HOUSE OF ASSEMBLY

Wednesday 24 July 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

SELECT COMMITTEE ON THE PORT PIRIE SMELTING FACILITY (LEAD-IN-AIR CONCENTRATIONS) BILL

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (11:01): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

PUBLIC WORKS COMMITTEE

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (11:02): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

SELECT COMMITTEE ON SUSTAINABLE FARMING PRACTICES

Dr CLOSE (Port Adelaide) (11:02): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

ANTISOCIAL AND CRIMINAL BEHAVIOUR

Adjourned debate on motion of Hon. R.B. Such:

That this house establish a select committee to inquire into and report upon—

(a) the causes of antisocial and criminal behaviour in South Australia;

(b) the strategies that could and should be used to reduce and deal with offending;

and any other matter.

(Continued from 15 May 2013.)

The Hon. R.B. SUCH (Fisher) (11:03): I will not delay the house but I am very pleased that the government and the opposition are supporting this select committee. I think we need to have a look at some of the causes of the issues giving rise to anti-social and criminal behaviour in our society and, importantly, how we can reduce the incidence of those and deal with offending and, essentially, reoffending. With those remarks, I will conclude.

Motion carried.

The Hon. R.B. SUCH (Fisher) (11:05): I move:

That the select committee consist of Mr Sibbons, Ms Bettison, Mr Pederick, Mrs Redmond and the mover.

Motion carried.

The Hon. R.B. SUCH: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and to report on 13 November 2013.

Motion carried.

The Hon. R.B. SUCH: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the house.

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

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

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: SMALL BARS AND LIVE MUSIC

Ms THOMPSON (Reynell) (11:09): I move:

That the 71st report of the committee, on small bars and live music, be noted.

I will report very briefly on this matter, as the report was unusual in that the matter of small bars and live music was referred to the Environment, Resources and Development Committee by the Legislative Council at a stage when the majority of members of that place considered that there was a need for further consultation.

The committee contacted people who we believed might have an interest in the matter and wrote to them seeking submissions, as well as the normal processes of public advertising. A number of submissions were received. They supported the legislation that was proposed by the government and, while the committee was still undertaking its inquiry, negotiations with the government and various members of the upper house as well as community interests proceeded, and the bill was eventually passed without dissent in the Legislative Council.

The committee's report merely speaks to this matter and the only reason it was listed for noting was that some members of the upper house wished to have their comments recorded on the record. I commend the report to the house and advise that it was really a very non-controversial matter in the end.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO NEW MIGRANTS

Ms BEDFORD (Florey) (11:11): I move:

That the 34th report of the committee, entitled 'Inquiry into New Migrants' be noted.

Ms BEDFORD: I am talking to the final report of the Social Development Committee on the 'Inquiry into New Migrants'. The terms of reference for the inquiry were advertised on 28 January last year. In addition, the committee wrote directly to a number of individuals and organisations with expertise and interest in the subject matter inviting them to provide a submission. Fifteen written submissions were received and 51 witnesses gave evidence to the committee. This figure including representatives of a total of 21 organisations.

The committee would like to thank all those people who assisted with the inquiry. The committee commenced hearing public evidence in February 2012 and concluded hearings in February 2013. In conducting the inquiry, the committee sought to provide a snapshot of the number of new migrants who have arrived in South Australia since the year 2000 and to report on how they have settled into their new culture. The committee was aware of the importance of understanding the complexities of contemporary migration and was interested to understand the social, cultural and economic impact of new migrants in South Australia.

The committee would like to note the timing of the release of data from the most recent census collection in 2011. The first release of data occurred more than halfway into the inquiry's deliberations, therefore much of the evidence the committee heard concerned information and analysis from the 2006 census collection. Additional statistical information was obtained where appropriate to adequately report on the terms of reference.

Before going further, I would like to take the opportunity to thank the former presiding members of the Social Development Committee, the Hon. John Gazzola and the Hon. Carmel Zollo, who provided valuable input into the 'Inquiry into New Migrants'. Also from the other place, I would like to thank the current presiding member, the Hon. Russell Wortley, the Hon. Kelly Vincent, the Hon. Jing Lee and the Hon. Dennis Hood, and from this chamber I would like to thank Mr Alan Sibbons, Mr David Pisoni and the Hon. Dr Bob Such. Inquiries such as this would not be possible without the valuable contribution of the many individuals and organisations who gave up their time to come forward and give information. We thank all those who presented evidence for this inquiry, either in writing or by appearing before the committee.

It is interesting to note that South Australia has often been the first state to implement innovative approaches and practices to assist new migrants. In 1965 South Australia was the first

state in Australia to prohibit discrimination on the grounds of race. In 1975 the ethnic affairs branch, now known as the South Australian Multicultural and Ethnic Affairs Commission, was established in the Department of the Premier and Cabinet. South Australia was the first state to have an ethnic community radio station. South Australia was also one of the first Australian states to establish a government translation service ensuring that information and services are provided in languages other than English. This is an important service, particularly in critical settings such as courts and hospitals.

The committee heard that the overall management of the Australia migration program is the responsibility of the Australian government, which sets the number of migrant places each year. In this current year, there are 190,000 places, which is 5,000 more than last year. Whilst it is possible to manage the number of visas issued each year, the number of people who actually settle here is not so easily managed. This is because people change or delay their plans. They might decide to settle somewhere else or they may decide not to migrate at all. Some people settle here and then decide to return home or move somewhere else. New Zealand citizens move freely in and out of Australia.

