authority in the event of the licence being surrendered or revoked pursuant to the Act, provided that the other person or authority satisfies the Commissioner of the matters set out in section 24A(1) and otherwise complies with the provisions of section 24A as they apply to Club One.

86—Amendment of section 27—Conditions

This amendment aligns the provisions around the hours during which gaming operations may be conducted pursuant to a gaming machine licence with the opening hours of premises to which a liquor licence relates under the *Liquor Licensing Act 1997*.

87—Amendment of section 27AA—Variation of licence

The clause deletes subsections (4), (5) and (6) consequent on the removal of the requirement for a social effect certificate, and inserts a new subsection (4) to provide that the Commissioner may, after receiving an application for variation of a gaming machine licence, determine that the application is to be a designated application for the purposes of proposed section 17A.

88—Amendment of section 27A—Gaming machine entitlements

These amendments are consequential on those in clause 91 enabling the Commissioner and other persons under an agreement approved by the Commissioner to hold gaming machine entitlements. The section also provides for further details to be included in the register required to be kept under section 27A(4).

89—Amendment of section 27B—Transferability of gaming machine entitlements

The clause makes a number of changes to the persons to whom, and circumstances in which, the Commissioner can approve the transfer of gaming machine entitlements held by a person.

90—Amendment of section 27C—Premises to which gaming machine entitlements relate

These amendments are consequential on amendments in clause 89.

91—Insertion of section 27CA

This clause inserts a new section as follows:

27CA—Cancellation of gaming machine entitlements

This section provides that if the Commissioner revokes or accepts a surrender of a gaming machine licence, the relevant gaming machine entitlements are forfeited to the Commissioner who will then cancel the entitlements. Any gaming machines to which the entitlements related may be dealt with under section 16(5) of the Act or in the manner prescribed by the regulations.

92—Substitution of section 27E

Current section 27E which is a statement of Parliamentary intention with regard to gaming machine numbers in the State is replaced with the following:

27E—Statement of Parliamentary intention to reduce gaming machine numbers etc

Proposed subsection (1) expresses Parliament's intention to reduce the number of gaming machines that may be operated in the State to a number prescribed by the regulations (the *statutory objective*). Proposed subsection (2) provides that the Minister must cause a review to be undertaken with a view to determining how the approved trading system established under section 27B(2) of the Act should be modified in order to meet the statutory objective. Proposed subsection (3) provides that the review must seek and consider submissions from those specified in the subsection. Proposed subsection (4) provides for the time in which the review and report are to be completed. Proposed subsection (5) provides that a copy of the review report is to be tabled in both Houses of Parliament within the specified time.

93—Insertion of Part 3 Divisions 3B and 3C

This clause inserts new Divisions as follows:

Division 3B—Removal etc of gaming machine licence

27F—Removal of gaming machine licence

The proposed section allows the Commissioner, on application, to remove a gaming machine licence from 1 set of premises to another in circumstances as set out in the proposed section.

27G—Commissioner may determine application is a designated application

The proposed section provides that the Commissioner may determine that an application under the proposed Division is to be a designated application for the purposes of proposed section 17A.

Division 3C—Provisions relating to clubs

27H—Dealing with gaming machine licence on amalgamation of clubs

The proposed section provides power for the Commissioner to deal with the gaming machine licenses of amalgamating clubs, as defined in the proposed section.

27I—Transfer of gaming machine licences and gaming machine entitlements

The proposed section allows for the holder of club licences to transfer their licence to the holders of other club licences in circumstances set out in the proposed section.

27J—Commissioner may determine application is a designated application

The proposed section allows the Commissioner, after receiving an application under the proposed Division, to determine that the application is to be a designated application for the purposes of proposed section 17A.

27K—Provisions relating to premises held under a lease

The proposed section sets out further requirements to be met by applicants under the proposed Division if the premises in respect of the licence the subject of the application are held under a lease.

94—Amendment of section 28—Certain licenses only are transferable

The amendments in this clause are consequential.

95—Repeal of section 28AA

The provisions of section 28AA are proposed to be reenacted in proposed clause 112 of the measure.

96—Amendment to section 28AAB—Discretion to grant or refuse application under section 28

This amendment is consequential on the amendments in clause 112 of the measure.

97—Repeal of section 28A

This clause repeals an obsolete section.

98—Amendment of heading to Part 3 Division 5

This amendment is consequential.

99—Repeal of sections 29 and 30

The repeal of these sections is consequential on these provisions being reenacted by clause 112 of the measure.

100—Amendment of section 32—Voluntary suspension

This clause inserts a new subsection (2) which limits the time for which a voluntary suspension of a gaming machine licence will be issued to either 12 months or a longer period determined by the Commissioner. Proposed subsection (3) allows the suspension to be subject to such conditions as the Commissioner thinks fit and of a kind as outlined in the proposed subsection.

101—Amendment of section 32A—Surrender or revocation of certificate of approval

These amendments are consequential on those in clause 79 of the measure.

102—Insertion of sections 34A

This clause inserts a new section as follows:

34A—Suspension or revocation of licence by Commissioner

The proposed section provides that the Commissioner may, by notice, suspend or revoke a gaming machine licence if the licensee does not hold any gaming machine entitlements or the Commissioner is satisfied that gaming operations are not being undertaken.

103—Repeal of Part 3 Division 7

The repeal of this Division is consequential on these provisions being relocated to the *Gambling Administration Bill 2019*.

104—Repeal of section 38A

This clause repeals an obsolete section.

105—Amendment of section 40—Approval of gaming machines and games

The amendments in this clause give power to the Commissioner to vary an approval made under the section, and provides that the Commissioner must give notice of the variation to the person to whom the approval was given.

106—Insertion of sections 40A, 40B and 40C

This clause inserts new sections as follows:

40A—Commissioner may approve certain systems to be operated in connection with gaming machines

The proposed section allows the Commissioner to approve certain systems to be operated in connection with approved gaming machines and for the variation or revocation of the approvals as set out in the proposed section. The section also provides for a review mechanism in the event that the Commissioner refuses to approve a system or revokes a system approval as permitted under the proposed section.

40B—Commissioner may approve courses of training to be undertaken by gaming managers or gaming employees

The proposed section allows the Commissioner, on application, to approve courses of training to be undertaken by gaming managers or gaming employees, and for the variation or revocation of the approvals in a manner set out in the proposed section.

40C—Approvals in relation to responsible gambling agreements

The proposed section allows the Commissioner, on application, to approve an industry body with whom the holder of a gaming machine licence may enter into a responsible gambling agreement. It also provides for the Commissioner to approve the form of the responsible gambling agreement.

40D—Commissioner may approve facial recognition system

The proposed section provides for the manner in which the Commissioner may approve a facial recognition system. A facial recognition system is defined as a system operated by certain licensees that enables the facial image of a person who is about to enter a gaming area to be recognised, identified and recorded.

107—Repeal of section 41A

The repeal of this section is consequential on these provisions being relocated in the amendments proposed in clause 112 of the measure.

108—Amendment of section 42—Discretion to grant or refuse approval

The clause deletes subsection (6) which is to be relocated to proposed section 4A as inserted by clause 76.

109—Repeal of sections 42A and 43

The repeal of these sections is consequential on them being relocated in the provisions in clause 112 of the measure.

110—Amendment of section 44—Revocation of approval

This clause amends section 44 to provide that an approval under section 40A or 40B cannot be revoked in accordance with the section.

111—Amendment of section 44A—Prohibition of links between dealers and other licensees

The clause amends the section to provide an exception to the prohibition of links between the holder of a gaming machine dealers licence and the holder of other licenses and other persons as set out in subsection (1). Proposed subsection (1a) provides that a person may hold both a gaming machine dealer's licence and a gaming machine service licence, and be associated with the holder of both these licenses, as provided for in the proposed subsection.

112—Insertion of Part 4B

This clause inserts a new Part as follows:

Part 4B—Applications and submissions

Division 1—Applications

44B—Form of application

The proposed section sets out the requirements for the form of an application to the Commissioner under the Act. The proposed section also gives power to the Commissioner to waive requirements or seek further information in relation to an application, and allows the applicant to vary the application in certain circumstances.

44C—Applications to be given to Commissioner of Police

The proposed section requires certain applications to be given to the Commissioner of Police, and requires the Commissioner of Police to provide information to the Commissioner about criminal convictions and other relevant information in relation to the application.

44D—Notice of certain applications to be given

The proposed section requires certain applications outlined in the proposed section to be notified to the public or on a website as specified in the proposed section.

44E—Commissioner may consider applications concurrently

The proposed section allows the Commissioner to deal concurrently with related applications under the *Liquor Licensing Act 1997*.

Division 2—Submissions in relation to applications

44F—Commissioner of Police may make written submissions

The proposed section provides for the manner and circumstances in which the Commissioner of Police may make written submissions in relation to an application under the Act.

44G—General right to make written submissions

The proposed section sets out the manner and circumstances in which a person may make written submissions to the Commissioner in relation to an application under the Act.

44H—Further written submissions

The proposed section sets out the circumstances in which the Commissioner may call for or invite a person or body to make further written submissions in relation to an application under the Act.

44I—Conciliation

The proposed section sets out the circumstances in which the Commissioner may endeavour to resolve opposition to an application by conciliation.

44J—Commissioner may refer matters to Court

The proposed section allows the Commissioner to refer an application received for hearing and determination to the Licensing Court.

44K—Hearings etc

The proposed section clarifies that the Commissioner may determine an application either by holding a hearing or on the basis of the application and written submissions without holding a hearing.

44L—Variation of written submissions

The proposed section sets out the circumstances in which the Commissioner may allow written submissions received in relation to an application to be varied.

113—Amendment of section 45—Offence of being unlicensed

The clause inserts new subsections (2) and (3). Proposed subsection (2) provides for the circumstances in which a person will be taken to have possession of a gaming machine for the purposes of the offence in section 45(1) of possessing a gaming machine without being licensed to do so. Proposed subsection (3) provides that a person does not commit the offence of possessing a gaming machine without being licensed if the person possesses the gaming machine in the ordinary course of the person's business involving the transportation or temporary storage of a gaming machine on behalf of the holder of a licence under the Act.

114—Insertion of section 46A

This clause inserts a new section as follows:

46A—Licensee to notify change of particulars

The proposed section requires a licensee to notify the Commissioner within 14 days of the change of any address for service or other address, or any other particulars of a prescribed kind.

115—Repeal of section 47

The provisions of the repealed section are to be relocated to the *Gambling Administration Bill 2019*.

116—Amendment of section 51—Persons who may not operate gaming machines

The clause deletes subsection (5) consequential on it being relocated to the *Gambling Administration Bill 2019*.

117—Amendment of section 51B—Cash facilities limitations

Subclause (1) removes the requirement in the regulations for limitations in relation to the obtaining of cash from cash facilities on licensed premises. The limitation is now proposed in subclause (2) which amends subsection (2) to provide that the holder of a gaming machine licence must not provide, or allow another person to provide, cash facilities on the licensed premises that would allow a person to obtain by means of any 1 cash facility, in a transaction or set of transactions on that cash facility, on any 1 debit or credit card, within a 24 hour period, an amount of cash that exceeds the sum of $250.

118—Amendment of section 53A—Prohibition of certain gaming machine facilities

The clause recasts subsections (1), (2) and (3), amending the provisions consequentially on other amendments in the measure, and inserting new prohibitions on certain operations in connection with gaming machines.

119—Amendment of section 56—Minors not permitted in gaming areas

The amendments in subclauses (1) to (3) insert expiation fees to the existing offence provisions. The amendment in subclause (4) inserts a new offence provision for a person who knowingly assists a minor or enables a minor to enter or remain in a gaming area on licensed premises with a maximum penalty of $10,000 and an expiation fee of $1,200.

The amendment in subclause (5) provides that the proceeds of winnings of a minor who operates a gaming machine in contravention of the section are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund

120—Amendment of section 63—Interference devices

The clause inserts new subsections (2) and (3). Proposed subsection (2) provides that for the purposes of proceedings for an offence against subsection (1), an allegation in an information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of an approved gaming machine or an approved game will be accepted as proved in the absence of proof to the contrary. Proposed subsection (3) provides for the circumstances in which a person will be taken to have possession of a device for the purposes of the offence in section 63(1).

121—Amendment of section 64—Sealing of gaming machines

The amendment in subclause (1) is consequential. Subclause (2) inserts 2 new offence provisions. Proposed subsection (3) makes it an offence with a maximum penalty of $5,000 for a licensee to cause a gaming machine to be operated by a person (other than an inspector or approved gaming machine technician) unless it has been sealed. Proposed subsection (4) makes it an offence with a maximum penalty of $5,000 for an approved gaming machine technician, after installing, servicing or repairing an unsealed gaming machine, to fail to seal a gaming machine in the manner approved by the Commissioner.

122—Repeal of Parts 6 and 7

The repeal of Parts 6 and 7 are consequential on the relocation of these provisions to the *Gambling Administration Bill 2019*.

123—Repeal of section 71A

This clause repeals an obsolete provision.

124—Amendment of section 72A—Gaming tax

The amendment in this clause increases the amount to be paid by the Treasurer in each financial year into the *Gamblers Rehabilitation Fund* from $3.845 million to $4.845 million.

125—Amendment of section 73BA—Gamblers Rehabilitation Fund

The amendment in subclause (1) make technical and consequential amendments. Subclause (2) removes the current requirement in section 73BA(5) for 85 per cent of money paid into the Fund to be applied towards programs for rehabilitating problem gamblers. The proposed section (5) provides for a list of programs towards which the Fund may be applied. Subclause (3) inserts a new subsection (6) requiring the Minister responsible for the administration of the Fund to provide an annual report on the application of the Fund.

126—Repeal of section 74

The repeal of section 74 is consequential on the relocation of this provision to the *Gambling Administration Bill 2019*.

127—Amendment of section 76—Power to refuse to pay winnings

The amendment in subclause (1) amends section 76(2) to provide that a person aggrieved of a decision under section 76(1) may apply for a review of the decision within 14 days of being informed of the decision. Subclause (2) inserts a new section 76(4) that sets out what happens to winnings withheld from a person under that section.

128—Insertion of section 76AA

This clause inserts a new section as follows:

76AA—Unclaimed winnings

The proposed section sets out the manner in which unclaimed winnings and residual jackpots on gaming machines of or above the prescribed amount are to be dealt with by a licensee.

129—Repeal of section 80

The repeal of section 80 is consequential on these provisions being relocated to the *Gambling Administration Bill 2019*.

130—Repeal of section 82

The repeal of section 80 is consequential on these provisions being relocated to the *Gambling Administration Bill 2019*.

131—Amendment of section 85—Vicarious liability

This clause makes a consequential amendment.

132—Repeal of section 85A

The repeal of section 85A is consequential on these provisions being relocated to the *Gambling Administration Bill 2019*.

133—Amendment of section 86—Evidentiary provision

This clause makes consequential amendments.

134—Insertion of section 86A

This clause inserts a new section as follows:

86A—Commissioner to recover administration costs

The proposed section provides for the Commissioner, by notice to a licensee, to recover from a licensee of a prescribed class, the administration costs for a relevant financial year. The licensee must pay the amount to the Commissioner within 28 days of receiving the notice, and the Commissioner may suspend a licence until the licensee pays the amount and may recover any unpaid amount as a debt due to the State.

Administration costs is defined as the cost of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of a licensee, or a particular class of licensee, in the relevant financial year. The *relevant financial year* is to be designated by the Minister by notice in the Gazette.

135—Amendment of Schedule 1—Gaming machine licence conditions

The clause makes amendments consequential on other amendments in the measure and also inserts the following new conditions:

- a condition requiring gaming licensees to provide to the Commissioner, on request, information recorded by a system approved under section 40A in a manner and form and within a time specified in the request;
- in the case of a licence authorising the operation of 30 or more gaming machines any 1 of which may be operated by the insertion of a banknote, a condition that the licensee must operate a facial recognition system approved under proposed section 40D in accordance with any requirements prescribed by the regulations. A further condition provides that the licensee must not allow a person to enter a gaming area unless a record of the person's facial image has been made by means of the facial recognition system in accordance with any requirements prescribed by the regulations.

136—Amendment of Schedule 2—Gaming machine monitor licence conditions

The clause inserts a new condition for a gaming machine monitor licence that the licensee must provide to the Commissioner, on request, information recorded by the monitoring system in a manner and form and within a time specified in the request.

Part 5—Amendment of Liquor Licensing Act 1997

137—Amendment of section 7—Close associates

This clause amends provisions dealing with whether a person is a close associate of another for the purpose of the Act to provide consistency across Acts under which the Liquor and Gambling Commissioner has functions and powers.

Part 6—Amendment of Problem Gambling Family Protection Orders Act 2004

138—Amendment of section 3—Interpretation

These amendments are consequential on provisions in the *Gambling Administration Bill 2019*.

139—Amendment of section 7—Complaints

These amendments are consequential on provisions in the *Gambling Administration Bill 2019*.

140—Amendment of section 11—Conduct of proceedings

These amendments are consequential on provisions in the *Gambling Administration Bill 2019*.

141—Amendment of section 13—Notification of orders by Commissioner

These amendments are consequential on provisions in the *Gambling Administration Bill 2019*.

142—Amendment of section 15—Removal of respondent barred from certain premises

These amendments are consequential on provisions in the *Gambling Administration Bill 2019*.

Part 7—Amendment of State Lotteries Act 1966

143—Repeal of section 13B

The provisions in the repealed section are to be relocated to the *Gambling Administration Bill 2019*.

144—Amendment of section 13C—Compliance with codes of practice under *Gambling Administration Act 2019*

This amendment is consequential on provisions in the *Gambling Administration Bill 2019*.

Schedule 1—Savings and transitional provisions etc

Part 1—Transitional and other provisions—*Authorised Betting Operations Act 2000*

1—Transitional and other provisions

This clause makes transitional provisions consequential on the measure.

Part 2—Transitional and other provisions—*Casino Act 1997*

2—Transitional and other provisions

This clause makes transitional provisions consequential on the measure.

Part 3—Transitional and other provisions—*Gaming Machines Act 1992*

3—Transitional and other provisions

This clause makes transitional provisions consequential on the measure.

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

Motions

VICKERS VIMY AIRCRAFT

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Acknowledges the special place the Vickers Vimy aircraft has in South Australia's proud history and the hearts of all Australians.

2. Notes that 12 November 2019 is the centenary of the aircraft's departure on its epic flight from Hounslow, England to Australia.