The committee heard evidence that the vision for new migrants in South Australia is for them to be part of a productive, vibrant, culturally diverse state where skills, creativity and a sense of community are highly valued. The committee heard that migration has played a crucial role in the history and development of South Australia. Since 1945, more than seven million people have migrated here. Today, approximately a quarter of the Australian population was born overseas and almost half of the population is a migrant or the child of a migrant.

Statistics from the most recent census in 2011 indicate that approximately 350,000 South Australians were born overseas. They came from approximately 200 countries, which makes South Australia a culturally diverse community. The committee was told that in the last 10 years more than 100,000 new migrants have settled in South Australia. Over the same period of time, the number of permanent migrant additions has risen by an increase of more than 200 per cent.

The makeup of the migrant population in South Australia is similar to the national average. The 10 main source countries of new migrants between the years 2006 and 2010 were India, England, China, the Philippines, Malaysia, South Africa, New Zealand, Afghanistan, Korea and Vietnam. The committee noted that the United Kingdom and China accounted for 45 per cent of all new migrants who have settled here in the past few years.

The committee was provided figures that showed South Australia's new migrants are mostly young and in the prime working age range of 25 to 44 years. The largest age cohort is the 25 to 34 year group. In 2009-10, there were a little over 5,000 new migrants in South Australia in this age range. Two years later, in 2011-12, the number had dropped slightly, or by a total of 84 people. Overseas students are not included in these figures.

The committee was interested to know the types of visas granted to new migrants. In the 2010-11 year, of the 12,000 permanent migrant additions to South Australia's population:

- 7,116 people entered as skilled migrants;
- 2,581 people entered as family migrants;
- while humanitarian entrants accounted for 1,386 people.

The committee heard that, since the 2006 census, more than 66,000 new migrants have settled in South Australia:

- 64 per cent settled under the skilled visa stream;
- 22 per cent entered under the family visa stream; and
- 14 per cent were granted a humanitarian visa.

In recent years, South Australia has attracted more skilled migrants per capita than any other Australian state or territory. In 2009, close to 30 per cent of new migrants in South Australia were skilled migrants. This compared to Western Australia at 20 per cent, Victoria at 15 per cent and New South Wales at 13 per cent.

Whilst the majority of migrants who settle here are skilled migrants, the committee was told that South Australia competes much more for skilled migrants than it ever has in the past, not only with European countries and America but also with Asia, which is fast becoming a focus of

contemporary migration. In recent years, our comparative advantage in attracting migrants has been affected by the high value of the Australian dollar, the internationalisation of labour markets, globalisation, and the exchange of skilled workers between nations.

The most recent figures the committee obtained from Multicultural SA indicates a drop in skilled migrant numbers. In view of this, the committee noted the significance of the State-Specific and Regional Migration scheme in continuing to attract new migrants to settle here rather than the larger cities interstate. This scheme assists government and industry in South Australia to address local skill shortages and attract overseas business people here to establish new or joint ventures. It enables both the South Australian government and the regional employers to fill skill shortages that cannot be filled from the local labour pool. South Australia accounts for one in six of the total number of migrants who enter Australia under this scheme.

In comparison with other Australian states and territories, South Australia has a large number of humanitarian settlers. Between the 2006 and 2011 censuses, 14 per cent of all new migrants who settled in South Australia came here as humanitarian entrants, which compares with 8 per cent at the national level, and 2,250 people settled here from Afghanistan, which represented 18 per cent of the national total of humanitarian entrants and was close to the number of Afghani people who settled in New South Wales over this same period. The committee heard that almost 2,000 humanitarian entrants arrived in South Australia in 2011-12 other than people from Afghanistan. They mostly came from Bhutan, Burma, Iran, Eritrea, Ethiopia and the Democratic Republic of the Congo.

Humanitarian entrants do not choose to leave their homeland. They do not plan their migration—instead, they are forced to flee after suffering unimaginable hardships, such as trauma, torture and leaving family and friends behind. Often, their experience is to live for many years in refugee camps before eventually being resettled here. It is the circumstances they have experienced in their homeland that have forced them to leave with very few possessions, if at all, and find a new home elsewhere. In 2011-12, almost 2,700 migrants settled here on a family visa, mostly from China, the Philippines and India.

In June 2011, there were more than 20,000 overseas students residing in South Australia. This was a little over 2,000 less than the previous year. They mostly came from China, India, Malaysia, South Korea, Vietnam and Saudi Arabia. In the first six months of 2012, the number of overseas students from Saudi Arabia increased more than 12.5 per cent.

South Australia has been a popular destination for overseas students in recent years, and they have made a significant contribution to the local economy. The committee heard they are attracted here because we have a reputation as a provider of quality education. The committee also heard that increasing competition from overseas jurisdictions, the value of the Australian dollar and the length of time it sometimes takes for visa approvals have possibly contributed to the drop in recent numbers.

In June 2011, there were 4,500 temporary visa holders in South Australia on a 457 visa. The committee was informed that South Australia does not attract significant numbers of 457 visa holders compared to the other Australian states. The committee was interested to know that a vast majority of new migrants have settled in the metropolitan area of Adelaide. The net overseas migration figures represent the net gain or loss of population through immigration to Australia and emigration from Australia. They include both permanent and temporary migrants.

All Australian states and territories experienced positive net overseas migration figures in 2010. However, in South Australia, it was the main component of population growth, accounting for 76 per cent of the population. This was ahead of New South Wales at 60 per cent, Victoria at 57 per cent and Western Australia with 53 per cent. Net interstate migration saw 3,200 people move elsewhere. In light of the national trend, although the net overseas migration numbers have slowed in recent years, it is still the most important contributor to the state's population growth. According to the Department of Immigration and Citizenship, the drop in numbers is mostly due to a lower inflow and larger outflow of overseas students.

The committee was interested to know about the overall social and economic impact of new migrants in South Australia. They were told that the long-term success of South Australia's migration programs can be measured by the social, economic and cultural benefits that migrants bring to the community.

The committee heard that migrants contributed to the social, economic and cultural structure of South Australia in many ways. They enrich and diversify the cultural fabric of the

community. They support stronger economic growth by providing growing markets for business, investing in the South Australian economy and fostering international trade through their knowledge of overseas markets. With the arrival of business migrants, new technologies are often introduced into the economy.

Employment and skill shortages are satisfied with the arrival of skilled migrants, and they assist in alleviating the negative effects of an ageing population and the consequent decline in workforce participation. As the labour force contracts due to the ageing of the South Australian economy, the need to stimulate labour supply through migration and to support a growing number of retirees will become a more pressing need.

Migrants have an impact on the demand side of the South Australian economy through their individual spending on consumer items such as food, housing and leisure activities. They create business opportunities through investment to produce extra goods and services, and they influence the expansion of government services in areas such as health, education and welfare. Migrants also have an impact on the supply side of the economy by introducing labour, skills and capital into the state by developing new businesses and adding productive diversity through their knowledge of international business markets.

There are some views within the community that express a concern that multiculturalism has given undue emphasis to the maintenance of our cultural differences and the interests of individual groups, rather than the promotion and acceptance of the Australian way of life. They fear it provides divisions and gives migrants rights and privileges that are not available to other South Australians. Community education helps to dispel such views and reinforces that multiculturalism does not provide special privileges to certain groups. In fact, eligibility for services is based on need and subject to eligibility guidelines.

Communicating about the positive impacts of migration is critical to how migrants are received in their communities. Evidence-based information and positive examples of migrant communities and individuals in South Australia becomes increasingly important as the diversity of migrant communities increases. A society that has a diversity of skills and experiences is better placed to stimulate economic growth, and migration is a key factor in enabling this to occur.

Migration is one of the significant avenues in which the exchange of skills, culture and language can enhance the very fabric of community. Migration, though, is often highly politicised and sometimes negatively perceived, even though international migration is likely to increase in scale and complexity, due to the growing demographic disparities, new global and political dynamics, technological revolutions, and social networks with profound impacts on the socioeconomic and ethnic composition of societies.

This gives rise to new policy challenges for governments, industry and the community at large, related to the successful integration of migrants into the South Australian community. The manner in which the image of new migrants is portrayed is of fundamental importance to their level of integration and adjustment to life in South Australia. The committee heard from a local migration agent that some of the significant factors for migrants choosing to relocate here include the stability of the South Australia economy and political climate, and the affordable cost of living and relatively affordable housing prices compared with some other Australian states and territories. South Australia has a well-planned infrastructure, and the education system is highly regarded.

The inquiry revealed that people generally perceived that South Australia has a quieter lifestyle and is a good place in which to raise a family. As the costs in the bigger Australian cities rise, there are opportunities for South Australia to take advantage of the lifestyle and relatively low cost of living. Education Adelaide, in its annual report for 2011-12, commented on a study which measured food, rent, clothing, transport and utilities, and it confirmed that in terms of cost of living, Adelaide was the most cost-effective Australian city. Living costs in Adelaide are 24 per cent lower than in Sydney, 25 per cent lower than in Melbourne, 11 per cent lower than in Perth and 10 per cent lower than in Brisbane.

The committee has put forward a total of 40 recommendations that will strengthen and enhance the current server system and support our new migrants. The committee heard from government and non-government agencies, and most importantly from new migrants themselves, that the provision of services and support to help them settle into their new culture in South Australia was overwhelmingly positive. Major barriers were learning the new language and finding suitable employment. This was less so for skilled migrants and obviously more of an issue for

humanitarian entrants. Overall, the committee heard evidence that South Australia is a welcoming place for new migrants.

The Hon. R.B. SUCH (Fisher) (11:26): I rise to support this report and to commend my colleagues who are on the committee. Once again, this is a standing committee, but it shows what good work committees can do in this place, whether they are standing committees or select committees. I will not go through all the issues canvassed by the committee; there is no point in doing that; members can read the report themselves.

I think we all agree that having new people come to our state and to our country is a positive thing. I am not one who believes in the Big Australia concept, that we must get bigger just to be better. I do not agree with that; I think the focus should be quality rather than quantity. I think it is better to be of first-rate quality as a state or a nation rather than simply trying to be big. I think if you look at some of the countries of Europe you will see examples where they are small but have a very high quality of living, and act and behave as excellent citizens of the world.

My father was a migrant. He was a Barwell Boy. He came here at the age of 16. He married a local girl. He intended to only have two children, but my mother, from the Catholic tradition, favoured the more natural approach—otherwise I would not be here, because I am number four. I will not go into all the aspects of that, but I will digress a little.

My grandmother was a Catholic who had an uncle who died. When they asked the local priest up in Merbein, Mildura, for a requiem mass, he said, 'No, he's lived like a dog; he ought to be buried like one,' so she became a Methodist and the Catholic church lost her 10 children, including some of the offspring, who include Mark Ricciuto and a lot of others. So we have a Catholic side in the family and a Protestant side. Jamie Briggs is part of the Catholic side, but we still talk to him. We still talk to Caroline Schaefer as well.

That is a bit of a digression, but I think a couple of aspects come out of that. We used to have a lot of what were called farm apprenticeship schemes. The Barwell scheme, in effect, was meant to be like that. In terms of revitalising agriculture, I think we probably ought to be focusing, as part of our migration, on trying to get people involved in the agriculture industry.