3. Further notes that the crew of the Vickers Vimy aircraft—pilots Sir Ross Smith and his brother, Sir Keith Smith and mechanics Sergeant Jim Bennett and Sergeant Wally Shier—successfully completed the trip to Australia in 28 days, landing in Darwin on 10 December 1919.

4. Further acknowledges the work of the Epic Flight Centenary 2019 Committee, under the auspices of the History Trust of South Australia:

   (a) to further inspire new generations of South Australians with the story of the crew's audacious achievements; and

   (b) to build public support for a new home for the Vickers Vimy aircraft and associated memorabilia at the new Adelaide Airport.

5. Recognises the efforts of writers and journalists Ms Lainie Anderson (also Program Ambassador of the Epic Flight 2019 Centenary) and Ms Susan Harrington in producing an outstanding documentary about the Vickers Vimy expedition.

6. Calls on the Government to fund and release its plans to relocate the Vickers Vimy aircraft to the new airport, to coincide with the centenary of this historically significant flight.

(Continued from 1 May 2019.)

The Hon. R.P. WORTLEY (15:23): I rise to support this motion and, in doing so, I would like to pay particular tribute to Lainie Anderson for her prominent role in highlighting for new generations the courage and exploits of the Vickers Vimy crew. She has done this through her recently published book, *Long Flight Home*, as well as through her many public presentations and *Sunday Mail* articles. I would also like to acknowledge the contribution of Ms Susan Harrington in producing an outstanding documentary about the Vickers Vimy expedition.

There can be no doubting the enormity of the achievement of the Vickers Vimy crew and the place their feat has in South Australia. I do not wish to repeat the details of the crew's exploits already recounted by the Hon. Frank Pangallo in his contribution to this debate. Fortunately, the stories of the Vickers Vimy triumph are so rich with adventure and anecdote that repetition will not be necessary.

The Great Air Race from England to Australia, which the Vickers Vimy crew ultimately won, was a product of the First World War's advancements in aircraft technology. Just 16 years after the Wright brothers had flown in the world's first aircraft for barely a few seconds, a daring challenge was set by Australia's then prime minister Billy Hughes. Aircraft technology had advanced quickly, but a plane's fuselage was still predominantly constructed with wood, wire and canvas. They featured an open cockpit and, on long haul flights, would rely on landing in remote jungle clearings and the like.

During the First World War, pilots on average would destroy six undercarriages, write-off two planes completely and be killed within two weeks of active service. Aviation was a dangerous vocation. Into the mix stepped Ross Smith, a member of the 3rd Australian Light Horse Regiment which served in the Gallipoli conflict, a lieutenant in the Royal Flying Corps, who would become the most decorated Australian airman of the First World War and a pilot to none other than Lawrence of Arabia.

Ross Smith, along with other crew members, had gallantry in abundance. He also had tremendous ingenuity, learnt from an upbringing farming sheep in remote South Australia, which would hold him and his crew in good stead for the challenges their cross-continental flight would present. Competing against the gallant, charismatic French pilot Etienne Poulet, whose aircraft featured a larger engine, the crew of the Vickers Vimy knew they had to take risks to win. At one stage, the Vickers Vimy took off on a leg of its journey in conditions considered unfit for flying. On this occasion, it was only the skills of the crew's navigator, Ross's brother Keith, which kept them alive, having been stuck above a storm for six hours in freezing conditions.

On another occasion, the product of one of the sponsors of their journey, Wrigley's chewing gum, was used to plug holes in the plane's fuselage. Of the six crews that competed in the great race, two crews perished. Fortunately for the Vickers Vimy crew, they survived. They were honoured by the Australian Imperial Force, and Ross and Keith Smith received knighthoods. Ms Anderson has explained that, for many of those who witnessed both, the Vickers Vimy triumph was considered just as awe-inspiring as NASA's first Moon landing in 1969. Sir Ross Smith died soon after the great race, test flying a Vickers Vimy Viking in 1922. His Melbourne funeral was attended by an estimated 100,000 people and he was described by the *New York Times* as a foremost aviator of his time.

There have been many legacies of the Vickers Vimy flight and triumph, including Vimy aircraft establishing Australia's first airmail service, various engineering and aerospace scholarships constituted under the Sir Ross and Sir Keith Smith Fund scholarships and, interestingly, the birth of many Keiths and Rosses, including Australian cricket great, Keith Ross Miller.

I note that in the last federal election in May this year both major parties committed $2 million to the relocation of the Vickers Vimy aircraft to the main terminal of the Adelaide Airport. I look forward to the federal government following through on this commitment. It would be a great addition to our city's major airport terminal. I am advised that the only other surviving Vimy aircraft in the world is

viewed by more than three million people annually at the Science Museum in London. I commend the motion to the council.

The Hon. T.J. STEPHENS (15:28): I rise today to further acknowledge the importance of recognising the achievements of South Australian brothers Ross and Keith Smith. December 2019 will mark the 100-year anniversary of when the two brothers piloted their modified Vickers Vimy bomber from England to Australia and won the Great Air Race in 1919. This historical achievement should be celebrated as a moment of state pride.

In celebration of South Australian history, in 2018 the History Trust of South Australia established the Epic Flight Centenary Committee in order to plan a number of events and activities to mark this occasion. Overseen by the Minister for Education, the aim of the committee was to collaborate in order to appropriately honour the success of the flight in a way that was constructively educational for all those involved.

The committee is chaired by the History Trust CEO, Greg Mackie OAM, and includes representatives from many community, corporate and service organisations, such as the South Australian Aviation Museum, the RAAF, the RAAF Association, the Royal Aeronautical Society of South Australia, North Road Cemetery, the RSL, Veterans SA, Nova Systems, News Corporation, Sir Ross and Sir Keith Smith Fund, Adelaide Mint, the Honourable Company of Air Pilots, Australian Airmail Society, South Australian Philatelic Society, Adelaide Airport Limited and the State Library of South Australia.

I would also like to acknowledge the dedicated patronage of Air Chief Marshal Sir Angus Houston AK, AFC (Retired); former astronaut, Dr Andy Thomas AO; and Epic Flight Centenary ambassador, Lainie Anderson, who is a writer and journalist of note. Their support has ensured the 2019 program is both vibrant and educational, additionally allowing for the release of special commemorative coin issues from the Royal Australian Mint and special commemorative stamp issues from Australia Post. Each of these highlight the historical importance of the occasion.

The South Australian government has been an active supporter of the committee's work, including providing financial support through the History Trust. This contribution has assisted in creating a busy program for the commemoration, including the Sir Ross Smith commemoration service at St Peter's Cathedral; South Australia's History Festival events, including two book launches, three public lectures and a bus tour; the Epic Flight Centenary essay competition; and support for the forthcoming documentary, *The Greatest Air Race*, to be screened on SBS.

Other events include the Anzac Spirit School Prize competition, featuring the brothers' story this year; Vickers Vimy open day at Adelaide Airport on 20 October; historic aircraft flight paths on 20 October; forthcoming exhibitions at the State Library of South Australia and Art Gallery of South Australia; public displays at Superloop Adelaide and the Edinburgh Air Show; and extensive media coverage through *The Advertiser* and the *Sunday Mail.*

The aircraft itself is still stored in Adelaide. Since the 1950s, it has been stored near the airport but is unfortunately no longer accessible to the public. Its fragile condition prevented it from being moved in the Adelaide Airport upgrade in 2005. It is the intention of the state and commonwealth governments, in partnership with Adelaide Airport, to preserve the Vickers Vimy and a collection of memorabilia. Careful relocation of the aircraft and memorabilia will be facilitated to a purpose-built display facility integrated within the main terminal building expansion.

Moving the plane to a higher traffic area within Adelaide Airport allows for Ross and Keith Smith's story and great achievements to have a continued and lasting impact on future generations. It will create a focal point for this year's centenary celebrations and provide ongoing benefits for South Australian residents and the millions of tourists and business travellers who transit through the airport each year. Adelaide Airport, which is managing the project in conjunction with the commonwealth, will release detailed plans in due course.

The government supports the motion, with an amendment to replace paragraph 6, which I now move:

Leave out paragraph 6 and insert a new paragraph as follows:

6. That this council welcomes the announcement that the state and commonwealth governments will work with Adelaide Airport to relocate the Vickers Vimy aircraft to the new airport, noting that the move will be managed in a way so as to ensure the plane is not damaged in that relocation.

I commend the motion to the house.

The Hon. F. PANGALLO (15:33): I wish to thank all honourable members for their contributions and that of the state government for supporting so many epic flight activities. It is gratifying that Australia continues to lead the way in the world of aviation a century on from this magnificent achievement. Recently, we saw a Qantas flight undertake the longest non-stop flight in history, from New York to Sydney. The airline also flies from Perth to London on the famous Kangaroo Route, which I guess the Vimy would have pioneered.

As we have heard, there was a big turnout recently at Adelaide Airport, where people were able to view the Vimy close up and enjoy an air show. The Adelaide Airport corporation's new home for the Vimy, to be built with state and commonwealth funding, looks like being quite an impressive structure and I am sure it will be an instant hit with travellers to our city. People remain in awe of the achievements of the Vickers Vimy and the crew, led by brothers Sir Ross and Sir Keith Smith.

I noted recently that there was a push to rename Adelaide Airport after a pioneer aviator, Harry Butler—the Red Devil, as he was known. He certainly does have a place in our history for being the first to undertake an overwater mail run in the Southern Hemisphere, establishing the state's first airport at Northfield and then at Hendon and for his service in World War I. He attracted big crowds for his acrobatic aerial skills but, tragically, he died in a plane crash, as did one of the Smith brothers.

While there is much merit in commemorating Harry Butler's name, I think the feat of the Smith brothers is incomparable for its time. If we were going to rename our airport, where their plane is on display, I would say they richly deserve that accolade. I urge the South Australian government and Adelaide Airport to seriously consider the suggestion. In doing some research on airports that have been named after individuals, I went through a huge list of all our airports around the country. Incredibly, only a couple have been named after individuals. I think it would be apt for our airport to carry the name of such illustrious pioneers in aviation.

I would also like again to acknowledge the fine work of the producers of a documentary on the Vimy's epic flight: Susan Harrington, who was one of my colleagues at Channel 7 for many years, and newspaper columnist and avid Vimy advocate Lainie Anderson. She has done a tremendous job in ensuring that the memory of the Vimy continues to live on in our psyche.

I must also mention our own astronaut, Dr Andy Thomas, who is a narrator and shares his memories of visiting the Vimy when he was a youngster. The documentary will be screened nationally on SBS TV in early December and there will be a screening at Wallis Cinemas at Mitcham tonight. I am really looking forward to attending that. In closing, I strongly commend the motion to the Legislative Council, and I will accept the amendment of the Hon. Terry Stephens.

Amendment carried; motion as amended carried.

Bills

HEALTH CARE (HEALTH ACCESS ZONES) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 31 October 2019.)

Clause 1.

The Hon. C.M. SCRIVEN: I have a number of questions for the mover of the bill that relate to the overall bill and I may have additional ones, clause by clause, as we go through. Could the honourable member advise how many times there have been prosecutions in regard to the Pregnancy Advisory Centre for the behaviour that she alleges is going to be fixed by this bill?

The Hon. T.A. FRANKS: Chair, there were two problems there. I could not actually hear what the honourable member was saying, and I understand that we are now in private members' business and that this is a conscience vote, so I am wondering if I recognise the member in her chair or in another person's chair, where she is sitting assuming Leader of the Opposition status. Is she speaking on behalf of the opposition today, or is she speaking in her own right as an individual private member on a conscience vote and, if so, why is she not sitting in her own chair?

The ACTING CHAIR (Hon. D.G.E. Hood): On the issue of volume, I would agree that it was difficult to hear the Hon. Ms Scriven. I think maybe her microphone was not turned on at that time. On the issue of her seat, I think that was resolved yesterday. Having just conferred with the Clerk, my understanding is that the member is able to sit in that seat if it is not objected to by the individual who normally occupies that seat—that is, the Leader of the Opposition, the Hon. Kyam Maher—but it is a conscience vote, so I presume the Hon. Ms Scriven will be speaking on her own behalf.

The Hon. T.A. FRANKS: Thank you, Chair. Has the Hon. Kyam Maher indicated that he is supportive of the member sitting in his chair?

The ACTING CHAIR (Hon. D.G.E. Hood): He has not indicated that he is not, which is sufficient, I understand.

The Hon. T.A. FRANKS: Sorry, he has not indicated that he is not? Does that mean that there has been no indication whatsoever?

The ACTING CHAIR (Hon. D.G.E. Hood): Yes, that is right.

The Hon. T.A. FRANKS: Is the honourable member who is missing from his own chair today aware that there is another member sitting in his chair?

The ACTING CHAIR (Hon. D.G.E. Hood): I draw the member's attention to standing order 167, which states:

> Every Member desiring to speak shall rise uncovered, in their place or in the place of some other Member who does not object thereto, and address the President…

He has not objected; therefore, the Hon. Ms Scriven is able to sit there.

The Hon. T.A. FRANKS: Chair, I would say that he has not been given the opportunity to object, and I have certainly objected to the member assuming this role of Leader of the Opposition, which she is not actually currently entitled to, and sitting in another member's chair. Shall I go and sit in one of the government members' chairs so I can hear the honourable member's mumblings more clearly—

The Hon. C.M. Scriven: If they don't object.

The Hon. T.A. FRANKS: —if they don't object?

The ACTING CHAIR (Hon. D.G.E. Hood): In this case, the Hon. Kyam Maher has not objected. There is no objection before the chamber, so I indicate that we will proceed with the debate. The Hon. Ms Scriven, can I ask you to repeat your question, please, because it was difficult to hear initially.

The Hon. C.M. SCRIVEN: Certainly I can, but I am just wondering, given the level of debate we have just had, would the member prefer that we adjourn the debate until we can seek support from the Hon. Kyam Maher?

The Hon. R.P. Wortley: Seconded.

The ACTING CHAIR (Hon. D.G.E. Hood): Just before you answer, the Hon. Ms Franks, there was no motion put to adjourn the debate, so there is no need to second, the Hon. Mr Wortley, but I will allow the Hon. Ms Franks to respond.

The Hon. T.A. FRANKS: No.

The Hon. C.M. SCRIVEN: Right, let's get on with the business at hand then rather than ridiculous points. My question to the honourable member, the mover of this bill, is: how many times

have there been prosecutions for the type of behaviour outside the Pregnancy Advisory Centre that she alleges will be fixed by this bill?

The Hon. T.A. FRANKS: This bill is actually put before us, and I would note, from the freedom of information requests and previous media statements on this issue, that police have found that their powers are wanting. So prosecutions are actually rendered quite difficult until we have specific laws, which is why we have a bill here today to allow for these behaviours to be appropriately addressed by the police, to give the police force in this state the tools they need to address these behaviours.

These are the tools that they have in New South Wales, the tools that they have in Victoria, the tools that they have in the ACT, the tools that they have in Tasmania, the tools that they have in the Northern Territory, the tools that they have in Queensland, the tools that they will soon have in WA with a Labor government bill to effect these protections for women seeking abortions, the tools that this council should give our police to address these inappropriate, harassing, intimidating and offensive behaviours. I look forward to a prosecution in the near future, should we pass this legislation through this parliament.

The Hon. C.M. SCRIVEN: I draw the member's attention to the Summary Offences Act 1953, which refers to disorderly or offensive conduct or language, behaving in a disorderly or offensive manner, and then defines 'offensive' to include threatening, abusive or insulting. For the record, could the honourable member advise how many prosecutions there have been for behaviour outside the Pregnancy Advisory Centre?

The Hon. T.A. FRANKS: To my knowledge, there have been none. That is why we have this piece of legislation: to enable this behaviour to be appropriately addressed by police. I draw the member's attention to the Law Society advice given to SALRI on these safe access zones. I note that that advice of 31 May this year—so we have been waiting some time to have this debate—notes that:

> Under section 7 of the Summary Offences Act 1953 (SA), a person who in a public place behaves in a disorderly or offensive manner is guilty of an offence.

The Law Society continues:

> However, while this provision may address some of the unwanted behaviours exhibited in the vicinity of termination facilities, it is unlikely to provide complete and adequate protection.
>
> The Society supports the establishment of a safe access zone to protect a woman who is seeking or who has accessed terminations services from harassment and intimidation, or behaviour which attempts to obstruct a woman from accessing health care services related to terminating a pregnancy. The Society considers that the same protection should also apply to a health care practitioner who performs or assists in the lawful termination of pregnancy.

The short answer for the member—

The Hon. C.M. Scriven interjecting:

The Hon. T.A. FRANKS: That is a matter of conjecture.

The CHAIR: That is unparliamentary, the Hon. Ms Franks. You need to withdraw.

The Hon. T.A. FRANKS: The short answer to the question—

The Hon. C.M. SCRIVEN: Mr Chairman, has the honourable member withdrawn?

The Hon. T.A. FRANKS: Withdrawn.

The Hon. C.M. SCRIVEN: Thank you.

The Hon. T.A. FRANKS: The member is quite strict on protocol when it comes to her title of 'honourable' but not so much when it comes to her title of 'Deputy Leader of the Opposition' in this place and assuming the seat of the Leader of the Opposition in this place. In answer to the member's question, the Law Society has recommended this very legislation. There have been no prosecutions because they are too difficult to take up. This behaviour is unfortunate and unwelcome in South Australia, but unfortunately our parliament has yet to act to provide these protections and these

provisions for SAPOL to provide protections to healthcare workers and patients and their supporters alike.

The Hon. C.M. SCRIVEN: Does the honourable member consider looking at a person entering an abortion clinic to be harassment and intimidation?

The Hon. T.A. FRANKS: No.

The Hon. C.M. SCRIVEN: Does the honourable member consider standing in the vicinity of an abortion facility to be harassment and intimidation?

The Hon. T.A. FRANKS: Not necessarily.

The Hon. C.M. SCRIVEN: Could the honourable member explain what she means by 'not necessarily'? It is surely either a yes or a no.

The Hon. T.A. FRANKS: It means not necessarily.

The Hon. C.M. SCRIVEN: Does the honourable member consider praying outside an abortion facility to be harassment and intimidation?

The Hon. T.A. FRANKS: Not necessarily, but I would say that we have a great support for freedom of religion in this country. We also have a great support for freedom from religion, and should a person be praying in a way that is intimidating, harassing or threatening to somebody seeking a healthcare service or delivering that healthcare service, in that case I would find it so. In another case, I perhaps would not, but it would not be me policing this, it would be the South Australian police force, who would have received a call and a complaint, who would then assess the situation, given the specific laws that they need to do their job to provide protection and safety for workers and patients alike. They would then have a law fit for purpose to follow.