As a related aspect, I am most concerned at what has been happening to country towns. You cannot obviously plonk people from overseas in a country town and say, 'There you are.' But, especially with the introduction of the NBN network, there is no reason why our country towns cannot be revitalised in terms of employing people locally. They often have infrastructure, they often have housing, and I think that, with a proper approach to that, we could be attracting people from overseas to live in some of the regional areas and towns and, whether they are involved in farming directly or in a town, I think there are some clear opportunities there.

One of the issues that concerned us on the committee was one we heard from a doctor. He was one of 30 doctors (and he claimed that there were 30 like him, but I do not know whether that was absolutely accurate) who had come from, in his case, Bangladesh, but because they had not been practising medicine in the immediate past they were not allowed to practise here. They could not update their skills or be assessed thoroughly in terms of their skills because they did not qualify under the immediate practising rule, or whatever it is.

To me it seems ludicrous that we can have people who, if they were working in Bangladesh as a doctor last week, can work here next week (or not quite here next week) but that someone who has had a break in their service for some reason or another cannot. I think that when we are short of doctors in this state, particularly in rural areas, it seems absurd to me that we have these people who have migrated here with those skills who cannot actually utilise them.

Recently, having a check-up, I went to the IMVS branch at Blackwood and the woman taking blood was a dentist from overseas. There is nothing wrong with people who take blood and samples like that, but we have someone who was a Coptic Christian from Egypt, who was a dentist but who could not be accepted here because of differences in the assessment regimes. I am the first to argue that people need to meet proper standards. We cannot have people as medicos or anything else who do not meet proper standards, but surely there must be a mechanism to enable those people to translate their skills for the benefit of themselves and the wider community. As I said at the start, I will not go into all the details.

We have had migrants coming to this country for a long time. I suppose if you go back far enough, the Aborigines were migrants 50-odd thousand years ago. That is when people did not worry about boat people. We heard from people who came here as humanitarian refugees and,

sadly and ironically, people from one country in Africa, where the different groups here do not get along. You would think that when they came here they would be able to put the past behind them, but that is reflected in a lack of interaction between the two sections from that particular African country, and that is very sad. At the moment, we see a lot of debate about sending so-called asylum seekers to Papua New Guinea, and I will not go into the detail of that.

One of the ironies is that a lot of those people now are Iranians, or Persians, who are highly skilled, highly capable people who would not normally be in the category of refugee but who now are being turned away from Australia. My experience and knowledge of the people who have come from Iran is that they are fantastic people and, as I say, often highly skilled in a range of professions, and if they cannot come on the boat trade, we should be trying to recruit them anyhow.

I conclude by congratulating all the people on the committee. Everyone worked well, as they normally do, and, as I said, it shows the benefit of the committee process. I commend the Hon. Jing Lee because I think she put up the original motion to establish the inquiry.

Motion carried.

SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

Dr CLOSE (Port Adelaide) (11:35): I move:

That the report be noted.

As members will recall, in November last year this house appointed a select committee to look into the welfare of dogs and cats bred in South Australia for the companion animal trade. The committee received almost 200 submissions from the general public and from interested industry parties, and we thank them all for taking the time to make their feelings known to us. Animal welfare reform has been an issue which has seen real change in several states of Australia in recent times. It is an idea whose time has come; indeed, many would say it is long overdue.

I am sure members would have been appalled, as I certainly was, at reports in the press in recent years of the mistreatment of animals, principally dogs, in premises which have become known as puppy farms. I am confident that most of the public would find these businesses and their practices utterly abhorrent and feel that there is no place for such activity in 21st century South Australia. In addition, the number of animals either surrendered or abandoned, and which end up in pounds and shelters where euthanasia is a likely result, is certainly tragic. This outcome, this appalling outcome, is the end result of a system in which too many animals are purchased under circumstances where the welfare of the animal and the true cost of raising the animal are not only not the primary concern of the buyer but often are not considered at all.

The committee therefore saw as its brief to put in place a framework which makes the welfare of animals at all stages of their life cycle—breeding mothers, newborn animals, adolescent animals, and especially ex-breeding animals whose usefulness to unscrupulous owners has passed its time—as its primary consideration. In its deliberations, the committee was always mindful of the excellent work done by so many people in the industry, people who truly love their animals and for whom cruelty towards these animals is unthinkable. The committee wanted to make any changes to the present system as painless as possible for these people. There is always room for people who do the right thing.

From my own perspective, my daughter asks us for another puppy nearly every week. We know that a dog brings so much into the family. They teach children responsibility and care, they are companions for the long winter evenings, and they make all of us get out and take exercise. Dogs and cats become much loved family members, and those who have them would never choose to be without them.

So, we have some choices before us if we are to add another dog to our family. We can go to a local pet shop, see if any friends have a dog with puppies, look on the internet, get in touch with breeders, or go to a shelter and adopt a dog that has been lost or thrown out of home. Each of these options has its advantages and each has its pitfalls. The committee has done its best to balance these in coming up with a series of recommendations which will improve welfare standards in the breeding of companion animals; increase purchaser confidence in the source of their companion animals; reduce the number of surrendered animals and, by extension, euthanasia numbers; and increase public awareness of animal welfare issues and owner responsibilities. The committee makes the following 11 recommendations:

1. That an enforceable code of practice for the breeding of companion animals be introduced in South Australia. Such action will not only ensure a better welfare standard for breeding companion animals but will also bolster consumer confidence that they are purchasing an animal that has been reared in its early life to an acceptable standard of care.

2. That consultation and regulatory impact assessment be undertaken with the express aim of introducing a licensing scheme for breeders of companion animals. Such a scheme will enable proper identification of breeders and discourage disreputable breeders. It will also cut down on unwanted litters, with the flow-on issues they bring, including abandonment and euthanasia and, importantly, it will create a fund for the enforcement of the breeding code of practice.

3. That the inclusion of both breeder licence numbers and animal microchip numbers in all advertising and at purchase point be a mandatory requirement. Such action will ensure compliance with the breeder licensing system. It will bolster consumer confidence that they are purchasing the specific animal advertised, and it will allow for easier prosecutions in cases of fraudulent or cruel behaviour.

4. That at least one member of staff in pet shops, at breeding establishments and at pounds or shelters, hold the minimum qualification of a Certificate II in Animal Studies. Such a requirement will certainly ensure better compliance with the SA Code of Practice for the Care and Management of Animals in the Pet Trade. As explained in the report, undertaking such a course should not be particularly burdensome.

5. That the 2010 review into the SA Code of Practice for the Care and Management of Animals in the Pet Trade (1999) be implemented.

6. That vendors be required to provide a cooling-off period prior to handing over a companion animal. Impulse buying is the single biggest cause of the unnecessary purchase of a companion animal or of the purchase of an animal not suited to the particular circumstances of the buyer. The introduction of such a cooling-off period will have a flow-on effect in reducing abandonment and surrendering numbers.

7. That industry standard information on pet ownership responsibilities be developed and that they be disseminated to prospective buyers prior to sale. Such action will ensure that prospective buyers are adequately informed of both the welfare issues associated with the breed purchased as well as the true anticipated costs of owning that breed of dog or cat. The recommendation is squarely aimed at cutting down the impulse buying factor.

8. That dogs and cats purchased at any venue—be it from a breeder, a pet shop, a market, or indeed any source—must be vaccinated at the appropriate level for the age of the animal, treated for worms and other parasites, and microchipped prior to sale. The lack of a proper traceability mechanism is the major cause for animals ending up in pounds and shelters and, as we know, tragically, euthanasia is often a result for those animals. At present, South Australia is the only state which does not require microchipping of its companion dogs and/or cats.

Furthermore, we recommend that cats purchased at any venue must be desexed prior to sale or a commitment to do so undertaken at point of sale. Any person purchasing a cat for breeding purposes must have a valid breeder's licence. The committee felt that this course of action was preferable to the alternative, namely, the compulsory sterilisation of all cats owned in South Australia. Of course, the net effect will ultimately be the same: within a few years all owned cats will be microchipped, vaccinated and desexed.

9. That cat management plans, separate from dog management plans, are to be prepared by councils. At present, councils are only required to prepare a single dog and cat management plan. The consequence of this is that, with exceptions, the management of cats is treated as little more than an afterthought.

10. That councils adopt the Found Pets initiative to facilitate the return of dogs to their owners. This initiative, which operates as a phone app, will provide a cheap effective means of reuniting animals and their owners without the need for impounding. This will eradicate much unnecessary stress on the part of both parties.

11. That programs promoting responsible pet welfare and ownership amongst the general public, starting with children, be established and that public awareness programs into the issues associated with irresponsible pet ownership and the nature and extent of the stray cat problem be initiated. The committee believes that a lack of education is the root cause of many of

the problems which led to the formation of this select committee. Making people properly aware of the consequences of their action will cause many to change their ways. As a general principle, having people better informed is likely to increase compliance.

Finally, the committee wishes to express its thanks to our research officer, Dr Gordon Elsey, who worked carefully, thoughtfully and tirelessly to produce a well-written and well-considered report, and our secretary, Lauren Tester, who is a true asset to this parliament in her efficient, courteous and hardworking support of select committees.

The Hon. R.B. SUCH (Fisher) (11:42): I was privileged to be on this committee. As members may recall, in 2009 I introduced a bill relating to animal welfare, and then last year I introduced the Animal Welfare (Commercial Breeding of Companion Animals) Amendment Bill, which ultimately gave rise to this select committee. It was a great committee to be on because, once again, we had all members working with goodwill, with good staff researching and supporting members on that committee. I will not go through all the recommendations; members can read the report themselves. I will just make a few points.

I think when people talk about 'puppy farms' that is a euphemism. They are not really farms. When you think of farms, you think of animals grazing in peace and harmony. Puppy farms, as we have come to understand them, are really puppy factories, where puppies are churned out endlessly without regard to the welfare often of the pup or the mother.

I would have to say that there is a lot of interest in this issue of animal welfare in the community, primarily amongst women, but not exclusively. I think any government, any political party or any MP who ignores that concern in the community about animal welfare does so at their own peril because people do not want to see animals treated in a cruel way. It does not matter what category of animal they come into.

I think the committee was sensible in focusing on companion animals, and it was able to deal with the issue of working dogs, farm dogs in particular. We know there is a range of farm dogs. I have a nephew who lives on a property out in the Mallee. He had two so-called farm dogs; one was a Staffordshire and one was a kelpie. The poor old Staffy would try to run and jump into the back of the ute, but it was never successful and usually would hit its head against the back of the ute. The kelpie was always successful. I am a great fan of kelpies; they are fantastic working dogs. The committee was able to separate the issues, not overlooking any cruelty aspect, but separating the reality of working dogs and farm dogs, some of which are incredibly expensive: they are not the cheap dog that you might get from a neighbour.