The Hon. C.M. SCRIVEN: Is the bill designed to prevent quiet prayer near the Pregnancy Advisory Centre or any other facility providing abortions?

The Hon. T.A. FRANKS: What does 'near' mean?

The Hon. C.M. SCRIVEN: Within 150 metres.

The Hon. T.A. FRANKS: If within the 150 metres that would be designed to be providing that safe access to health care or that safe workplace for a healthcare worker was found by a patient, a supporter or a healthcare worker to be a threat to their safety, and should they call the police and the police assess the situation to be of a such a nature that it was threatening their safety and ask that person to leave, and then that person refuses to leave, that is when this law would be enacted. Should the person who is a patient or a worker not feel threatened, they would not call the police. Should the police arrive and feel that the situation is not threatening, they would not ask the person to leave the 150-metre safe access zone. The law would not apply in those situations.

The Hon. C.M. SCRIVEN: Could the honourable member outline what kind of prayer is a threat to safety?

The Hon. T.A. FRANKS: Chair, that question is quite offensive. I think the honourable member is playing politics with this area. Some people may stand outside of an abortion clinic and pretend they are there for pure purposes. As I have said, perhaps the person involved in that situation, through no fault of their own, has found themselves with an unwanted pregnancy. Perhaps the pregnancy is not viable. Perhaps they have an ectopic pregnancy.

If they find that somebody is standing in their path, within 150 metres of the health care they are seeking to access that day, and it is upsetting, intimidating and hindering their lawful, human right to access that health care, then this law will provide them with some recourse and protection. If a person is praying within that 150-metre zone and does not offend a healthcare worker, a patient or their supporter, this law will never be applied.

The Hon. C.M. SCRIVEN: I was using the words of the honourable member herself. She talked about when prayer 'is a threat to safety'. Hence, I am asking the question: what sort of prayer is a threat to safety? The honourable member went on to talk about standing in their path, which is

a totally different issue. I ask again, using the member's own words, what kind of prayer is a 'threat' to someone's safety?

The Hon. T.A. FRANKS: If the Hon. Clare Scriven does not believe that there are situations in which people feel threatened outside of abortion clinics, where one person, two, 10 or 20 people are praying with placards, plastic foetuses and signs, and hurling hateful abuse—if she believes that sort of behaviour should be tolerated in our society, then she should simply come right out and say so.

In terms of saying that this is somehow banning prayer, that is a furphy. That is a straw man argument. This does not ban prayer. People pray for many different reasons. Patients entering that healthcare facility may well be praying for their own sakes. However, if somebody is using religion to cover harassment and intimidation, this law will provide a remedy to that situation and will enable the police to be called to make that judgement. We trust the police with these judgements in those situations.

The alternative is that we see what has happened in the UK and the US, where they do not have safe access zones. This has certainly been a real problem in the UK, where they need a team of supporters and volunteers to escort patients to access health care. This team will cover the identity of the person who is accessing the health care and escort them inside to protect them from the harassment that is a trademark of organised antiabortion campaigners. This is unfortunately increasing worldwide and unfortunately increasing in South Australia.

The Hon. C.M. SCRIVEN: I think I can interpret, from what the honourable member is saying, that it is not the intention of this bill to stop prayer in front of an abortion facility. The honourable member referred to placards and models of unborn babies—or, as she calls them, 'foetuses'—and the UK situation. I am talking about the situation in South Australia. If people want to pray in front of the abortion clinic, or any facility providing abortions, can I confirm that it is not the honourable member's intention to prevent that prayer?

The Hon. T.A. FRANKS: I indicate that this legislation exists in every other state and territory, except WA and South Australia. It is not my intention specifically to dictate anything through this legislation. It is my intention to afford patients and healthcare workers protections from behaviours that they find harassing, threatening and intimidating. Those behaviours may take many forms, and in some cases they may take the form of prayer, but in terms of banning prayer, this bill does not do that. This bill does not, in and of itself, ban prayer.

There is no way that you can interpret it to do so, unless that behaviour then becomes the subject of a person feeling threatened, intimidated and harassed to the point where they call the police and the police make a judgement call that that person's assessment of a situation that they are being threatened, intimidated or harassed is a valid one and the police then ask the person who has had the complaint made about them to move on.

If the person refuses to move on, or is moved on and returns within 24 hours to repeat the same behaviours, then they fall foul of this piece of legislation and only then. It does not stop them praying. It does not stop people praying; however, it does create a very proportionate, measured and specific tool for the police to employ to protect the health and safety of patients and workers.

The Hon. C.M. SCRIVEN: Thank you for the confirmation that it is not intended to stop prayer within 150 metres of an abortion clinic or other provider. I would draw the member's attention to what I think is an error in what she has just said. She said that someone must engage in prohibited behaviour and be asked to move on by the police and refuse to do so in order to fall foul of this legislation. I think she is incorrect. There are two separate offences within this bill that are not dependent upon each other, so I think it is worth noting that the honourable member does not appear to understand her own bill. I move on to some further questions.

The Hon. T.A. FRANKS: Could the member please clarify which particular clause she is referring to in her assertions?

The Hon. C.M. SCRIVEN: Certainly. The prohibited behaviour is in clause 3—Insertion of Part 5A, which then moves on to 48D:

(1) A person who engages in prohibited behaviour in a health access zone is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

That is a standalone offence, separate to 48E—Police officer may direct person to leave health access zone.

The Hon. T.A. FRANKS: Quite simply, a prohibited behaviour has to be occurring for the police to be called. For the police to be given the option not of an immediate fine, not of an immediate penalty, but asking the person to move on is a proportionate and appropriate response.

The Hon. R.I. LUCAS: I raised this in our earlier debate. I confess I am not a lawyer, but that is certainly not my reading of the legislation. My reading of the legislation is, as the Hon. Ms Scriven has just outlined, that 48D does impose an offence for someone who engages in prohibited behaviour in that zone, with a maximum penalty of two years. Prohibited behaviour is defined in the definition, as has been to referred to earlier.

I accept what the Hon. Ms Franks is saying that there are other offences, that is, if you are asked to leave and you do not and you return when you are told not to they are offences as well, but I respectfully do not agree with her interpretation that you have not committed an offence merely by the fact of having engaged in prohibited behaviour in a particular health access zone.

The Hon. T.A. FRANKS: I have been through this with parliamentary counsel. The advice I have from parliamentary counsel is the way I have outlined it is the appropriate way. If the members know more than parliamentary counsel, then they will vote accordingly.

The Hon. C.M. SCRIVEN: Can the mover of this bill indicate how this will impact on offers of support to women who are considering their options with an unplanned pregnancy, whether that be material support, information about parenting payments, for example, or information about adoption options?

The Hon. T.A. FRANKS: There are many organisations that do very fine work with those who are expecting and those who have children. If they do that work outside an abortion health service in a way that causes the person that they are offering that support to to feel threatened, harassed and intimidated, they may well not comply with our expectations as a parliament, should we pass this legislation. If they are not seen to be a threat, there will never be a complaint to the police made.

The Hon. C.M. SCRIVEN: Just to clarify: it is entirely possible that someone offering assistance to a woman, letting that person know about their options in terms of support should they wish to continue their pregnancy, could commit an offence under this act simply by doing so.

The Hon. T.A. FRANKS: Yes, it is, actually, because some people will go and stand in the way of somebody seeking a health service. They will travel across state borders, as we saw in the High Court challenge. The people who took that High Court case up had travelled from interstate to stand outside pregnancy clinics in other states than those where they lived. We know people will travel from the US to Australia to protest outside the provision of health care which is around reproductive rights for women. So should they do so in a way that is seen to be threatening and intimidating and to fit the definition of the prohibited behaviours and have the police turn up, such is their behaviour, then they may well find themselves guilty of an offence.

The Hon. S.G. WADE: I was wondering if I could ask the honourable member: I understood her to say that she understands that protesters might travel interstate to protest. Considering the number of jurisdictions she indicated are putting in place safe access zones, do you think that South Australia being the odd state out might actually attract an increase in protests?

The Hon. T.A. FRANKS: Absolutely, and I did make this point in a previous contribution. In fact the 40 Days for Life campaign, with the stated objection of closing down abortion clinics, with the stated objection, on their website, of stopping people working in these healthcare centres, of closing them down, only has one target in Australia. It is a global movement. It has little dots right across the globe. The only one that they have in Australia is in South Australia, in Adelaide, in Woodville. That is the target of their global efforts, and they encourage their supporters to go to Woodville. It will only increase, particularly if WA soon moves. They are the only other jurisdiction at

the moment that does not prohibit, with a safe access zone, this sort of behaviour that seeks to stop people having abortions.

The Hon. C.M. SCRIVEN: The honourable member who has moved this bill referred to the Law Society correspondence. Could she explain to the chamber why she has ignored the views of the Law Society, which wrote that:

> Given the establishment of safe access zones was part of SALRI's reference, there may be some benefit in waiting for SALRI's report and recommendations to be delivered.

The Hon. T.A. FRANKS: With great delight. The benefit in waiting is far outweighed by the point the Hon. Stephen Wade just made, in that we now have a target on South Australia for these types of behaviours and these types of protests. We know that the SALRI report has now been delivered to the Attorney-General and that the government will make a response to that in December. We know that we are looking at embarking upon abortion law reform in this state. We have 50 years out of date laws that currently hinder best practice and access to health care across this state.

We know that we have had, every single Wednesday since last December, protesters on the steps of Parliament House. We know that we have just had a 40 Days for Life protest outside Woodville, and we know that there is another one coming for Lent next year. Should parliament not pass this legislation prior to that? We may well find ourselves debating abortion law reform without the protections that previous jurisdictions have installed prior to having that debate.

In New South Wales they quite rightly had this debate about safe access zones first, to ensure and guarantee that the protesters were not outside any pregnancy advisory clinics while they had their debates, in recent months, about abortion law reform itself. They were right on the steps of Parliament House or in public parks, but not outside, impeding an individual woman seeking to access health care.

The Hon. C.M. SCRIVEN: Can the honourable member advise the chamber of how many proceedings there have been for breach of the permit provided to 40 Days for Life for their regular prayer vigils outside the front of the Pregnancy Advisory Centre at Woodville?

The Hon. T.A. FRANKS: Could the honourable member please define what she means by 'regular' permit access? Which permits does she mean, in particular?

The Hon. C.M. SCRIVEN: I am referring to the ones that the honourable member has mentioned, which, as I understand it, are prior to Lent and are some time in spring each year. It is my understanding that these permits are undertaken twice a year for 40 days.

The Hon. T.A. FRANKS: These protests have gone on for some years. They have increased in occurrence, in regularity and in size in recent years. Indeed, the campaign of 40 Days for Life, which I previously noted, was disendorsed by the archdioceses of Adelaide and Port Pirie until contracts were signed to regulate the behaviour of that particular group. Those contracts, I think, have had some ameliorating effects, and the concerns that the Catholic Church had expressed were about some of the behaviours that we simply do not want to see in South Australia.

Not all groups will be like 40 Days for Life. There is Abort67 in the UK, which may well come here. One of their practices is to stand outside abortion clinics and Facebook live stream people coming in and people going out. Do we really want to see that sort of behaviour in South Australia, and will a permit be applied for and gained? One of the misnomers here is that somehow a permit provides protection. A permit does provide some protection in that you have somebody to complain to should things go awry, but you still do not have a fit for purpose law to be applied should things go awry.

You also do not necessarily have people applying for permits. 40 Days for Life applies for those permits in that twice a year time frame, but I am informed by those who work inside the Pregnancy Advisory Centre that, week in and week out, with the other protests, no permits are ever applied for and that no knowledge is really gained by the people—the health workers and the patients—inside that clinic about the nature of the people protesting outside that clinic.

We do not really have any guarantees that a permit protects anyone, other than allowing police to move them out of the approximately 75-metre zone that happily coincides with the car park,

currently, where staff, in particular, park their cars in such a way as to provide themselves with the protection that this parliament has so far failed to afford patients and healthcare workers.

We know that permits are used by council as a tool for a situation that they have found themselves having to police. We also know that council has indicated that they would like a fit for purpose law to be passed by the parliament so that they do not have to rely on this permit system that has been cobbled together without great powers to enforce appropriate behaviours but simply to be able to be pushing people slightly further away from the door of a pregnancy clinic. A permit system is an abject failure of this parliament to provide those protections for workers and patients alike.

The Hon. C.M. SCRIVEN: The current by-law to enable a permit to be issued is that a person must not on local government land annoy or unreasonably interfere with another person's use of the land. I ask again, given the honourable member talks about these so-called protests being around this some years, how many proceedings have there been for breach of permit?

The Hon. T.A. FRANKS: I do not think the permit system is an appropriate system and it falls far short of providing protections and a fit for purpose law. That is why we are currently debating a fit for purpose law, not a permit system.

The Hon. C.M. SCRIVEN: Can the honourable member answer how many proceedings have been issued for breach of permit?

The Hon. T.A. FRANKS: The question is not actually relevant to this piece of legislation.

The Hon. C.M. SCRIVEN: Given that there are numerous allegations flying around this place that people are being obstructed from entering, that other behaviour is happening, which would clearly be in breach of a permit which says that one cannot annoy or unreasonably interfere with any other person's use of the land, the discussion of a permit and any breach is entirely relevant. Clearly, there have been no proceedings for breach of permit, and the honourable member does not want to admit the fact. There have been no revocations of permits because of any breaches. That is the fact and that is clearly what the honourable member does not want to acknowledge.

The Hon. S.G. WADE: I must admit I am not familiar with the permit system, but taking the Hon. Ms Scriven's rendition of the condition, if it says that your permit is to be on a piece of land and not interfere with any other person's use of that land, I hardly see it is relevant. I visited the Pregnancy Advisory Centre at Woodville. I saw the protest. It is on the other side of the road. It is on another piece of land altogether. It would not fit the definition of interfering with a person's use of the land that they are sitting on. What the Hon. Tammy Franks' legislation is trying to addresses is the proximity to another piece of land inhibiting people's access to health. So I certainly do not see how the condition on a permit provides any protection to health workers or people using the facility.

The Hon. C.M. SCRIVEN: I thank the honourable minister for leading us to a point, which is that those who go to pray outside of the clinic under the 40 Days for Life banner are in fact on the opposite side of the road and quite a distance up the road from the entry to the clinic, so there is therefore no possibility, if they are complying with the permit—which clearly they are, since there have been no breaches or allegations or proceedings for breaches—of preventing anyone entering the Pregnancy Advisory Clinic. Could the honourable member who moved this bill outline what input she sought from anyone who may have found the presence of people outside the clinic, who have offered support to women going in, helpful? Who has she spoken with? Has she sought to speak with anyone who has found the offering of support outside the clinic at Woodville to be helpful?

The Hon. T.A. FRANKS: That actually draws me to some of the claims made by the honourable member in her second reading contribution. I would like the honourable member to explain two of the situations that she outlined that certainly raise some really serious concerns about what I think is a fine health institution in South Australia: the Pregnancy Advisory Centre. In the first example, the Hon. Clare Scriven outlined the case of:

> A 20-year-old woman said that she agonised over her decision to have an abortion, and then when she was at the Pregnancy Advisory Centre she had second thoughts. She verbalised this to the nurse and was told it was too late and that she had to go through with the procedure.

In that case, did the Hon. Clare Scriven counsel the woman to make a complaint through APRA or the other relevant health authorities? What advice did she give this woman and what lengths did she go to to ascertain the facts? We had healthcare workers listening to this who completely dispute that this would happen in the Pregnancy Advisory Centre.

I go on to the second example given. The Hon. Clare Scriven made a contribution to this place, outlining that:

> There was an older woman who says that she was pushed into having an abortion by three other significant people in her life. She was taken to the Pregnancy Advisory Centre and was so upset that the procedure was postponed. She was then taken back a week later and was still very upset. She said she was taken wailing to the operating theatre, where she was basically told to be quiet.

Can the member outline what measures she has taken to address, if these claims are true, quite inappropriate provision of health care in this state?

The Hon. C.M. SCRIVEN: Before moving to questions that the mover of this bill wants to ask me, could she perhaps answer the questions that I have asked her?

The Hon. T.A. FRANKS: I have actually worked in the women's and human rights sector in the community services sector for most of my working life. I have worked for Amnesty International and I have worked for the YWCA, in particular. In both of those roles in South Australia, I have had longstanding involvement with the women's services sector and the human rights sector and I have, for a very long time, been informed by those groups about the fact that our abortion health care in this state is subject to these protests and is subject to laws that fail women.

I have had many conversations over several decades. Indeed, I remember some of those conversations were first sparked back in 2002, when the ACT, through the work of the YWCA and other women's groups, removed abortion from their criminal code. The work is ongoing. It includes, of course, the work to ensure access to abortion through the various senate committee work that I outlined previously.

In all of those, I have had experience in supporting witnesses to provide information to senate hearings. As a young women's program manager at the YWCA dealing with a range of young women's issues, this was ongoing and pressing as a concern and raised in many different situations in very many advocacy forms, as well.

I am not doing this just because I am a member of parliament now and we have hit a particular point of time. This has been decades in the making. We have left women in this state with inadequate access to reproductive health care and with inadequate access to the protections that they deserve and are entitled to as part of their human rights. It is part of our ensuring that they have access to the health care that they need at the time that they need it and in a way that they can access it.

The Hon. C. BONAROS: To the mover, in all those years of discussions that you have had, particularly with health professionals—I take it that you have had more than most of us—have you received feedback of instances where support or assistance was being offered to women trying to access these procedures as opposed to threats, intimidation or harassment?

The Hon. T.A. FRANKS: I have certainly heard many complaints about the protesters. Before the permit system and the car park car arrangement system was provided, it was far worse for a short period of time and required that particular, I think, quite ingenious solution. I also remember the gardeners and the council, I have been informed, would put blood and bone in the garden outside just to keep the protesters that little bit further away. Should we really be relying on gardeners putting blood and bone down outside pregnancy advisory centres to keep protesters, their prayers and their plastic foetuses away from people who are accessing health care?

The Hon. C.M. SCRIVEN: I note that the honourable member has referred to it being an ingenious solution in terms of the car parking and how much it has improved, which does lead one to question why she thinks this is still necessary; however, she appears perhaps not to have remembered what my question was. My question was not what her employment background was before entering parliament. My question was: did she seek input from anyone who may have found

the presence of people outside an abortion clinic offering them support and found that offer helpful? Did she seek any of that information?

The Hon. T.A. FRANKS: I did not have to go looking for it: it came to me. When I was at the YWCA, the complaints came to us. When I was at Amnesty International, the complaints came to us. When I was part of the Women's Services Network, the complaints came to us. Now that I am a member of parliament who has advocated for the decriminalisation of abortion, believe me, the complaints come to us.