There is a lot of debate about microchipping and desexing. We had the benefit of the member for Morphett. As we know, he is a vet. I did not object to him recommending that MPs be microchipped but I did object to him recommending that MPs be desexed. I am only joking—that was outside the terms of reference. We did canvass the issue of microchipping of animals and desexing, and I think the committee came up with pretty sensible recommendations—and also in relation to the sale of pets. I have seen pet shops come and go near my office and they always generate concern amongst constituents about how long a pup has been in a window and that sort of thing.

I conclude by paying tribute to the RSPCA. It has had a bit of negative publicity in recent times, which I think is unfair, because the RSPCA is the organisation which, if I can use the expression, is left holding the baby often. It is fine to say no animal should be euthanased, but the reality is that sometimes that has to happen. It is unfair and harsh to be criticising the RSPCA when they are the ones left trying to deal with a massive problem. I say to people: be a bit more appreciative of the work of the RSPCA. I think they do a great job. We went and visited their centre and kennels at Lonsdale and I have to say the evidence was the staff were very caring and compassionate about animals.

I would hope this current wave of negativity directed to the RSPCA will come to an end and that they will be valued for the good work they do. Like all organisations, they will not always get everything right, but I think they do a great job in trying to protect the welfare of animals. We will soon see—I cannot say too much about it—some of the evidence of their work in relation to what is clearly, in my view, a case of abuse of animals, but we will leave that matter for the courts, because it is coming up shortly.

Dr McFETRIDGE (Morphett) (11:47): As a member of this select committee, I rise to encourage every member in this place, and also members of the public, to read the report that the

committee has put together, because the recommendations are based on sound deliberation and on the evidence of many witnesses.

When I was doorknocking as a candidate way back in 2001, I remember one particular lady said to me, 'You're the vet, aren't you?', because I was running on the platform 'vote for the vet'. I said, 'Yes,' and she said, 'You'll be right: you're going from one lot of mongrels to the next.' She was quite wrong about my former patients and I can say she was quite wrong about my colleagues in this place because, when we put our minds to it, we can work extremely well together in a multi-partisan way to ensure that South Australians have the benefit of good sound legislation and good sound deliberation on that legislation.

The need for a committee to look at this matter and come up with a series of recommendations has unfortunately come about because we have many cases of animals being very badly treated and, in this particular case, dogs and cats. Of course, in over 20 years in my veterinary practice, I saw a number of cases of all species that were being badly treated—some through ignorance and some through pure cruelty. In every case we tried to educate the people and on a couple of occasions I assisted in the prosecution of some of those people.

The issue of dogs and cats is one where we do need to have some form of further legislation or regulation so that we can have control of the whole of the industry, from the breeders right through to the consumers. With dogs, it is perhaps a little bit easier because we have a more regulated system with the Dog and Cat Management Act, dog management plans of councils and dog registration, and there seems to be a greater focus on the treatment of dogs.

Again, we saw an episode just whilst the committee was sitting of what is commonly called a puppy factory been discovered down in the Milang area. Having seen the photographs—and my daughter Sahra, who is a vet, assisted the RSPCA in treating some of these animals—it was absolutely atrocious. It was something even worse than I could have imagined. I have seen some pretty ordinary things in my veterinary career, but this was even worse than I could have imagined. I wish the RSPCA every success in their proceedings and progress in dealing with that particular issue.

The issue with cats is a lot more difficult. I once did say to the then minister for the environment, John Hill, when he was looking at regulation of cats, 'You haven't seen anything as feral as a cat owner who goes feral.' Cat owners can be particularly passionate about the way they are able to manage their cats. A friend of mine used the definition of a feral cat as any cat outside a lounge room, and I think that is probably not a bad definition in many cases.

We have two cats at home, my daughter's cats that we are looking after. They are kept in a very large enclosure. They are allowed to go outside during the day, but at the moment both their electric beds are turned on and they are lovely and warm, so they do not move very far at all. Cats sleep anything between 20 and 22 hours a day—they are almost as good as koalas—but we make sure those cats are locked up at night, and there is an argument they should be locked up at all times, and I have no problem with that.

The need to ensure that cats are being better managed than they are now is something I have been very concerned about. Watching some of the local governments put legislation or regulation into practice is something I strongly support. There are between 6 and 10 million wild cats across Australia, depending on the environmental conditions at any one time, and those cats do wreak a lot of environmental havoc. For people to say, 'It's okay if my cat does wander around' and throw the cat out at night, that is completely wrong. What is the difference between owning a dog and a cat—the responsibility to that particular creature, to neighbours, to the neighbourhood and to the environment? There is no difference.

Registering, microchipping and desexing cats, to me, is on the same level as that of dogs. Recommendation No. 8 requires dogs and cats pre-purchased to be vaccinated (nobody argued with that), wormed and treated for other parasites, fleas and mites. That is certainly something we would be encouraging, and I think it should be in legislation. Requiring cats to be desexed or a commitment to be desexed prior to sale is something that I think is an absolute must. When you have cats that are abandoned—and these so-called semi-owned cats. I cannot get my head around a semi-owned cat. There is an old story that dogs have owners and cats have staff, but you either own the cat or you are feeding a wild cat or a feral cat. You do not semi-own a cat.

I will say that I did have one case where I had the same cat come into my vet clinic on consecutive nights, brought in by two families who thought they owned that cat. It came in the night before for a cat bite abscess which did not require any treatment other than some antibiotics and a

bit of a clean-up at the time. Because it still was quite an open wound, the neighbours, who thought they owned the cat, brought it in the next night. I did not charge twice—I can put that on the record. I said, 'This is interesting.' So, the cat sorted that out quite nicely. It was getting a double-dip of a feed every day and double pats. Cats are pretty smart like that.