The Hon. C.M. SCRIVEN: I am wondering if there is something wrong with my microphone because I have not asked about seeking out complaints or otherwise. I have asked the honourable member: did she try to find out whether some women have found it helpful to be offered support outside the Pregnancy Advisory Centre? Did she seek out any of the people who have said that they have a beautiful baby, a lovely toddler or a child of three or four years old because they were offered support outside the Pregnancy Advisory Centre? Did she seek any of these people, any of this information?

The Hon. T.A. FRANKS: These people who have spoken to the Hon. Clare Scriven have not spoken to me, unsurprisingly. That is why I asked her today, and I will repeat my question: with regard to the 20-year-old woman who complained about her treatment at the Pregnancy Advisory Centre—when she had second thoughts, verbalised this to a nurse and was told that it was 'too late' and that she had to go through with the procedure—that person did not come to me. That person went to the Hon. Clare Scriven, according to her second reading contribution.

I ask: what did the Hon. Clare Scriven do when presented with that information? I also ask what the Hon. Clare Scriven did when she was presented with the information about the older woman who was taken wailing into an operating theatre and basically told to be quiet. If those people had come to me as a member of parliament, I would have sought a complaints process to take up their complaints about inadequate health care. I ask the honourable member if she did the same.

The Hon. C.M. SCRIVEN: I am not sure whether someone who is not moving the bill has to answer questions, but I am happy to do so. I am not moving an amendment, as the honourable member is saying I am; however, I am happy to do so.

Members interjecting:

The CHAIR: Order! Allow the member to speak.

The Hon. C.M. SCRIVEN: If anyone brings an issue to me, I certainly listen. Often, it is more a matter of comforting them than it is immediately telling them to go to the police, a complaints body, or something like that. I have encouraged a number of women to go to the relevant authorities and place complaints or other documents outlining their experiences. One thing that we have all agreed on in this chamber is that seeking an abortion or having an abortion can be a very traumatic experience. It is not for me to tell these women, who are experiencing extreme trauma, extreme regret and often post-abortion grief, which some members in this chamber claim does not exist despite the women saying that this has ruined their lives—

The Hon. C. Bonaros: I don't think anyone has said that.

The Hon. C.M. SCRIVEN: I think you will find that the Hon. Ms Franks has said that. If I am incorrect about that, I will be happy to correct the record.

The Hon. T.A. FRANKS: A point of order, Chair: it is not parliamentary to speak on behalf of other members of this place. You speak in this place on behalf of yourself, but you do not assume the intents or reasonings of other members. That is in the standing orders; I can find it if you like. I ask the honourable member to withdraw from claiming that she speaks on behalf of us all.

The CHAIR: I do not think the honourable member was going there, as far as I understand what the honourable member was saying. The honourable member was indicating that that was her understanding of what other members have said. That may or may not be correct but, the Hon. Ms Scriven, please go on and be mindful of what the Hon. Ms Franks is objecting to.

The Hon. C.M. SCRIVEN: Certainly. My understanding was I was referring to statements made in this place that would be recorded in *Hansard*. What I was saying is that I will encourage

women who are experiencing extreme trauma following an abortion to report it to authorities, but I fully understand that it can often be far too traumatic and far too upsetting to actually go through that. I would be hopeful that anyone here would understand that because they acknowledge that abortions can be extremely traumatic and devastating to women's lives.

The Hon. C. BONAROS: Given the discussion that has just taken place, I think we deserve a bit more of an explanation in relation to the two cases that have been outlined. The Hon. Clare Scriven raised those in her second reading speech. She has a position on this bill. The questions today are supposed to assist us in forming our positions on this bill, skewing those decisions one way or another or forming those decisions one way or another. So if, indeed, two people did make those allegations and they were put on the record in this place and recorded in *Hansard*, and they are serious allegations, then I for one would like confirmation of the fact that those two individuals did speak to the Hon. Ms Scriven and provide the information that she has provided in *Hansard*.

The Hon. C.M. SCRIVEN: What confirmation is the honourable member seeking?

The Hon. C. BONAROS: I would like confirmation about the two cases that the Hon. Tammy Franks has referred to: the one woman who was forced into an abortion and the other woman who was taken to an operating procedure room wailing.

The Hon. C.M. SCRIVEN: I am asking what form the honourable member is seeking this information in. Does she want me to drag the women in here?

The Hon. C. BONAROS: I want an answer now. We are here. We are debating the bill. These are allegations that have been raised in this chamber. They form part of this debate, so I would like a response about them here so that I can take those into consideration when making my decision on this bill.

The Hon. C.M. SCRIVEN: I will ask again: what format is the honourable member seeking? Is she asking me to bring the women into the chamber? It is just not clear to me what she is asking for.

The Hon. C. BONAROS: I am asking for confirmation that you have spoken to those women and that they have made those allegations to you. If you have not, then I would like to know where those two cases came from.

The Hon. C.M. SCRIVEN: I see. You are asking me to say that these two cases exist and they have spoken to me; is that correct?

The Hon. C. BONAROS: No, I am asking you to confirm: have you had a discussion with two women who underwent procedures along the lines that you have outlined in your second reading speech?

The Hon. C.M. SCRIVEN: Yes.

The Hon. C. BONAROS: Was any action taken in relation to either of those two matters after they were raised with you?

The Hon. C.M. SCRIVEN: I believe I have just answered that question. I comforted the women. I encourage anyone in that situation or a similar situation to consider going to authorities and lodging a complaint. I have a number of other situations of women whose experiences have been far from ideal; however, I cannot force them to take those complaints to authorities, and I understand fully why that would be. I am not quite sure what else the honourable member would like.

The Hon. I. PNEVMATIKOS: Just seeking further clarification from the Hon. Clare Scriven, how long ago did these instances occur and how long ago were you advised of them in person by the individuals concerned?

The Hon. C.M. SCRIVEN: I would think it was about 3½ years ago for the first one, and probably about 2½ years ago for the other. However, I do not take notes of every conversation that I have. I would remind honourable members that I was not a member of parliament at that time, so that is the closest, to my recollection.

The Hon. T.A. FRANKS: We did ask the honourable member whether she had taken these cases to appropriate authorities in terms of making complaints or, I will add now, ascertaining their veracity. She has pointed to the trauma and grief that are often associated with these situations, and that trauma and grief can be for very many reasons. There can be trauma and grief, absolutely, for somebody who has an abortion. There can also be trauma and grief for somebody who is unable to access reproductive health care and an abortion. There can be trauma and grief for somebody who is raped. They can be somebody who is the subject of sexual abuse.

There are so many reasons that trauma and grief should not then be translated into a sledge of the Pregnancy Advisory Centre's practice, because the member—the honourable member—has come to this place and made claims that the Pregnancy Advisory Centre is not operating appropriately to the standards of health care that we believe this state should be providing. If these situations are the case, then various levels of medical procedure were not followed, consent was not sought and informed consent was not gained. If the member believes in these cases and brings them as a statement of fact to this place, I think she now has a duty to explain how she established their veracity.

The Hon. C.M. SCRIVEN: I am not sure that I do have the duty that is mentioned. However, I am happy to answer the question to the best of my ability. The honourable members need to understand that when a woman has gone through extreme trauma, she has considered an abortion, initially consented to an abortion and then changed her mind and experienced the kind of absolutely devastating experience that she has, for members to then suggest that I should say to her, 'Is this real? Did it really happen? Are you crying here for some other reason? Why would you make this up?' is absolutely ludicrous.

If the honourable members would like another example, I can give one much closer to home, which I can certainly verify the veracity of because it is a very close relative of mine. This person—I am not going to use her name; I will call her Paula—found that she was pregnant, and she found that her child was diagnosed with spina bifida, was going to have spina bifida. This relative of mine already had a child who had a severe disability. She was counselled to have an abortion and she said that she did not want to have an abortion—that was just not part of what she was going to do.

She had several health professionals what she considers harass and intimidate her. One nurse said, 'Don't you think your family is already costing our health system enough?' This was her experience, while she was pregnant, when she had just found out only in recent weeks that the child that she was carrying had spina bifida: 'Don't you think your family is already costing the health system enough?'

It would seem that it was her duty to have an abortion. What is more, when she still refused, clearly upset, she went home and later that week a so-called health professional came to her home, uninvited, to again counsel—and I use those words in inverted commas—her to have an abortion. This is the sort of harassment and intimidation that is happening.

This is a close relative of mine, so if you would like to say that she is lying through her teeth about her daughter, then I challenge you to do so. To treat women who have experienced these kinds of things as though they are making it up is absolutely appalling. To see the honourable members here, some of them sitting smiling as though it is not true, is absolutely outrageous and should not be accepted whatsoever.

The Hon. C. Bonaros: You are not the only one who knows someone who has had an abortion, you know. You are not the only one.

The CHAIR: The Hon. Ms Bonaros, restrain yourself.

The Hon. C. Bonaros: Don't take the moral high ground.

The CHAIR: The Hon. Ms Bonaros. We will run this debate in a respectful way.

The Hon. C.M. SCRIVEN: The Hon. Ms Bonaros says I am not the only one who knows someone who has had an abortion. I do not recall ever suggesting that I was. However, what members need to realise is that everything in the garden is not rosy. People do not all go to the Pregnancy Advisory Clinic having made their decision and feeling that because someone is offering help to them—possible alternatives to them—that that is somehow intimidation.

I mentioned other people in my second reading speech who talked about how the offers of help that they had outside abortion facilities had been of huge benefit to them and gave them choice. They gave them choice that they did not feel that they had. That is the sort of person that I was asking the Hon. Ms Franks, the mover of this bill, about. Has she sought out anyone who has actually been helped by people outside the abortion facilities? Clearly, she has not sought that out because she does not want to hear that there is another side to the question.

To talk about protests—one member referred to 40 or 50 protesters, or some number like that, yet we are not being asked to verify the veracity of that. We have never seen that number of people outside the pregnancy advisory clinic at Woodville in the past decade, as far as I know. Two or three people, or four or five people, quietly praying 75 metres up the road, that is what we usually see outside the abortion clinic. We would also see, on occasion, people offering help to women. It is that help to women that is going to be denied by this bill.

The Hon. S.G. WADE: I would just like to remind the council that I think we can all unite on the point that women, in making health choices, should have full, free and informed consent. I accept the Hon. Clare Scriven's concern that we need to ensure we have practices in place which will support women to have free, informed consent.

I feel that as Minister for Health and Wellbeing, I should stand and indicate that in my conversations with the team at the Pregnancy Advisory Centre, I was struck by their alertness to the potential that somebody may not be giving full and informed consent. For example, my understanding is that one of the situations in which they are concerned somebody is not providing full and free consent is domestic violence. The centre has procedures in place to try to make sure that full, free and informed consent is being given.

I would like to stand with the Hon. Clare Scriven—as would, I hope, the whole council—to say that SA Health is not perfect. From time to time, one of the issues faced by health professionals is to make sure that the people receiving health services do so with full and informed consent. I note the Hon. Clare Scriven's concern about the behaviour of health professionals may have had nothing to do with the Pregnancy Advisory Centre; it may well have been health professionals in other domains. We expect all health professionals to live up to their ethics, and they are liable to be reported if they fail to do so.

I did not want this situation to continue, the suggestion that staff at the Pregnancy Advisory Centre disregard their obligation to seek full and informed consent. Of course, as with every service, I am sure they could do better; however, it is certainly not something that they dismiss.

The Hon. T.A. FRANKS: I raised this because there were, in fact, claims made about the Pregnancy Advisory Centre in the Hon. Clare Scriven's second reading speech. Staff at the centre then complained to me about the way they were represented and portrayed. They were completely horrified and said that there was no way that those sorts of practices would ever take place in their time, and in their experience, at the Pregnancy Advisory Centre.

The Hon. Clare Scriven clearly disagrees and has a different perspective. She said these complaints occurred some 2½ years ago and that she was not a member of parliament at the time she received them. Was she in any way working for the health minister or for SA Health at the time of receiving these complaints?

The Hon. C.M. SCRIVEN: I do not believe so. As I said, I took an estimate of when it occurred—I said about 2½ years ago and about 3½ years ago. They were simply guesses, as I indicated. I was working for a forestry association 2½ years ago.

The Hon. T.A. FRANKS: I did not hear where the honourable member said she was working, but in what capacity did she take these complaints? What action did she take on these complaints, and why did she then bring them and enter them into this debate to slight and impugn the work of the Pregnancy Advisory Centre?

The Hon. C.M. SCRIVEN: Two women talking to me about their experiences on separate occasions in my private capacity as a citizen, as a woman and as someone who cared about their welfare, that is the capacity in which I received this information. To categorise them as 'complaints' is to deliberately misconstrue the context in which they were received. I would encourage women to

go forward with a formal complaints process. I certainly cannot force them to do so, and if they are in such a fragile state that it would be detrimental to their mental health, or they feel it would, then it would not be appropriate for me to do so.

To suggest that the intent of bringing these to the attention of the chamber was to sleight the staff at the Pregnancy Advisory Centre is entirely ridiculous. I bring them to the chamber to indicate that there are people who will help women outside of a pregnancy advisory clinic, whether it is Woodville or any other facility, and that those women have not received the options through other mechanisms, despite what might be claimed by the health system and perhaps the intent of the health system. Nevertheless, they are not receiving that assistance, and to say that someone cannot be offered assistance so that they understand that they have a number of choices is not of any benefit to women.

The Hon. I. PNEVMATIKOS: Following on from that question, in terms of your capacity, honourable member, in dealing with the 3½ year complaint and the 2½ year complaint, were you a counsellor? Did you offer a counselling service at the time? Were you in a church group and they happened to be part of your congregation? How is it that two women randomly come to you and divulge their traumatic experiences? Certainly, I know a lot of women too, but I do not necessarily have people divulging traumatic experiences like that.

The Hon. C.M. SCRIVEN: They were friends.

The CHAIR: Honourable members, we are straying from the bill. The point of committee is not necessarily to grill a member, it is to give questions of a member who is moving it or, indeed, moving an amendment. I have given a tremendous amount of latitude to members. That latitude no longer exists. We are back on the bill. We are now back at clause 1. Members can discuss clause 1 generally or the provisions of the bill, otherwise I will put the question on clause 1 and then we will move through the clauses and the amendments.

The Hon. S.G. WADE: I must admit that I am still intrigued by the fact that every other state and territory is addressing this. I recall speaking to the West Australian health minister, minister Cook, who indicated that he is introducing legislation. My understanding is that the legislation right around Australia is consistent with a federal ALP national policy and that that policy is not a conscience vote. Abortion law itself, I understand, is a conscience vote right around Australia. Is it your understanding that the ALP does have a policy for safe access zones and it is not a conscience matter, according to national council?

The Hon. T.A. FRANKS: I thank the minister for his question. In moving this, I knew that safe access zones and abortion law reform would be at the national convention of the Labor Party in the previous year. As we recall, Malcolm Turnbull, the then prime minister, had that by-election weekend and the national conference got bumped to the end of the year. The media from that national conference—and certainly I was not in the national conference, not being a Labor member—did announce some quite broadranging policies, while conscience votes were still to be afforded to the decriminalisation of abortion. They came out of that with a policy of supporting publicly funded access to abortion and, I thought, a party vote on safe access zones, which we saw in place and we have seen through the WA example.

The Hon. S.G. WADE: I am assuming that the Labor Party branch in South Australia is affiliated with the national branch. Why is a conscience vote being afforded in this house?

The Hon. T.A. FRANKS: That is one of the vagaries and mysteries of the Labor Party in this state, I think.

The Hon. I.K. HUNTER: Point of order: it is highly irregular, I suspect, to have the Liberal minister ask a Greens member proposing legislation to make commentary about the Labor Party's policy position. The fact is, as we all know, in South Australia it is up to the leader of the Labor Party to declare matters a conscience issue. He has done so for this legislation. Please, can we move on?

The CHAIR: Thank you, the Hon. Mr Hunter. I thank you for your point of order. I agree. The Hon. Ms Franks cannot speak on behalf of the Labor Party.

The Hon. T.A. FRANKS: And I did not ever purport to. I did in fact speak to the previous acting Labor leader of NSW's Labor Party post the election, Penny Sharpe, MLC. She was quite surprised that the Labor Party of South Australia did not have a party vote on safe access zones.

The CHAIR: As I have said, I have allowed a tremendous amount of latitude on clause 1.

The Hon. R.P. Wortley: Too much.

The CHAIR: Thank you, ex-president. Thanks for the reflection, Mr President. Is there any honourable member who wishes to raise an issue on the effects of the bill—the clauses in the bill—at clause 1?

The Hon. C.M. SCRIVEN: The bill says that one cannot communicate about the subject of abortion within the proposed zone of 150 metres. I would like to clarify: this means that one cannot discuss abortion at all within the 150-metre zone other than the exceptions that are mentioned, such as you are working at the Pregnancy Advisory Clinic. Is that correct?

The Hon. T.A. FRANKS: This actually presupposes the honourable member's own amendment to remove these provisions, so I would say that that is the clause at which they should be debated.

The CHAIR: We can wait until it is debated, that clause, but we have allowed a series of questions. We can have it now, or we can have it at the clause.

The Hon. T.A. FRANKS: You are the one who did not want the latitude in clause 1 when she has a specific amendment—

The CHAIR: It is a specific question—

The Hon. T.A. FRANKS: —to remove that clause.

The PRESIDENT: The Hon. Ms Franks, it is a—

The Hon. T.A. FRANKS: If we are going to have the debate twice, that is okay, Chair.

The PRESIDENT: I doubt we will have the debate twice, since the question is asked. I am happy to wait. Actually, I am quite anxious to put clause 1. The Hon. Ms Scriven, we will ask those questions when we come to the amendments themselves. Is there anyone else who has a contribution that relates to the general application of the bill at clause 1? It is not the last asking, because you can ask questions on the provisions of the clauses of the bill.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [Franks–1]—

Page 3, after line 2 [clause 3, inserted section 48B]—Insert:

journalist means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium;

news medium means any medium for the dissemination to the public, or a section of the public, of news and observations on news;

This series of amendments that have been filed today are about ensuring that protections are afforded for healthcare workers and patients and supporters within 150 metres of a place where reproductive health services are provided—and I presuppose support for the Hon. Irene Pnevmatikos' amendments to refine and clarify that—and that there is behaviour that is covered that may indeed impede the freedom of the press has been a concern that has been raised.

Amendment No. 1 [Franks-1] outlines specifically that a person who is engaged in the media profession, journalism, or the occupation of journalism 'in connection with the publication of information in a news medium', and that 'news medium means any medium for the dissemination to the public, or a section of the public, of news and observations on news'.

Amendment No. 2 [Franks-1] is that the 'journalist reporting on a matter of public interest (whether related to the subject of abortions or [not]) for publication in a news medium, or a cameraperson or other person genuinely assisting a journalist in such reporting', and there is a provision for further behaviours to be prescribed in regulations.

Amendment No. 3 [Franks-1] amends clause 3 to insert (ca) 'a journalist reporting on a matter of public interest (whether related to the subject of abortions or otherwise) for publication in a news medium, or a cameraperson or other person genuinely assisting a journalist in such reporting'. These exclusions are to make it absolutely clear that in this piece of legislation there will be no inhibiting powers on the freedom of the legitimate press. I note that some concerns have been raised.

Our advice from parliamentary counsel was that it was a bit of a grey area. However, I would point members to the fact that we also have legislation around the Surveillances Devices Act. We also have legislation in this state specifically about humiliating and degrading imagery. Both of those provide some comfort and protection for people from the kind of filming that is meant to hinder their access to health care or to provide discomfort to them.

However, this—given that we are now promulgating an entirely new provision that police will be able to use as a tool to ensure public order and safety for people accessing health care—does not unintentionally prohibit genuine media from doing news stories outside these facilities, whether they are about abortion or not. This clarifies the protection of the freedom of the press. I would note, with some caution, that I am concerned that sometimes these powers can be used by legitimate media outlets that may have a particular intent to prohibit abortion or to shame people for having abortions. I am concerned that these powers may not be tight enough to stop that sort of behaviour.

That behaviour may well occur, and I point again to the Abort67 campaign that Facebook live streams outside abortion clinics. There are media outlets that may well use the ability of their organisation as a media organisation, or their profession as a journalist, to engage in some of these behaviours that we have found are inhibiting and prohibiting access to health care, or indeed are providing an unsafe workplace for healthcare providers. If that is abused down the track, we can address it through the provision that the minister may prescribe further regulation.

Should campaigns that are seeking to oppose abortion employ particular instances tactically to use the media in a way that we are not anticipating today—through that freedom of the press—the minister will have the power to look at that and to promulgate regulations to consult on that, and the parliament will have the power to disallow those regulations.

I think this is a good balance between ensuring, categorically and clearly, that the media can still cover stories, particularly if they are about abortion protesters putting healthcare workers in an unsafe situation or affecting their mental health or, in fact, impeding their access to health care, or where a patient has to run the gauntlet of a protest and arrives to access that healthcare service in a state unfit to then undertake that healthcare service. Those situations should not have the shield, if you like, of pretending to be for the purposes of public interest media.

There may be instances where we now allow that, but should those occurrences happen I say we address those situations down the track and provide the protections for the freedom of the press now so that nobody is under any illusion that they cannot do a story for genuine public interest outside a hospital.

The Hon. F. PANGALLO: I am actually quite uncomfortable with that statement regarding the media just made by the Hon. Tammy Franks. I come from that industry and I think that what she is saying, essentially, is that we are putting conditions on who should be able to go to report there, and that perhaps it would then be up to the minister to decide, 'I don't like that viewpoint, so I don't think they should be allowed to go there.' I find that odd, particularly when there has been much discussion in recent times about freedom of the press and your right to know.

Quite rightly, there are sections of the media that would take the opposite position to that of the honourable member and others who are supporting this bill, and it is their right to be able to do that just like somebody can also take the position that they support what is going on here. However, to try to put an emphasis, in the way she said, on legitimate press and who should be able to report this, I find that, as a journalist myself, quite objectionable. I would like the honourable member to give

me an indication of what is the definition of 'legitimate press' and what is 'illegitimate press' in her viewpoint.

The Hon. T.A. FRANKS: I thank the Hon. Frank Pangallo for that question. To be really clear, this has actually thrown the net quite broadly. It has not delineated between legitimate and illegitimate press. That is why I have said that at some point, should there be a problem, there is a provision for regulations to be gazetted through the minister and for the parliament to disallow them if we find them to be offensive. At the moment, there is no way to define between the types of press, so we have gone for the broadest definition; in fact, we have captured all journalists and all of the press within this particular set of amendments to give them the right for their broadcast filming and journalism to occur.

The Hon. S.G. WADE: Obviously, legislation on this does involve the balancing of freedoms and rights. The Hon. Tammy Franks is particularly focused on providing women access to health services. My understanding is the High Court actually considered the constitutional validity of legislation of this ilk. Could the member indicate what was the outcome of that consideration?

The Hon. T.A. FRANKS: The High Court ruling was on the implied constitutionality of the freedom of speech, not the freedom of the press.

The Hon. R.I. LUCAS: On that particular issue, the view that I proffered the last time we debated this is that I accept the High Court judgement in relation to the constitutionality of laws. I am not challenging that, but ultimately the parliament can decide what it wishes in relation to particular issues; it is not an issue. I am not challenging the constitutionality or otherwise of laws, but ultimately the parliament can choose to legislate if it so wishes.

What I would say at the outset is that this is an issue that I raised concerns about when we last debated this. I do not accept the contention that this was an unintended consequence, as the Hon. Ms Franks has indicated. Clearly, the definition the honourable member moved about prohibited behaviour includes subclause (c) 'to record (by any means whatsoever) images of a person approaching, entering or leaving protected premises'. That clearly includes television cameras recording anything which occurred within the zone. I think it was designed to prevent television coverage because there is no other construction. It covers other circumstances, but it clearly covers television cameras and coverage.

My views on this are very similar to the Hon. Mr Pangallo's, as I indicated when we last spoke. Certainly, television cameras would see it as being a media event in the circumstances the Hon. Ms Franks indicates, where someone who is protesting against these new laws, if they are passed, was harassing or intimidating someone trying to access a service and the police came along and tried to arrest that person, dragged them off kicking and screaming, whatever it is. That is a media newsworthy event and they, in my view, would be entitled to cover that event.

Equally, if the police interpret these laws as someone who, in the circumstances the Hon. Ms Scriven has outlined, is not intimidating or harassing but is quietly praying and, for whatever reason, the police interpret that as being an offence under the law and were to drag off that particular person, I think that is a newsworthy event and the media are entitled to cover that particular circumstance, where someone quietly praying outside a service is arrested by police and taken away. I think it would be a travesty if this parliament passes laws that prevent members of the media from being able to cover what are media events that are in the public interest for them to cover.

Whether this drafting is the best, I do not know. Whilst I do not support the legislation, it at least addresses or attempts to address that particular issue. I understand some members in the House of Assembly, should this bill get to the House of Assembly, have expressed their views that an amendment along these lines would be required.

I think, in the circumstances that the Hon. Mr Pangallo has outlined, there is still the provision for the parliament, should a minister, of whatever persuasion and whatever view on these particular issues, issue a regulation, ultimately to have the capacity to disallow that particular regulation. If a particular regulation came from a particular perspective on this that was offensive to the majority of one house of parliament, it has the capacity to disallow that particular regulation.

I think the parliament still has that opportunity, should a minister in the future take a point of view that is different to a majority view of one house of parliament. Ultimately, that is a democratic process and we would all have the opportunity—you will all have the opportunity—to express a view in relation to that. So it was an issue I raised. I think it is an improvement in relation to allowing genuine media coverage of what I think are genuine media events in the public interest. Whether it is perfect or not, time will tell. Ultimately, it will be an issue also to be debated, if it passes this house, in the House of Assembly, where a number of members have indicated a particular view.

I know in this particular area, there was a raging debate on some legislation previously about what constitutes media, because on social media there are various people who describe themselves as journalists. I cannot remember what the view of the former attorney-general, the Hon. Michael Atkinson, was, but there were differing views as to whether or not certain people who so self-describe themselves—

The Hon. F. Pangallo: Citizen journalists.

The Hon. R.I. LUCAS: Citizen journalists; yes, exactly. There is a raging debate about this and this may well be an issue on which the Attorney-General and others in the House of Assembly may well look to refine the amendment or the legislation. But in the interests of keeping the debate alive and whilst I am opposing the legislation—I suspect the majority in the chamber will allow the legislation to go through—I think this particular amendment is worthy of support to go through to the House of Assembly.

The Hon. D.G.E. HOOD: Members know that I also oppose the legislation and I made that clear in my second reading, but for similar reasons to the Hon. Mr Lucas I am also inclined to support this amendment. I think that one of the several objections I had to the bill was that there are very tight restrictions on exactly what can and cannot happen in these protected areas.

One of the real concerns, I think, is when we start restricting, intentionally or not—I am not sure if it was the member's intention; she has introduced an amendment to address the matter, so maybe it was not intentional—or when we start introducing legislation to restrict what can and cannot be recorded or broadcast. Then, I get nervous.

There are a few issues I would like to raise just with respect to the amendment. I make no criticism of the member here and I want to be clear about that. I know from personal experience how difficult it can be to get amendments drafted and filed when you are on the crossbench, but we have just received this amendment today, which does put us on the spot to some extent. They seem reasonably simple amendments, so my estimation is that the chamber will probably consider them and make its decision one way or another.

I think the Hon. Ms Franks acknowledged what I am about to say in her contribution when she introduced the amendment, and that is that it is very difficult to define what is a journalist. I think we automatically think of someone like Mike Smithson at Channel 7 as a journalist. He is employed; that is his role. He has a title or a business card, presumably, that says 'journalist'. I do not think there is a lot of debate that he is a journalist.

But what about somebody who turns up to the Pregnancy Advisory Centre with a camcorder and who has a website that may or may not have subscribers to it? They see it as their role to disseminate public information, people coming and going at these places for whatever reason, whether they be for or against what is happening there. I think they would have a case to describe themselves as a journalist. If charges were laid, it would ultimately be a matter for a court to decide whether they are a journalist or not, I would imagine, but they would then be in a position where they could claim to be a journalist and therefore enjoy the protections that these amendments offer.

I would support that. I would say that is a good thing, but I suspect that there are some members in this place who may not support it in that sense. It is always difficult to define these things, and that is my central point. I think that these amendments do improve the bill; therefore, the amendments will have my support, but I reiterate that the bill will not.

The Hon. C.M. SCRIVEN: Firstly, I have a question in regard to process. I appreciate that we are debating these three amendments. Am I right in thinking that now is the time to ask questions about proposed new paragraph (c) in general? It provides:

to record (by any means whatsoever) images of a person approaching, entering or leaving protected premises;

Is it correct that I can ask questions about that now?

The CHAIR: We are on clause 3. Your questions do not necessarily have to be about this amendment.

The Hon. C.M. SCRIVEN: Thank you. I also note the comments that have been made about the difficulty of establishing who is a journalist. Notwithstanding that, I think this slightly improves an incredibly flawed bill, therefore I am likely to support this amendment. However, I have some questions about the principle to which it refers in any case. The Hon. Ms Franks has referred several times to live streaming of people entering or leaving an abortion clinic, but that is in the United Kingdom. Does she have any evidence of that occurring in South Australia?

The Hon. T.A. FRANKS: No, but as I have outlined we are anticipating that there will be an increased focus on South Australia if we are the only state left in Australia with no safe access zones. We also know that the strategies, techniques and campaigning methods have changed over time. Indeed, Facebook live streaming, now that it has been done in the UK, may well be done in South Australia outside an abortion healthcare clinic.

We know that people often Facebook live stream schoolyard fights and put them on YouTube. We know that people go on the latest one, TikTok, and that did not exist not so long ago. Technologies change, so I do not think it is fanciful to think that that could happen in South Australia. However, this particular set of amendments prevents what was not an intended outcome by protecting legitimate public interest media.

The definition is so broad that I anticipated that there may be flaws, that we may have allowed such behaviours to happen even with these protections that we seek to provide for people accessing health care and those healthcare workers, but the protections for the freedom of the press are also important. They will be guaranteed and ensured should the support be found in the parliament for these particular amendments.

The Hon. C.M. SCRIVEN: At a briefing in relation to this bill, I asked a question of one of the providers of the briefing, or one of the attendees, Ms Brigid Coombe. I understand that she had been at the Pregnancy Advisory Clinic as the director up until seven years ago, so certainly some time ago. She mentioned the filming of herself or her staff, I am not sure which she meant, going into the clinic, which was then put on Facebook. I asked for evidence of that occurring, which she undertook to bring back to me, but I have not received that. Is that evidence available?

The Hon. T.A. FRANKS: At the conclusion of that briefing, I actually was of the opinion that Ms Coombe did not have to provide you with such evidence because she indicated that this had taken place to intimidate and harass her and her staff of the time. For you to then ask for information around that I found intimidating and harassing to her and disrespectful of her well-founded fears for her personal safety while she was the director at the Pregnancy Advisory Centre.

The fact is she had to hide her address with silent enrolments and had to hide which car in the car park was hers so that she could not be followed home. These are her real-life experiences, and you wanted evidence to satisfy yourself that she was in fact genuine in her feelings of harassment and intimidation. I found that to be an inappropriate request and so was of the view that you should not be provided with that information.

The Hon. C.M. SCRIVEN: That is a very interesting response, given the questions only a short time ago about women who had had very negative experiences. I had three members insisting that we provide evidence of those women, and yet we have someone who was employed by SA Health, who is saying that her experiences are a reason for this bill and who I understood did undertake to provide me with that evidence and did not do so. For Ms Franks to say that to even ask for that evidence to be provided is somehow inappropriate is quite remarkable.

The Hon. T.A. FRANKS: My recollection of that briefing, where Ms Coombe had provided her experience several times as members came in and out for the briefing, was that, at the end, when you asked for that information you did so staring her down in a pointed way that made many of us

on that side of the table sitting next to Ms Coombe somewhat uncomfortable, and that Ms Coombe did not agree to your request. After you left the room, I actually said, 'You don't have to do that.'

I found it quite intimidating and harassing that you wanted from her evidence of her experiences when we know that those healthcare workers are intimidated and harassed day in, day out in our state and have been for some decades, and that they have well-founded fears when a security guard in Victoria is shot dead by somebody who went into that health centre with the intent of killing every single member of that healthcare workforce and every single patient who was in that place that day. These are not fanciful pieces of these health workers' imaginations.

For example, in this place, we upped the security when there was an incident in Canada. Suddenly, doors were locked that had never been locked before. We had reasonably well-founded fears for our security. It is quite reasonable for a healthcare worker, where a person has been shot dead in their workplace simply because that workplace provided abortions, to feel that their safety is then under threat.

I think that is a pretty reasonable expectation and I also think it is a pretty proportionate response to provide a buffer zone of 150 metres where certain behaviours will not be tolerated and those healthcare workers can go to work every day not feeling harassed or hindered in their provision of that health care, not feeling that they have to hide which car is theirs when they drive to work, not feeling that they have to ensure that their addresses are not known to those who protest outside their workplaces for fear of that harassment not just being in their workplace but following them home.

The Hon. C.M. SCRIVEN: First of all, I would like to put on the record that I have always spoken to and treated anyone who has been at a briefing with great respect. To suggest that looking at someone while asking them a question is somehow staring them down is offensive but also ridiculous. The situation stands that we do not have any evidence of this occurring. I think it is entirely reasonable to ask for evidence.

In the contribution we have just had from the Hon. Ms Franks, she talked about the absolute tragedy of someone being killed—a security guard—in another state. To suggest that an exclusion zone that says that you cannot go in there and intimidate and harass someone would stop somebody who was intent on driving into any location with firearms or whatever it might be, clearly, the two things are very separate. An exclusion zone is not going to prevent someone who has that kind of ill intent. If they have a firearm, an exclusion zone is not going to stop them, so I think that we need to look at that for what it is. That tragedy would not have been prevented had this bill or a similar bill been in place in that jurisdiction.

My question moves on in regard to the recording of images of a person approaching, entering or leaving protected premises. We have heard a lot about the allegations of people being filmed going in and out. My question is: given that the Hon. Ms Franks has said that it is not the intention of this bill to stop people quietly praying, if there is a group of people quietly praying, perhaps 75 metres up the road, and they are approached by an aggressive person who perhaps yells at them, swears at them, potentially punches or carries out some other physical assault, is it the result or the outcome of this bill that such people are not able to film themselves quietly praying in order to provide a defence if they should be accused of behaviour that would be perhaps prohibited, or to provide it as evidence if someone was to assault them?

The Hon. S.G. WADE: The Hon. Ms Franks, I am sure, has her own answer. My reading of the clause, though, is that it relates to prohibited behaviours only where you are recording images of a person approaching, entering or leaving protected premises. It is not, shall we say, a ban on filming in the zone. It is a ban on filming people who are approaching, entering or leaving protected premises. A person assaulting a group of peaceful protesters in the zone is doing none of those things and would not, in my view, be protected by it.

The Hon. C.M. SCRIVEN: If I could just ask you, however: if the person assaulting the people who are quietly praying had come from the pregnancy advisory clinic, would that then be caught under this provision?

The Hon. S.G. WADE: I do not think they are in the process of leaving the protected premises. I think they are in the process of assaulting law-abiding citizens.

The Hon. I. PNEVMATIKOS: The safe access zones do protect that and envisage that, I would have thought, but in any event the Hon. Clare Scriven raised issues of examples of intimidation and harassment. I would like to give one in terms of my own experiences. On 2 November, at the decriminalised abortion rally, I was targeted. I have been told that the man who targeted me was, allegedly, Pastor Kevin Richard Bickle.

As I was speaking at Victoria Square, he found it appropriate to yell over my speech and intimidate those at the rally by confrontation. He was standing right next to me as I was speaking at the rally. He was aggressive, yelling in people's faces, forcing his way through people to the front of the stage and blatantly ignoring instructions from people running the event to leave. I was not going in for an abortion and I was not going in for work, and yet that is the nature of the prayer protest that we are talking about. That is the nature of that protest, and that is what this bill is about.

The Hon. S.G. WADE: The focus in this bill is about protecting access to health services. I strongly support the right of any South Australian to protest about what they think the law should be and, for that matter, to express publicly their view on, if you like, the moral implications of those laws, but this is very focused on access. It is focused on making sure that people have the ability to come and go from health facilities, whether they are patients or staff.

As I have already said in my second reading contribution, and in the amendments I tabled but will not be moving, I believe it should be broader. Christians, Jews and Muslims, for example, have been culturally committed to circumcision. There are a lot of people in the community who strongly believe that is an infringement of the rights of a child.

The point I am making is that access to health services is important to all sorts of groups for all sorts of reasons. If people want to protest in relation to abortion, or circumcision, or whatever it might be, there is a time and place for that. The time and the place is not outside health facilities.