We do need to make sure that there is an emphasis on controlling the cat population, because cats do wander. The average cat will wander between four and 10 acres, about two and four hectares, in its range. They do get out, they do get about and they do cause a lot of damage. Never mind just the cat fights themselves, the feline AIDS and the toxoplasmosis issue with pregnant ladies, there is just the general nuisance and the effect on our native creatures and small wildlife that we have, even in our backyards in town. The cats do get out there and we do need to make sure that they are going to be controlled.

Desexing, microchipping, and registering of cats are not onerous things to ask of people who want to own a cat. As I have said, I think that when you buy a dog or a cat, the responsibilities are there. We have a responsibility as human beings to ensure the welfare of the animals we have in our possession, whether they are horses, cattle, dogs or cats, or all the other creatures that we may want to care for or use as part of animal production.

It is most important that all 11 recommendations are looked at by the government, whether it is this government or the next government, and that we introduce legislation and regulation to make sure that the recommendations of this committee are going to be adhered to. As I said when I started, these recommendations are well thought out, and they are based on sound deliberation and a broad range of evidence from a number of individuals and also a number of groups who have a depth of experience in the management of dogs and cats.

I again urge all members in this place and anybody interested in animal welfare (and that should be all of us) in South Australia here to read the recommendations. Read the whole report if you like, but please be understanding when the licensing schemes come in, when the regulations come in, and when the compulsory microchipping and desexing come in, that it is for the benefit of all of us—not just our pets, but for the whole of society. With that, I strongly support the deliberations and recommendations of the committee.

Ms BEDFORD (Florey) (11:56): While agreeing with everything everyone has already said, I would like to add a few things to the record and declare my lifelong love of dogs. Denied as a child, the first thing I did as soon as I could afford it was buy a dog, and I have owned dogs for 30 years. I have shown and bred dogs, which makes me slightly odd, of course—Dobermans and a rare breed called Pharaoh Hounds. I have had four litters of dogs in my kennel; I have always known where every one of my puppies went. I always desexed them if I possibly could, and I always took them back if someone was not happy or had to move or go away. I think that is a really important thing about dog ownership. You must always be responsible for your dogs if you breed them.

I was really grateful to have the opportunity to go on to this committee following the withdrawal of the member for Mawson for more elevated duties. This is something I have always wanted to be able to investigate and do something about, and it was not until we had this new influx of MPs, particularly Dr Close and Mr Bignell, to come into the parliament to force this through, which I think is amazing. As has been said, everybody who has worked on the committee has agreed that something needs to be done about the subject at hand.

I have taken the opportunity to look at this interstate, particularly in Victoria. On my only overseas trip—I have only had one overseas trip in my entire political parliamentary life—I did look at puppy farming and the movement of companion animals, particularly in Wales, because in the depressed state of their economy they began to do a lot with companion animals, and move them all around Europe. That was a real eye-opener.

It would be fair to say in my electorate I have more complaints about stray cats and annoying cats than probably anything else, definitely outweighing barking dogs. You never see dogs roaming in my local streets. I am not sure that that is necessarily because of the efficiency of the council, although I know we do have a very good council inspector in our area. I think mostly people care highly for their companion animals.

I think it is definitely a supply and demand issue that we are addressing here and that is because we have all become aware of the high euthanasia rates of animals when they are not wanted or cared for properly. I personally feel that dogs should never be an industry as such. I

admit that that is what has become of it all, but I never would think that you should try to make a living out of breeding dogs; it really worries me that that might be something that people try to do.

There is absolutely no doubt of the benefit of companion animals, and I think it is really important to make sure that people who want to have dogs can have dogs and I agree that it is education about responsible ownership that is really important. Unless we have national schemes, it is very hard to make sure that the sorts of things we are trying to encourage with our recommendations are actually what happens, because as we all know dogs cross borders. People are puppy farming, and particularly in the instance that we were just speaking about in Milang recently, they are being bred for interstate trade. The dogs are moving backwards and forwards. I do urge members to get behind this and support the recommendations of this committee. I commend their work and I am grateful for the opportunity of being on it.

Debate adjourned on motion of Mr Sibbons.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 23 July 2013.)

Clause 2.

The Hon. J.R. RAU: Mr Chairman, we are now in the committee stage of the bill and, as I foreshadowed yesterday, if it has not already been filed, certain additional material is going to be filed in relation to this, which hopefully will add some value. I appreciate that the member for Bragg has not seen these; they will be here in a moment. I am really in the chamber's hands. We could adjourn this committee on motion and deal with the other one while we get those amendments filed, if that would suit the honourable member, or I can talk about them.

Ms Chapman interjecting:

The Hon. J.R. RAU: The clauses involved are clauses 12 and 36, so we can get started, before we get to those.

The CHAIR: Are there any comments or questions on clause 2?

The Hon. R.B. SUCH: I am not wishing to digress too far from the general thrust of this bill, but I would like to ask the Attorney: is there any evidence that child sex offenders can actually be rehabilitated? I am getting mixed messages from so-called experts, and I think it is germane to this whole issue, because some of these people who are in Mount Gambier Prison correspond with me. I am not passing judgement on what they did or did not do and their being in prison, but what does concern me is that they will come out of prison at some stage.

There are a couple of issues. Is the program that is offered in prison effective? Are they required to do it? Is there any indication of the effectiveness of rehabilitating these people? I know when I was in Western Australia, I met the minister's people and they said that their chemical castration program works. I think it is important that members understand whether or not these programs that these offenders are being subject to here—we do not have chemical castration—are effective, or whether it is a case of 'once a paedophile, always a paedophile'.