The Hon. I. PNEVMATIKOS: I agree, and there was never any intention to say anything else, but it is an issue of access and it is an issue of intimidation, aggression and violation of peoples' rights. In any event, I am moving an amendment in terms of the right to protest on other issues, so that is not a problem.

The CHAIR: Honourable members, can I refocus us back to the bill. I allow a lot of latitude in the committee but we want to get through this bill. We do not necessarily have to get through it today—

The Hon. S.G. WADE: Yes, we do.

The CHAIR: It is up to the will of the committee, the Hon. Mr Wade. We have an amendment before the committee. We have had extensive debate and conversation regarding the general principles of the bill and people's personal experiences. I am very reluctant to intervene in a debate, but we are getting to the point where I, as Chair, have to come in. I need honourable members to focus their comments and questions around the operation of the bill. The Hon. Mr Wortley has the call.

The Hon. R.P. WORTLEY: Thank you, Mr President. I support the right of a journalist reporting on an issue to have some sort of exemption, but I do have a problem with a cameraman, or a cameraperson. I could think of nothing more intimidating for a woman who is going into a clinic for a termination to have a camera in her face and then to see her image on the 6 o'clock news. I think that is quite intimidating, so I would have great trouble in supporting amendments Nos 2 and 3.

The Hon. S.G. WADE: The mover might clarify, but in my reading of the amendment I do not think that this amendment actually allows a cameraman to film an individual—the only point being that they are coming and going from the clinic. That is not a matter of public interest. There is no legitimate public interest in any of us knowing what other health services South Australians are accessing. I certainly associate myself with the Hon. Mr Wortley's concerns, but I do not think that would be the impact of this amendment.

The Hon. I. PNEVMATIKOS: I support these amendments in terms of the media. Issues of concern have been raised in terms of this bill in this chamber, and issues have been raised by members in the other place on this very topic. I think it is important that we address it. This bill is

about affording protection and safety for workers, affording protection and safety for people attending the clinic, and ensuring that we have freedom of the press.

The Hon. T.A. FRANKS: I understand some of the concerns of the Hon. Russell Wortley, but we have quite a professional and ethical media profession in this state and I trust they will not abuse these particular powers. Just to clarify, we have defined 'media' quite broadly because we do have that level of trust that ethnical processes will be followed and that journalistic standards will be adhered to. They currently already have these powers to film people accessing health care, but they do not use them in a way which contravenes the protections of this bill and the very small buffer zone this bill will provide for healthcare workers and patients alike.

The Hon. C.M. SCRIVEN: I asked a question earlier, which the Hon. Mr Wade gave his understanding, but I had actually asked the question to the mover of the bill and the amendment (the Hon. Tammy Franks). Just to remind members, the question was: if a group of people are quietly praying, maybe 75 metres up the road, and have a camera placed upon themselves as protection in case anyone who has been at the clinic should come and abuse them and assault them, or if they want to be able to prove that they have in fact been praying quietly and not intimidating or harassing anyone in any way, shape or form, will that be prohibited by this bill?

The Hon. T.A. FRANKS: If they are not filming other people, they are filming themselves. I think the selfie safeguard rule applies. It will not fall under the provisions of this piece of legislation, as the member was informed in the briefing.

The Hon. C.M. SCRIVEN: I think it is reasonable to get things on the record, rather than simply rely on what was said in a briefing, particularly since some of those things are not followed through from briefings. To clarify, even if someone who has been at an abortion facility approaches and therefore gets into the camera frame of a group that might be filming themselves for their own evidentiary protection, that would not be an offence under this bill. Is that the honourable member's advice?

The Hon. T.A. FRANKS: If they are getting into the camera frame, they are clearly not perturbed by the filming of their presence, so I cannot see how they would want to avail themselves of the protections that this piece of legislation would then provide.

The Hon. F. PANGALLO: To go further on the point from the Hon. Clare Scriven, what would happen if those images that were taken by somebody or a group that was filming themselves were posted online or in the media or whatever? Would that also be perceived or constitute some type of harassment, if they posted that particular segment?

The Hon. T.A. FRANKS: My interpretation of what the honourable member has just asked is that, if somebody is doing the selfie, they are videoing themselves and the selfie safeguard applies. They are not going to be found in contravention of this law because there has been no behaviour that they will find offensive. They have done it to themselves. They have every right in this day and age. There are far too many selfies going on, as far as I am concerned, but the selfie safeguard will apply. They can put that image wherever they like online. They can publish it. They can show it to their friends and family. They can show it to their work colleagues, if their work colleagues will put up with watching them quietly praying as they took a selfie.

The Hon. F. PANGALLO: If images of people approaching the clinic were taken in that safe zone 150 metres away and then that was posted online, would that constitute a type of harassment?

The Hon. T.A. FRANKS: If it is published in a deliberate way to expose patients or healthcare workers going in and out of that service in a way that in fact does threaten, intimidate or harass, they may well find that there are some other provisions under the law that may apply if it is done without their knowledge, but if it is done in that way and they are simply putting themselves also in the frame, there is the selfie safeguard protection. It will not be the get out of gaol free card that they would be hoping for.

If they are also filming other people then, yes, they may be captured by this particular piece of the law, but let's remember that there are a few steps down the track before that sort of behaviour would capture the attention of the police and court action. We trust the courts to decide these things. I doubt frivolous and vexatious actions being taken by people will be entertained lightly by the courts

and I doubt that the courts would uphold what is innocuous or legitimate behaviour. But should somebody really be undertaking behaviour, whether it is through selfies or not, we now have a provision fit for purpose to take action to provide protections for those patients and healthcare workers.

The Hon. F. PANGALLO: To clarify, if there was a group of protesters and they were abiding by the legislation, should it be passed, and they were filming people going into that clinic and then posting it online, that would constitute a breach of this legislation. That could fall under some elements of this where they could be charged?

The Hon. T.A. FRANKS: Potentially, but there is a range of scenarios that would unfold no doubt, and, as I say, we have the police and the court's processes to follow as well.

The Hon. R.I. LUCAS: Just to crave the indulgence of the committee, with the agreement of the mover of the amendment and the resolution, I had hoped we might have been able to reach—there seemed to be agreement on this amendment, and there seems to be continuing interest in it.

We do have another piece of legislation, the landscape bill, where the other house is waiting for a message to go back. The mover has agreed to report progress for 10 minutes to do that and then to return to this. I am mindful of the fact that I do not want to interrupt this particular debate—on this particular amendment, I should say. So if there is ongoing debate—and it appears there might be—and we cannot do an early vote on this particular amendment, then with the agreement of the honourable member I will move to report progress.

I guess I am really seeking the quick indication from members as to whether they want to continue debate on this particular amendment. If so, with the agreement of the honourable member, I might seek to report progress so we can handle this other message.

The Hon. T.A. FRANKS: I am going to point out that this particular amendment, amendment No. 1 [Franks-1], is the definition of a journalist. There are two more amendments that cover the turf we are talking about, so you have got more opportunities, should you wish to canvass the other issues, and that is in fact where your other discussions come in as opposed to the definition of a journalist, which is what we are currently debating.

The Hon. F. PANGALLO: Just to expedite this and to clarify, I am in support of all three amendments. I have no objection that this area of debate now—

The PRESIDENT: If honourable members do not object, just to build on what the Hon. Mr Lucas has said, I can put the question on amendment No. 1 [Franks-1], which inserts it—obviously, it is almost a test clause. Does any honourable member object to me being about to do that? No honourable member has objected, so I am going to put the question. I put the question that amendment No. 1 [Franks-1] be agreed to.

Amendment carried.

Progress reported; committee to sit again.

LANDSCAPE SOUTH AUSTRALIA BILL

Conference

Consideration in committee of the recommendations of the conference.

The Hon. J.M.A. LENSINK: I move:

That the recommendations of the conference be agreed to.

I would like to speak briefly in support of accepting the suggestions that the conference has put forward on the 11 outstanding amendments and five suggested amendments that were not agreed to between the House of Assembly and the Legislative Council. The outstanding amendments and suggested amendments considered in conference concern three issues: firstly, the matters the minister needs to consider in recommending landscape regions to the Governor; secondly, the timing of the first election of landscape board members; and thirdly, arrangements for the collection of land levies inside council areas.

Firstly, in relation to boundaries, the bill provides for the Governor to establish landscape management regions on the recommendation of the minister. In formulating a recommendation, the minister must give attention to the nature and form of the natural environment, as well as take into account relevant economic, social, cultural and local government boundaries of areas. The minister may also take into account such other matters as the minister thinks fit.

Amendment No. 14 would reinsert, from the Natural Resources Management Act, specific reference to water catchment areas, such as that the minister must give particular attention to them when recommending landscape management regions. In relation to elections, amendments Nos 47 to 50 would defer the election of landscape board members until 2022. In the interim period, all board members would be appointed by the minister.

In the interests of seeing a resolution, the government in the House of Assembly changed its position on these amendments and recommended the recommendations of the conference of managers. In the context of no elections being held for the first landscape board members, this includes some minor consequential amendments to ensure the smooth transition from current NRM boards to the new landscape SA boards. The remaining issue is the role of councils in collecting land levies within council areas. The related amendments are amendment No. 2, amendments Nos 40 to 44 inclusive and suggested amendments Nos 1 to 5 inclusive.

On behalf the minister in the other place, I report that the conference recommended that land levies continue to be collected by local councils, with a compromise solution having been identified to address some of the issues around the current model. In particular, the conference has recommended a mechanism for councils to be reimbursed for unpaid land levies. Where levy debt has been written off under section 143 of the Local Government Act, councils will be able to apply to be reimbursed for the written off amount. The process for seeking a refund will be prescribed by regulation.

This new measure to address local government concerns will sit alongside the arrangements in clause 68 of the bill for councils to be reimbursed for levy collection costs. The amount that councils can recover will be set by regulation after consultation with the Local Government Association. The minister, on behalf of the government, believes that this provides a practical solution to the concerns raised by the Local Government Association and some councils that, under the current system, they are left out of pocket as a result of collecting the land levy.

To summarise on behalf of the Minister for Environment, I would like to thank all conference members from this chamber, including the Hon. Dennis Hood, the Hon. Frank Pangallo, the Hon. Mark Parnell and the Hon. Kyam Maher, as well as the members of the other house involved in the conference process, who are the member for Port Adelaide, the member for Waite, the member for Giles and the member for Davenport. I commend the motion to the house.

The Hon. I.K. HUNTER: I rise on behalf of the opposition to indicate that we will be opposing the recommendations and that we will be insisting on the Legislative Council amendments. I do so reluctantly because we entered into this negotiation process between the houses to try to find a way forward to move from our current position of insisting on all the Legislative Council's amendments and to find some areas of agreement.

However, the minister in the other place has forced this on us by insisting that we deal with this tonight, rather than giving the shadow minister in the other place, Dr Susan Close, two sitting days to take these proposals of further amendments to the shadow cabinet and to the Labor caucus for our consideration. The minister did not deign to give the shadow minister that amount of time to consult, not just with her colleagues in parliament but also with the stakeholders whom she has been talking to throughout this process, mainly local government and environmental groups but also some others.

Sadly, as I said, the minister declined to allow her those two extra sitting days for that further consideration. We were particularly keen to work with local government. As the minister said in her brief remarks, they bear the brunt of collecting a landscape levy on behalf of the government. It is fair to think that they should be somehow compensated through the negotiation process.

I understand that the ask from environmental groups for further funding of environmental heritage agreements with landowners to improve and increase to a much greater extent the amount

of funding and investment going to heritage agreements was about $8 million a year. The government, as I understand it, found that too hard to be asked to bear, but earlier today had $7 million on the table for negotiations, but that has been significantly decreased as well. We are now in a position where the government has proposed an extra $3 million worth of funding, which has been snatched and agreed to by the Greens when, of course, $7 million was on the table just a few short hours ago.

So we have nothing—nothing at all—in this agreement we are being asked to deal with today to compensate local government for collecting the levy. We have nothing on stormwater management, which is one of the expenses that local government has to be involved in. We have nothing for coastal protection, another area that local government has played a fundamental part on and is not being helped by this government in any way. I cannot for the life of me see how accepting a $3 million handout for just two years—$3 million over two years—is a wonderful agreement to be reached when, as I say, $7 million was on the table earlier today and the ask for just part of the program was $8 million a year. For those reasons, Labor will be insisting on the Legislative Council's amendments.

The Hon. M.C. PARNELL: The Greens will be supporting the minister's motion. We do not do so with a great deal of joy, but we do so with the blessing of every conservation group in the state and every major farming group in the state. They have asked us to accept this deal. As for the Hon. Ian Hunter suggesting to us that just a few hours ago $7 million was on the table, if that was in fact the case then I am sure the farming groups and the conservation groups would have said, 'Hold out for $7 million,' but they have contacted me and told me that they think this is the best they can get. In the argy-bargy of politics—

The Hon. I.K. Hunter interjecting:

The CHAIR: Order!

The Hon. M.C. PARNELL: In the argy-bargy of politics, there will always be—

Members interjecting:

The CHAIR: The Hon. Mr Parnell, sit down. Can the Hon. Mr Hunter and the Hon. Ms Lensink just cease and desist. The Chair wishes to listen to the Hon. Mr Parnell.

The Hon. M.C. PARNELL: In the argy-bargy of politics there will always be those with 20/20 vision and complete hindsight who will say, 'You could have held out; you could have got more.' That is a conversation the Hon. Ian Hunter might want to have with—and I will go through the list—the South Australian Nature Alliance, Trees for Life, the Conservation Council of SA, Landcare Association of SA, the National Trust of SA, the Australian Land Conservation Alliance, Livestock SA, Nature Foundation SA, the Nature Glenelg Trust, the South-East Bush Heritage and the Pew Charitable Trusts. They are all groups that have written to us saying that they believe that the reintroduction of a fund of money to help landholders voluntarily protect private bushland is a worthwhile investment—it is a worthwhile investment.

The Hon. I.K. Hunter interjecting:

The Hon. M.C. PARNELL: The Hon. Ian Hunter can rail against it. It is a conversation he should be having with all of those groups. If he wants to tell them that they are stupid, that they have sold out, then he can have that conversation with them.

Having said that, my philosophical position is still that I believe state governments should collect their own taxes. I do not think the current situation is optimal but, at the end of the day, it is the status quo. The Local Government Association, I guess for a short period of time, had some hope that they might not have to collect this tax anymore and that the state government would do it. However, at the end of the day, conservation groups and farm groups have asked us to support the passage of this bill in light of not just legislative amendments but also some extra commitments that the minister has made that are outside the technical scope of the bill.

In terms of the actual scope of the bill, the minister has agreed that it is unfair for local councils not to be fully compensated for the cost of collecting the levy. He has written to me, saying that he will be drafting a regulation in consultation with local government to create an efficient,

cost-effective and simplified process for seeking reimbursement for the full costs associated with levy collection or debt recovery. That was the first problem that local government had, aside from the whole philosophical problem that they would rather not be doing it at all. They wanted to make sure they were fully compensated; the minister has made that commitment.

The second problem that local government had was that if a person does not pay their landscape levy then local councils were left holding the debt. The amendment that is before us provides a mechanism for local councils to effectively be compensated for that non-payment of the levy. At present, the buck stops with local councils. If someone does not pay, local councils end up wearing that cost. I did ask for the minister to have an adviser present, because I will ask a question on that shortly.

The other thing that local council was keen to secure was to make sure that the solid waste levy was not going to increase beyond CPI. The minister, again, outside the strict terms of this bill, has made that commitment, saying that the government does not intend to implement rises to the solid waste levy beyond CPI and refers to the budget papers, which show that intention. I do not know whether we can get much more assurance than that.

In terms of the fund for assisting landholders with, for example, fencing costs, the government has committed to $1 million in the next financial year and $2 million thereafter. The conservation groups had put a comprehensive bid forward that was calling for $8.7 million. They have not managed to get that.

The ball was in their court, in a way. If they felt there was more funding to be had and that the leverage of this bill was a useful tactic to get it, then they would have advised me and others to oppose the bill. They have not done that; they have asked us to pass the bill. I can accept a little bit of what the Hon. Ian Hunter is saying: that more money, of course, would be better. Of course it would be better to have received more money, but we have what we have and the conservation groups are happy with that.

The Greens' position is that, whilst we supported all of the Legislative Council amendments that have now come back to us, we will be supporting the government not insisting on amendments Nos 2, 14 and 40 to 44. The government has moved, as well, in relation to Legislative Council amendments Nos 47 to 50. They were my amendments, which postponed the election.

The elections were universally unpopular out there. I know minister Speirs promised it and he thought it was a good idea. When they consulted, it was discovered that no-one really liked the idea of election. You can understand why: if you are going to have an expert-based body, it makes sense to appoint them on the basis of their expertise, not just have a popularity contest amongst those people who choose to put their hands up.

The minister has agreed the elections will be postponed to 2022, but my expectation is they will never happen. That is after the next state election. I do not expect that we will see elections, and that was certainly what was asked of me by conservation groups and other stakeholders.

I understand the Local Government Association is disappointed, because it looked as if they might be relieved of the obligation to collect these taxes. I have spoken to the CEO today and it is fair to say he is not entirely happy with this, but he did want the extra assurances that the minister has now provided in relation to full cost recovery and also the ability for the cost of non-payment to be reimbursed to local councils.

My question of the minister, who might want to take some advice on this, is that the wording in the proposed new amendment is that a council is required to write-off the debt before it can be reimbursed to them. The procedure in the Local Government Act for writing off the debt is that one of two things must happen: either they have taken reasonable steps and they just cannot get the money out of the person who is not paying, or the cost of getting that money just is not worth the effort. They are the two preconditions to writing off the debt.

My specific question is: is it possible for a local council to split the bill, as it were—in other words, to write-off the non-payment of the landscape levy portion and not write-off their ability to continue to pursue the rates that have not been paid? The importance of that is that the landscape levy is very likely to be under $100 for the vast bulk of taxpayers, whereas council rates are more

often over $1,000. I want to make sure that local councils will not be obliged to write-off the unpaid rates in order to recover the unpaid landscape levy.

The Hon. J.M.A. LENSINK: The advice I have received is that, yes, that is the case. Councils will be able to write-off land levies separately to council rates as the Local Government Act arrangements provide for any debt owing to the council to be written off.

The Hon. F. PANGALLO: I rise to say that we obviously oppose the amendments. I thank the opposition for showing their support for us. I must say, I am quite disappointed. I am probably pleased in some way that the Hon. Mark Parnell was able to get something out of this for conservation groups. Unfortunately, local government is again the loser here. Again, there is government cost shifting to local government. They are now having to collect this levy that, in essence, is a government tax. It will appear on people's rate notices next year.

It is disappointing that, when the chamber came to and made a decision, it has now been reversed because the government found it unacceptable and believed that great costs were going to be involved in the process. I received some lengthy explanations last week from the government about why my amendment would not work and would create all sorts of issues in terms of them having to set up the whole system to be able to collect the levy. In actual fact, it is probably a very simple process of local governments—

The Hon. C. Bonaros: Like they do now.

The Hon. F. PANGALLO: Yes—sending a database to the government so they can then virtually cut and paste and go ahead and impose their levy. I could not see where the costs were justified, and the explanation I received was so convoluted that, in the end, I gave up having a look at it because it was quite clear that they were just trying to stonewall this.

There were other things that we sought from the government. There is a clause in the bill relating to special circumstances. This is almost a trip-wire for local government, in that if the government decides that it wants to introduce another levy or another mechanism to collect money from local government, it can do that. So local government continues to be a tax collector for the government.

The Hon. Mark Parnell mentioned the amendment that has been provided by the minister for the ability to write-off the debt and then collect it. It is a very lengthy process for a council to go through when somebody does not pay their rates or their levy, having to chase them and the subsequent legal action. Even then, they may not be lucky enough to be able to retrieve the funds available to them. It is a long process; it could take a long period of time.

We would perhaps have liked the government to consider, instead of doing this through regulation, having legislation that would enable councils to get their actual costs and invoice the government. In closing, again, I am quite disappointed that we were not able to come to an agreement in relation to that amendment. With that, I will say again that we will oppose it.

The Hon. J.A. DARLEY: For the record, I indicate that I will be supporting the minister's motion.

The Hon. J.M.A. LENSINK: I will just do a really quick summing-up because some of those comments need to be responded to, particularly those from the Labor Party. In terms of negotiations, I think we are seeing the new normal for this parliament, unfortunately, where the Labor Party just drags the chain endlessly. We have had three conferences, and the Labor Party seems to think it is appropriate that they go back to their cabinet. They have probably had these amendments all week; they want to take it back to their cabinet. I know what would have happened to me if I had been the opposition spokesperson and tried to drag this out as much as they have.

The Hon. I.K. Hunter: The minister wouldn’t even speak to the shadow minister. He wouldn’t pick up the phone. He is the one that's been dragging it out.

The CHAIR: The Hon. Mr Hunter, this is in committee. You can have another bite of the cherry.

The Hon. J.M.A. LENSINK: I would have had my head ripped off in this chamber by the highly protesting former minister. Secondly, if I can just address some of the comments in relation to the Hon. Frank Pangallo, I quickly read out some stuff in relation to where local government sits. He may want to reflect on that and consider those comments when he gets the opportunity, but from my understanding councils will not actually be financially worse off under the new arrangements compared with their existing arrangements. In fact, they will be better off because they will be able to write-off the landscape levy debt, and they will also have a greater role in terms of the partnership for programs.

If I can address the matter that the Hon. Ian Hunter raised about heritage agreements, there used to be significant funding available for heritage agreements when Labor took office. Under his leadership, that princely sum was $4,330. He is now complaining about $3 million on the table. In relation to coastal recovery—

The Hon. I.K. Hunter: Two years and it's gone.

The CHAIR: The Hon. Mr Hunter, we are in committee. You can say this on your feet. We are not in question time.

The Hon. J.M.A. LENSINK: His amount might have funded two grants. In relation to coastal recovery, in the last budget there was $52.5 million.

The CHAIR: The Hon. Mr Hunter, would you like the call?

The Hon. I.K. HUNTER: Yes, sir, I would. My advice is the amendments only arrived today. The offer of money was only made at 1 o'clock today, and the dismissal of any local government money was done at 1pm, so the shadow minister is ill informed and misleading the house. This deal is a terrible deal for the community. I am surprised the Greens went so cheaply: $3 million and it is over after two years—no more money.

The CHAIR: The Hon. Mr Hunter, I will just ask you to withdraw 'misleading the house'. You can say that the minister may be ill informed but the—

The Hon. I.K. HUNTER: She was ill informed, incorrect and ill advised to tell the house what I consider to be incorrect information.

The CHAIR: I will take that as a correction and a withdrawal.

The committee divided on the motion:

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

AYES

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

NOES

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

PAIRS

Stephens, T.J.	Maher, K.J.

Motion thus carried.

HEALTH CARE (HEALTH ACCESS ZONES) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 3.

The CHAIR: We are now on amendment No. 1 [Scriven-1]. The Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: I understood that we were going to be looking at amendment No. 2 [Franks-1] and amendment No. 3 [Franks-1].

The CHAIR: We have voted on the Hon. Ms Franks' amendment No. 1. We are now on amendment No. 1 [Scriven-1].

The Hon. R.P. WORTLEY: Just a point of order, Mr Chair: there is a difference between amendment No. 1 [Franks-1] and amendment No. 2. I would say it was not consequential, because it actually adds 'cameraperson'. That is totally different from a journalist. They perform different functions and different parts of journalism. To say it is consequential—I was going to oppose, unless I had clarity—

The CHAIR: I said it was a test; I did not say it consequential. We have only done one. We have not gone to the others, and you still have a chance to debate those. I indicated that it looked like a test. If you wish to say that it is not a test, we will have that debate, but please understand that this is the first time I have seen these amendments. We now come to amendment No. 1 [Scriven-1].

The Hon. C.M. SCRIVEN: Mr Chair, I will check with you. I had some general questions about the clause before I proceed, or otherwise, with my amendments. Can I ask those questions of the mover of the bill?

The CHAIR: It would be helpful if they relate to the application of this amendment.

The Hon. C.M. SCRIVEN: Yes, certainly they do. Clause D in this section, under 'Prohibited behaviour', talks about 'to communicate, or attempt to communicate, with a person about the subject of abortion', referring of course to within this 150-metre zone. My question to the mover of the bill is: what impact will this have on someone who is, for example—I know there is a cafe opposite the Woodville clinic—sitting there and discussing an abortion, either an intention to have one or one that has been had? Others might be able to hear; therefore, this would not necessarily be caught under the 'not provided consent' part of the bill. Can she explain whether that would or would not be an offence?

The Hon. T.A. FRANKS: Did the honourable member say 'clause D'? It is paragraph (d) that she is referring to, under clause 3. So thank you for that clarity, and I will respond to the question on clause 3 paragraph (d).

The Hon. C.M. SCRIVEN: I think the member probably understood what it was.

The Hon. T.A. FRANKS: This clause deals with the interpretation of what is prohibited behaviour within a health access zone. The example that the Hon. Clare Scriven gave would not be within the safe access zone because it is not within the 150-metre access zone; it is in a cafe that is completely separate, in terms of a premises, in and of itself. It has nothing to do with the Pregnancy Advisory Centre and is not within the anticipated safe access zone.

The Hon. C.M. SCRIVEN: The safe access zone specifies being not less than 150 metres from the protected premises. Is the honourable member saying that the cafe is not within 150 metres? It is literally across the road from the premises on which the Pregnancy Advisory Centre is located.

The Hon. T.A. FRANKS: A safe access zone is a zone around a facility. Some claims have been made—for example, we received correspondence that St Paul's cathedral, I think, was going to be part of these prohibited behaviour safe access zones. Neither the cathedral nor the cafe, which is an independently run small business in its own premises, will fall under these safe access zones. They are their own premises.

I am not quite sure why the member feels that somehow all conversations about abortion will be shut down by a bill that simply seeks to stop people from being threatened, intimidated and harassed as they seek health care.

The Hon. C.M. SCRIVEN: I think we need to be sure that, whatever the intention of the bill, the bill actually does do that. Under part 5A, 48B(a) refers to 'the protected premises' and 48(b)(i) refers to a distance 'being not less than 150 metres' from any public area, so for any public area located within 150 metres. For example, this cafe has sidewalk chairs, and I would have thought that is a public area. I am very happy to be corrected if I am mistaken, but I would like clarification of that.

The Hon. T.A. FRANKS: 'Public area' does indeed mean public area and it is not inside a cafe. There are many restrictions placed on what can happen in public areas. For example, A-frames may not be able to be put out without approvals and people certainly may be moved on from loitering in public areas under the Summary Offences Act. There is a range of disorderly behaviours that we already provide that cannot take place; however, this bill provides specific provisions to ensure that those sorts of behaviours are not happening outside what are health access zones and that those behaviours are defined by this list of prohibited behaviour.

Regarding the idea to communicate or attempt to communicate with a person about the subject of abortion, if the other person is an unwilling participant in that communication, they will then have the provisions of this law to provide them with protection. If the other person is a willing participant in that communication about abortion, they will not need to avail themselves of this law. This law will not be something that they find useful, necessary or indeed applicable.

The Hon. C.M. SCRIVEN: The definition of 'public area' in this bill is 'an area or place that the public, or a section of the public, is entitled to use or that is open to, or used by, the public or a section of the public'. In terms of consent, that was my concern. If two people are sitting in a cafeteria discussing abortion, presumably they are both consenting to that conversation, but someone sitting at the next table may not be consenting to hear that conversation. My concern is whether that will be captured by this bill.

The Hon. T.A. FRANKS: The line in paragraph (d) is 'to communicate, or attempt to communicate, with a person about the subject of abortion'. Overhearing someone else's conversation is not somebody communicating with you. It is you overhearing their conversation. Similarly, public area does mean an area that the public is able to enjoy the use of with other members of the public. If it falls within a safe access zone, there will be prohibitive behaviours within that public area. If it does not fall within a safe access zone, there will not be. The majority of the state will remain outside any safe access zones. These are very small, discrete areas around the provision of abortion care.

The Hon. C.M. SCRIVEN: Now that I have had the clarification that overhearing discussion of abortion will not be considered to be prohibited behaviour, I can indicate that I will not be proceeding with the amendment that was filed in my name.

The Hon. T.A. Franks interjecting:

The Hon. C.M. SCRIVEN: No, I have not moved it. I am indicating that I might not be moving it, for the benefit of the chamber. I will not be moving amendment No. 1 [Scriven-1].

The CHAIR: We are up to amendment No. 2 [Scriven-1]. It also has an overlap with amendment No. 3 [Pnevmatikos-1], so for the benefit of the committee, I will hear from the Hon. Ms Scriven and then I will ask to hear from the Hon. Ms Pnevmatikos.

The Hon. C.M. SCRIVEN: I have a number of questions that may impact on whether I proceed with the amendment or not. I am just concerned that prohibited behaviour means 'to engage in any other behaviour of a kind prescribed by the regulations'. That seems very broad. I appreciate that regulations can be disallowed, but it is also not particularly common for that to occur, and often there is not a lot of debate because it is not necessarily in the forefront of people's vision to see those regulations being moved. What kind of behaviour does the mover envisage should be prescribed by the regulations that is not already covered by 'to threaten, intimidate or harass another person'?

The Hon. T.A. FRANKS: I think the honourable member will find that many acts have regulations and have similar provisions here that allow a minister and the government of the day the

flexibility to ensure that the law is truly fit for purpose and that there are processes through our public servants, who are very competent and capable, to identify issues, to consult on those and to then have parliamentary counsel draft appropriate regulations which are then gazetted and which the parliament may then disallow, if we find them odious.

I do not have any particular ideas about what these sort of regulations may need to cover, because the things that I think should be covered are in the bill itself and would be in the act itself. But should other things arise that fall within the range of provisions of this bill, those processes would be able to be enacted without the legislation coming through this place again to make a very fine, minor detail change.

The Hon. C.M. SCRIVEN: So is the honourable member saying that she does not envisage any behaviour at this stage that is not already covered and that is not covered by threatening, intimidating or harassing another person?

The Hon. T.A. FRANKS: I have not put my mind to how I might protest to stop people accessing abortion in South Australia. I have put my mind to how to protect those patients and those healthcare workers from harassment, intimidation and threatening behaviour as they go about their jobs, as they seek their health care. I am sure there are many and creative ways that people will come up with to impede, to hinder and to harm access to abortion care in this state. I have not really put my mind to exactly how they will plan to do that.

The Hon. C.M. SCRIVEN: But would that not be covered by new paragraphs (a) and (b)—'to threaten, intimidate or harass another person' or 'to obstruct another person' etc.?

The Hon. T.A. FRANKS: We have yet to see the latest tactics that will develop. We have seen things like drones being used. We have seen and heard examples of the Facebook live streaming which, sure, we have not seen yet in South Australia. But we have seen in South Australia Facebook pages which put pictures of workers up, which put pictures of healthcare workers, who should be afforded our protection in their day-to-day jobs, up online to put them in harm's way. Who knows what technologies will come along? Who knows what tactics will be tried? I am not here to come up with advice and give them a handbook or a playbook on how to hinder access to abortion. I am here in this place to ensure that they can access that abortion without hindrance.

The Hon. C.M. SCRIVEN: Can the honourable member provide evidence of such Facebook posts, as that was the sort of evidence I sought at the briefing and did not receive?

The Hon. T.A. FRANKS: Perhaps it was a condition of their contract with the Catholic Church, but the previous 40 Days for Life Facebook page did get taken down. I have seen reports of people seeking to access a healthcare service have people strike up a conversation with them, find out where they work and call their employer and have their employer be informed that they are at an abortion clinic that day. Those sorts of strategies in this day and age, and with the advent of things like Twitter and Facebook, are now possible.

Once upon a time protests were perhaps a little bit more basic. A rally on the streets and a placard or two was as far as it went. We can see increasingly that protests and protesters are coming up with many and varied ways of enacting their protest.

The Hon. C.M. SCRIVEN: I would simply point out that again we have not been given any evidence of these sorts of things such as Facebook posts or contacting employers.

The Hon. T.A. FRANKS: I have read boasts by 40 Days for Life in South Australia in the past of their activities stopping people from accessing abortion, of their declared intent to shut down abortion care and to make health workers quit their jobs. That is stated in their aims and objectives on their website. If the honourable member needs more evidence that that is the intent of some of these protesters, I suggest she talks to them.

The Hon. C.M. SCRIVEN: I will indicate that, whilst I do have considerable concerns about such an open statement of regulations engaging in any other behaviour of a kind prescribed by the regulations, I will not be proceeding with the amendment as I do not think we have the numbers. I do have some other questions on this clause for the mover. Can the mover explain why the definition of the exclusion zone includes 150 metres of any hospital in the state?

The Hon. T.A. FRANKS: That anticipates the amendments of the Hon. Irene Pnevmatikos and that is the appropriate place for those to be discussed because the member's concerns are addressed by that particular amendment. I think most of those who are supporting the bill have indicated they will be supporting that amendment.

The CHAIR: Can I give the call to the Hon. Ms Pnevmatikos because her amendments overlap with the Hon. Ms Scriven's. For the benefit of the committee as a whole, we need to hear in relation to both amendments. Just to alert you, the Hon. Ms Pnevmatikos, your first amendment is amendment No. 3 [Pnevmatikos-1] because the numbering is slightly out. That will be the one I will ask you to move after I have asked the Hon. Ms Scriven to move hers. I am asking the committee as a whole just to have the debate generally around these two provisions, which will assist me then to put the questions. There is no need to put it just yet, but I would ask you to raise the issues in relation to the amendment.

The Hon. I. PNEVMATIKOS: Amendment No. 3 is basically in response to discussion and dialogue that has occurred, both within this chamber and outside this chamber, out of an abundance of caution. I believe the bill already covers the issues contained in this amendment; however, to remove any doubt, those provisions are spelt out in amendment No. 1. This only relates to health access zones and the gaining of access by people working within clinics and by individuals who are clients of the clinic. It does not preclude or prevent any other form of lawful industrial protest or any other event that people may be associated with. It is to do with access—access of staff and access of clients—nothing more than that.

The CHAIR: As I understand the Hon. Ms Pnevmatikos, she is intending to proceed with amendment No. 3 [Pnevmatikos-1]. I ask her to formally move it.

The Hon. I. PNEVMATIKOS: Shall I move them all now? I have not moved the first one either.

The CHAIR: Are they all related?

The Hon. I. PNEVMATIKOS: They are. They complement each other.

The Hon. C.M. SCRIVEN: Mr Chairman, to assist the Hon. Ms Pnevmatikos, I think amendment No. 1 [Pnevmatikos-1] is not related to the other two. That one is somewhat separate.

The CHAIR: So in sequence we have amendments Nos 3, 1 and 2.

The Hon. I. PNEVMATIKOS: I move:

Amendment No 1 [Pnevmatikos-1]—

Page 3, line 14 [clause 3, inserted section 48B, definition of *protected premises,* paragraph (a)]—Delete paragraph (a)

Amendment No 2 [Pnevmatikos-1]—

Page 3, after line 23 [clause 3, inserted Part 5A]—Insert:

48BA—Object and application of Part

(1) The object of this Part is to ensure the safety, wellbeing, privacy and dignity of people accessing abortion services, as well as health professionals and other people providing abortion services.

(2) To avoid doubt, nothing in this Part prevents a person from—

(a) lawfully engaging in behaviour outside of a health access zone; or

(b) engaging in lawful protest, or otherwise engaging in lawful behaviour, within a health access zone in relation to a matter other than abortion.

Amendment No 3 [Pnevmatikos-1]—

Page 3, line 12 [clause 3, inserted section 48B, definition of *prohibited behaviour,* paragraph (e)]—After 'regulations' insert:

(being behaviour that is inconsistent with the object of this Part)

The first amendment relates to the deletion of paragraph (a) 'each incorporated or private hospital', simply because it is unnecessary and superfluous to the bill because subparagraph (c) actually covers any other situation that may arise, that being 'any other premises, or premises of a kind, declared to be protected premises under section 48C', and the premises are determined and declared by the minister.

So amendment No. 1 is simply a tidy-up of those provisions. Amendment No. 2 seeks to identify what constitutes protest for the purposes of safe zones. Amendment No. 3 simply further defines 'prohibited behaviour' in paragraph (e) being behaviour that is inconsistent with the object of this part. They are simply explanatory and refinements of the actual bill in terms of the provisions.

The CHAIR: Are there any questions on these amendments? I am going to put them separately.

The Hon. C.M. SCRIVEN: My first question is to the mover of the bill: why was each incorporated or private hospital included in the original bill, which I understand would have the impact of including every hospital in the state?

The Hon. T.A. FRANKS: Because that was the drafting of parliamentary counsel and we accepted their advice. With concerns that were raised, particularly by the opposition in discussions seeking a reasonably collegial approach to this bill, we accepted that concerns were present, that perhaps it would restrict behaviours such as protesting about car parking or wage conditions or, indeed, through too broad a net. My personal preference would be to throw a broad net but I recognise in the spirit of collegiality that this tightens up the bill and secures the support of many members, particularly of the opposition who raised these particular concerns.

The Hon. C.M. SCRIVEN: Thank you for the clarification. In regard to paragraph (c) which refers to 'protected premises' meaning 'any other premises, or premises of a kind, declared to be protected premises under section 48C', is this designed to provide exclusion zones around private abortion providers?

The Hon. T.A. FRANKS: Hopefully, we will actually be able to access abortion health care in far more places than we currently can if we decriminalise abortion, because we have created a real restriction in access in this state, particularly for rural and regional women. So potentially there will be more places and private providers, with a decriminalised system, that will not be prohibited from, for example, early medication abortion. Should that fall under the protesters' ever-watchful eye of a vulnerable target in which to create harassment, intimidation and threats to those seeking that health care, then yes.

The Hon. S.G. WADE: The Hon. Tammy Franks almost takes the words out of my mouth. When I was listening to the debate, I thought that we are going to have more medical abortions rather than surgical abortions, so there may well be myriad premises that are vulnerable to people being threatened, intimidated or harassed.

But I think it is really important tonight that we do not baulk at the opportunity to support this legislation in principle. I associate myself with the remarks of the Hon. Rob Lucas earlier, who has a different view on a number of these matters, but he quite rightly said that the House of Assembly will have a number of options put before them whether they are formally amendments that this council has endorsed or whether they are amendments that are tabled but not considered, including my own.

I think that it is really important that we do not delay the passage of this bill and that we can receive the SALRI report and develop the best system for South Australia. But I am fixated on the fact: why would South Australia, the first state in the nation to allow abortion, be the last state in the nation to support women's rights to access that service?

The Hon. C.M. SCRIVEN: I have another question which is in regard to this clause but not specifically on this amendment, so should I ask that now or wait until we vote on this particular amendment?

The CHAIR: I think it needs to come now.

The Hon. C.M. SCRIVEN: In regard to the communicating or attempting to communicate with a person about the subject of abortion and the issue of consent, could the mover of the bill

indicate, where a church is within the 150-metre exclusion zone, if the church wants to speak about abortion within their church, will the speaker have to get the specific permission of every member of the congregation in order to do so, given that the definition of public place includes a church?

The Hon. T.A. FRANKS: No. I refer the honourable member to my previous answers and my great surprise that it is being claimed that churches would be prohibited from preaching about abortion. Certainly, nothing has stopped them so far, and I doubt anything will stop them in the future. Also, what is going on inside these churches that they are a bit worried that somehow they might be prescribed health access zones? As we know, these health access zones protect a premises for the provision of abortion care. What is going on if we think there is abortion care being delivered in churches?

The Hon. C.M. SCRIVEN: I think the honourable member has clearly misunderstood. The provision is in regard to communicating about abortion within 150 metres of a facility that provides abortion. Therefore, if a church, as part of their church services, is communicating about abortion, preaching about abortion, they are within the 150-metre zone if that is the location of their premises. Can she explain how it is that they would not be caught by this provision unless they have obtained consent from every member of the congregation or every person sitting in the church?

The Hon. T.A. FRANKS: One of the reasons I raised that particular issue is that I am sure every other member has received the same sort of correspondence that I have, saying that St Paul's Cathedral would be subject to these provisions and prohibited from speaking about abortion at their services. I cannot see where the provision of abortion is happening within 150 metres of St Paul's Cathedral, yet that is the correspondence that we have been repeatedly receiving from people who have been misinformed about this bill.

The Hon. C.M. SCRIVEN: The honourable member still has not answered my question, given that any facility under regulations prescribed by the minister will be able to be declared a protected premise, and given that any facility that is providing abortions that may not be limited to the ones we have at the moment could be located within 150 metres of a church, can she explain how someone speaking within that church, potentially to a congregation, would not be caught by the provisions of this act? It is not about providing abortion in the church; it is about communicating or attempting to communicate with a person about the subject of abortion. How is it that the church would not be caught by this, regardless of their location, if it is near an abortion provider?

The Hon. T.A. FRANKS: I think we have canvassed this more than enough. There have been various incarnations of various scenarios that are very hypothetical. I do trust the minister of the day and, as I say, if these regulations within the act are made, there will be public consultation, there will be voices heard, and there will be the ability to disallow should something be so odious that the people affected find it so. If my mother's brother was a girl, they would be my aunt. I can come up with all sorts of hypotheticals all night long and we can continue this debate in winding down the clock rather than actually progressing protection for patients and staff in our healthcare system.

The Hon. C.M. SCRIVEN: I remind the chamber that it was the Hon. Ms Franks who spent time talking about the position I was going to sit in as part of the debate today, so I think it is worth remembering that the Hon. Ms Franks has been delaying in that respect. All I want is an answer and perhaps I can rephrase it for the benefit of the honourable member: can she answer, is it the intent of this bill to stop preaching in churches about the subject of abortion? If she can simply answer, 'No, it is not,' then we can proceed.

The Hon. T.A. FRANKS: I would like to say 'No, it is not,' if you would sit down. No, it is not.

Amendments carried.

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

Amendment No 2 [Franks–1]—

Page 4, after line 12 [clause 3, inserted section 48D(2)]—Insert:

or

(c) by a journalist reporting on a matter of public interest (whether related to the subject of abortions or otherwise) for publication in a news medium, or a cameraperson or other person genuinely assisting a journalist in such reporting; or

(d) that occurs in circumstances prescribed by the regulations.

There are two parts to this. I will address the concerns raised by the Hon. Russell Wortley that the addition of a cameraperson raises some concerns. I understand where he is coming from with those fears. I was asked to presuppose before how protesters might get more and more creative. One of the ways I do think, which I have already identified, that protesters will get more creative is by pretending to be journalists, although I note in paragraph (c) that the cameraperson or other person is genuinely assisting a journalist.

We are very familiar in this place with news journalists. Quite often, the cameraperson is not necessarily a journalist and, in fact, they will tell you that if they are left there, abandoned, to ask you a few questions while the journalist texts them what to say. It covers that situation, where the cameraperson is not necessarily the journalist bound by the code of practice and ethics of our fine media professionals in this state.

Paragraph (d) allows for some flexibility, as we do in so many of our pieces of legislation and in so many acts, that where situations come up we have flexibility for the minister and the Public Service to finetune through regulation these provisions.

The Hon. S.G. WADE: I just want to mention that in terms of some of the work that needs to be done by the House of Assembly, the honourable member has repeatedly said we are giving the minister discretion. Section 48C in particular forces the minister to make declarations on the basis of applications. As the minister, I regard that as inappropriate and I hope the house considers that.

The Hon. R.P. WORTLEY: I would like to thank the Hon. Ms Franks for that clarity. I support this bill because I think a woman who has made the very difficult decision to terminate a pregnancy should have absolutely no impediment and no intimidation whatsoever in entering a premises to undergo that termination.

With allowing a cameraperson the ability to go into an access zone and film, I fully support the sentiments that we have a very fine and professional media network here, but camerapersons could take many forms. It could be someone from Channel 7, Channel 9, Channel 10 or Channel 2, it could be somebody holding a video camera or it could be somebody holding a phone.

I think it would be totally intimidating for a person who is entering a termination or abortion clinic to have the possibility of being filmed and seeing herself on the 6 o'clock news. Because of that and because there can be no guarantee given that that will not happen, I have difficulty in supporting the next two amendments. I do support journalists' rights to access, their right to know. The written word is fine and audio, but it is the images of a person entering a clinic which I have a real problem with, so I cannot support the two amendments.

The Hon. C.M. SCRIVEN: Has the mover of this amendment sought any advice from the Press Council?

The Hon. T.A. FRANKS: No, I have not on this occasion; I have taken the advice of parliamentary counsel. However, what I have drawn upon in previous debates prior to the Hon. Frank Pangallo and the Hon. Clare Scriven being in this place, is close work with the Press Council, free tv and particularly through the Surveillance Devices Act. I think there were three attempts in this place before we finally got those three bills to a final act. There were many discussions with regard to appropriate and ethical public interest media.

Amendment carried.

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

Amendment No 3 [Franks–1]—

Page 4, after line 36 [clause 3, inserted section 48E(3)]—Insert:

(ca) a journalist reporting on a matter of public interest (whether related to the subject of abortions or otherwise) for publication in a news medium, or a cameraperson or other person genuinely assisting a journalist in such reporting; or

This repeats the previous amendment so it is a repetition of those words, but it is a separate amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (18:48): I move:

That this bill be now read a third time.

The Hon. C.M. SCRIVEN (18:48): I would like to very briefly remind members what it is that we have had in this debate. The bill apparently is to address issues but the examples we have been given have been overseas examples. No evidence has been provided of things that have been alleged, such as filming of women going in and out of facilities in South Australia, nor any evidence of Facebook posts showing women who have been going in or out of abortion facilities.

There has not been any demonstration that the existing laws do not cover problems that could occur and, in fact, I know that a number of people who are voting on this bill have never been to, for example, the Woodville abortion clinic and never seen the two or three people, or five or six people, quietly praying up the road. In fact, *The Advertiser* visited several times in the last few weeks and asked several people who were there praying, 'Where are the protesters?'

The issues here are about ideology, they are not about problems that currently exist. We have heard that the mover of this bill made no attempt whatsoever to seek out anyone who might have provided balance, namely, women who have benefited from assistance offered outside the clinics. That means that help that could potentially be offered to women could be prevented through this bill.

There are also a number of issues around the precedent of stopping freedom of assembly. I note the comments of the Hon. Rob Lucas. I may be slightly misquoting him, but the gist is the same: he would be quite pleased to see laws that set a precedent for preventing freedom of association—I do not mean to slander him in the way I am putting this—because that gives the opportunity potentially to prevent industrial protests in the future at other premises.

For all these reasons, I think that this bill is flawed. Amendments were moved only today by the mover of the bill. While the intent of most who will vote for this bill might well be to protect women, we do not actually have the evidence that such protection is needed. Instead, there is a very real likelihood that women who are being coerced, who are being forced, into a decision that they may not wish to make will not be afforded the opportunity to gain help from those who might otherwise provide it outside the clinics.

The Hon. T.A. FRANKS: Our abortion laws are 50 years old. They are no longer fit for purpose. The SALRI report has now been delivered to the government. In December, we will see the government's response and in the new year we will debate a bill for abortion law reform. We are one of only two states in the country that does not have safe access zones to provide this healthcare protection for healthcare workers and patients alike. South Australia has lagged where we once led. I look forward to the swift passage of this bill with the response of the SALRI report and the Attorney-General in the other place.

I thank the member for Hurtle Vale for her courage, leadership and experience in health care and ensuring that we provide that top quality health care to all who need it. I know that she and the Attorney-General will be very sound voices in the other place. When we come to a debate on the decriminalisation of abortion next year, I am hopeful that the work we have done in these past weeks and tonight will ensure that the protests are on the Parliament House steps and not outside the Pregnancy Advisory Centre.

The council divided on the third reading:

Ayes 12
Noes..... 5

Majority 7

AYES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Franks, T.A. (teller)	Hanson, J.E.	Hunter, I.K.
Lensink, J.M.A.	Parnell, M.C.	Pnevmatikos, I.
Ridgway, D.W.	Wade, S.G.	Wortley, R.P.

NOES

Hood, D.G.E.	Lee, J.S.	Lucas, R.I.
Pangallo, F.	Scriven, C.M. (teller)	

PAIRS

Maher, K.J.	Dawkins, J.S.L.	Ngo, T.T.
Stephens, T.J.		

Third reading thus carried; bill passed.

CROWN LAND MANAGEMENT (SECTION 78B LEASES) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (18:57): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

In moving that this Bill be read a second time, I would like to acknowledge that this issue has been a long standing one for many families across the State. I am pleased to introduce a Bill to amend the *Crown Land Management Act 2009* to allow these families a chance to secure the future over their shack leases.

The Bill impacts holders of life tenure shack leases on Crown land. Under the current Crown Land Management Act these leaseholders have no ability to seek better tenure over their shack sites. Families have had little incentive to maintain or upgrade their shack sites as, under the current law, once the lease expires, the shack will be removed.

Shacks are a long standing tradition in this State. This Bill will create an opportunity for shack lessees and their families to upgrade their sites to contemporary standards to gain longer tenure. This will provide economic benefit to regional communities by securing the holiday population in these regions. The coastline and riverine environments will also gain benefit from investment by shack lessees in upgrading their sites to contemporary environmental standards. The amendments in this Bill provide a positive incentive for shack lessees to upgrade their site to a higher standard. Something that lessees are only hesitant to do under the current law as they are aware that their lease term will expire.

In April 2018, one of the acts of this government was to announce a moratorium on the automatic demolition of shacks upon the death of the last person named on the lease. We have also placed all pending revaluations of shack sites on hold until a new policy framework was developed and implemented to provide certainty of tenure and valuations going forward.

Since this time, we have reviewed the regulatory and policy landscape for shacks on Crown land and in national parks. The review confirmed that amendments are required to the *Crown Land Management Act 2009*, and the park management plans for national parks; as these management plans do not currently envisage the retention of shacks. Importantly, the development of the policy for the assessment of shacks on Crown land and in National Parks has been developed in tandem, to ensure that a consistent approach will be taken in assessing all shacks on all public land.

The government released a discussion paper entitled *Retaining shacks for vibrant holiday communities,* along with the draft Amendment Bill, for public consultation from 14 June to 26 July 2019. In addition to the release of these documents, the government invited stakeholders to complete an online survey in relation to the policy, the Preliminary Discussion Paper and the Amendment Bill. In conjunction with this process, the government held information sessions across the State to engage with shack lessees and local government about the content of the discussion paper and proposed legislative amendments. The sessions were attended by over 115 shack lessees and over 250 survey responses were received from the community and stakeholders.

There has also been targeted consultation with relevant regulatory authorities, boards and bodies, as well as Traditional Owners. I would like to thank all those who provided comments and feedback to help shape the management of this issue.

The review of the regulatory environment as well as the consultation process has been used to inform the contemporary requirements and standards that would need to be met to retain a shack. These standards will need to be met by lessees and authorised by a combination of local government and relevant regulatory agencies.

This Amendment Bill will remove the legal barrier in the *Crown Land Management Act 2009* which currently prevents a shack lessee from applying for longer tenure. A shack lessee may apply to purchase the land, and if they can meet the freeholding requirements—including the relevant contemporary standards—they may be eligible to purchase the land for the market value.

Lessees may also apply for a longer, term tenure lease. If they can meet contemporary standards, they may be issued with a fixed term lease. Alternatively, the lessee may nominate another person to whom the fixed term lease will be issued. A market rent will apply to these leases.

An application will be determined by the Minister and a critical consideration will be demonstration by the shack lessee that they can meet contemporary safety, amenity and environmental standards. This is crucial, as the Bill does not undermine the strict transparency, triple bottom line and ecologically sustainable land management objects and principles in the *Crown Land Management Act 2009* that apply to all decisions of Crown land allocation.

The Amendment Bill also addresses an unrelated but ongoing issue by creating a provision which will allow for the Minister to remove and recover the associated costs of removal, or to require removal of, unauthorised fixtures from Crown land.

These amendments will ensure that shacks lessees are afforded the opportunity to retain their shack so that many South Australian families can continue to visit the regions during their holidays.

The reforms will also ensure that shack communities will remain an integral part of the regional economy, supporting local South Australian businesses and the tourism sector.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Crown Land Management Act 2009

4—Amendment of section 3—Interpretation

This clause inserts a definition of *section 78B lease* to mean a lease granted under section 78B of the repealed *Crown Lands Act 1929* that has been continued as a lease under the current Act in accordance with Schedule 1 clause 13 .

5—Amendment of section 24—Minister may dispose of Crown land to which Division applies

This clause amends section 24 to empower the Minister to dispose of Crown land following the surrender of a section 78B lease of the land. The disposal may be by way of transfer or grant of the fee simple in the land.

6—Amendment of section 25—Disposal by transfer or grant of fee simple

This clause amends section 25 so that the disposal of Crown land following surrender of a section 78B lease of the land is not required to be by public auction, public tender or some other open competitive process determined by the Minister.

7—Amendment of section 37A—Consent process for surrender of certain leases

This clause amends section 37A to require the Minister's consent to the surrender of a section 78B lease if the lessee seeks to surrender it on condition that the land is disposed of by transfer or grant of the fee simple to the

lessee or a person nominated by the lessee, or on condition that a new lease of the land is granted to the lessee or a person nominated by the lessee.

8—Insertion of section 74A

This clause inserts a new section.

74A—Removal and disposal of unauthorised fixtures on Crown land

Proposed section 74A empowers the Minister to cause any building, structure or other fixture erected on Crown land without lawful authority or excuse to be removed and disposed of in such manner as the Minister thinks fit. Any costs incurred in doing so may be recovered by the Minister as a debt from the person who erected the fixture. If the unauthorised fixture is on Crown land under the care, control and management of a Crown agency or person other than the Minister, the Minister may only act with the consent of the agency or person. For the purposes of this section, it will be presumed, in the absence of evidence to the contrary, that an unauthorised fixture on Crown land was erected by the person in occupation of the land at the time it was erected.

9—Amendment of Schedule 1—Transitional provisions

This clause repeals a transitional provision that prevents a section 78B lease of Crown land being surrendered on the condition that an interest in the land be granted to the lessee or any other person.

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

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Final Stages

The House of Assembly agreed not to insist on its amendment No. 1 to which the Legislative Council had disagreed; agreed not to insist on its amendment No. 6; and agreed to the alternative amendment made by the Legislative Council without any amendment.

ARCHITECTURAL PRACTICE (CONTINUING PROFESSIONAL DEVELOPMENT) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

CRIMINAL LAW CONSOLIDATION (FALSE OR MISLEADING INFORMATION) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT AND REPEAL (CLASSIFICATION OF PUBLICATIONS, FILMS AND COMPUTER GAMES) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 19:01 the council adjourned until Tuesday 26 November 2019 at 14:15.

Answers to Questions

CONFUCIUS INSTITUTE

In reply to **the Hon. T.A. FRANKS** (12 September 2019).

The Hon. J.S. LEE: I have been informed that this is a matter for the University of Adelaide.

CONFUCIUS INSTITUTE

In reply to **the Hon. T.A. FRANKS** (12 September 2019).

The Hon. J.S. LEE: I have been informed that the activities of the Adelaide Confucius Institute approved by the university for 2019 do not fall under the category of registrable activities under the Foreign Influence Transparency Scheme.