The Hon. J.R. RAU: I thank the honourable member for his question, and I sort of touched briefly on this yesterday when we were discussing this matter. Unfortunately, I do not think that there is a simple answer to the honourable member's question, and I say that for a couple of reasons. First of all, the range of offenders who are captured by this concept goes to a wide range of offences. Bear in mind that a relationship between an adult person and a mid-teenager might result in that adult person being deemed for some purposes to be a sex offender.

I am not saying that that is a good thing, but that is transparently a fundamentally different thing from a person who is preying on five and six-year-old children. I am not defending it; I am not making the point that it is a good thing; I am simply saying, according to some definitions, they are all sex offenders but, clearly, there is a qualitative and quantitative difference between people at various points in that spectrum. That is point number one.

Point number two, which is, if you like, another dimension to point number one, is that each individual person obviously is different, and some people may be more amenable to education or training or something than others. The point I was trying to make yesterday, and it is only a partial answer to the honourable member's question, is that the anecdotal evidence I have seen suggests that the further the person is into the realm of committing offences with very young children, the

more likely it is that their behaviour is entrenched. There are, unfortunately, a number of people in our prisons now who are a sad testimony to that fact.

I recently raised very much a similar question with the Chair of the Parole Board and she advised me that there is a group within the cohort of people who might be described as child sex offenders who are very intractable to any form of behaviour modification. I specifically asked her about chemical castration and she advised me—and this is obviously hearsay—that, in the United States where this had been tried in some places, the evidence sadly was that it did not stop their predatory behaviour: it merely changed how they went about it, without going into any more detail. So, I do not hold much store by that.

I guess another point I should make is that today we are not talking specifically in this legislation about rehabilitation of these characters, nor are we talking about punishment of these characters: we are talking about monitoring of these characters when they are, for whatever reason, in the community. That is what this is about. So, I am happy to say to the member for Fisher that I will try and get some further information about that topic.

I understand that the parliament has a new committee which the member for Fisher is chairing and which might seek some advice about some of these matters, and I extend any cooperation that I can on behalf of the Attorney-General's Department to provide information to the honourable member's committee, if the committee decides it wants to take itself down this track.

I think it is important for us all to keep in mind that what we are talking about here is the monitoring of these offenders. We are not talking specifically about their rehabilitation: we are saying, given that one of these characters is sitting in the community somewhere, what monitoring regime do we attach to that individual to minimise the risk of their reoffending and harming another member of the community?

Clause passed.

Clause 3 passed.

Clause 4.

Ms CHAPMAN: This is the amendment to incorporate new definitions by adding: criminal intelligence, reportable contact, registrable repeat offender and serious registrable offenders. The advent, under this bill, of a new registrable repeat offender and, in fact, a serious registrable offender we have canvassed in the debate. Can the minister explain the origin of the proposal to introduce criminal intelligence into this bill and the basis upon which that is being sought?

The Hon. J.R. RAU: I thank the honourable member for her question. I am advised that the reason for this is that, because we introduced in this bill the capacity for the police commissioner to make certain decisions, it was thought appropriate that some of the material upon which those decisions might be based, including criminal intelligence, needed to be explicitly dealt with in the legislation.

Ms CHAPMAN: By whom? Who thought it was a good idea?

The Hon. J.R. RAU: My advisers did.

Ms CHAPMAN: The police requested it?

The Hon. J.R. RAU: I am advised that they did.

Clause passed.

Clause 5.

Ms CHAPMAN: Clause 5 introduces new section 5A, which incorporates the provisions for criminal intelligence being utilised. Can the minister explain how that is going to apply differently to the use of criminal intelligence in any other assessment?

The Hon. J.R. RAU: I am advised it will apply in the same fashion as it does, for example in serious and organised crime or, even for that matter, I assume, the Liquor Licensing Act, or any other legislation which contains similar provisions.

Ms CHAPMAN: Who will determine whether the decision made under 5A(1) satisfies the public interest ground?

The Hon. J.R. RAU: I am advised that that decision, along with any other relevant decisions under this provision, is appellable to the District Court.

Ms CHAPMAN: So how is anyone ever to be apprised of whether criminal intelligence has been used, assuming it to have reached the threshold of being required on public interest grounds, and so be able to pursue any appeal?

The Hon. J.R. RAU: Mr Deputy Speaker, I understand the question, but this is no different to what goes on with liquor licensing, for example, where the liquor licensing commissioner has to make a determination as to whether the fit and proper person provision, which is a requirement of the licence being issued, has been established. In the context of that the commissioner may be advised, for instance, that the proposed licensee is an associate of a group of criminals, but not themselves a criminal.

That is something that they do take into account and it is something that they do not disclose because to disclose that would actually tend to reveal (a) that the police had information about this other group, and (b) even more seriously, it may actually tend to reveal the methods by which the police have been accumulating that information. There is nothing novel about criminal intelligence being a protected thing.

Presumably, I think we need to think about a person considering themselves to be aggrieved by this. Let us bear in mind the purpose for which this intelligence is being used. The intelligence is being used in respect of a person who is a registered offender, in other words they have already committed—

Ms Chapman: Sexual offences.

The Hon. J.R. RAU: Sexual offences, yes. It is not like they are picking somebody out of the phone book. These are people who are known child offenders and what this says basically is if the commissioner has intelligence that suggests that that offender is misbehaving, the commissioner should be able to take steps to modify the regime of monitoring of that individual according to that intelligence. That is all it says.

I guess it would be possible for a person to consider themselves to be aggrieved by that to say they want to appeal that decision to the District Court and it would then be a matter for the judge of the District Court to consider whether they had good grounds, but I take the point and I do not run away from the point that, if it was as simple as that for the aggrieved person to then get their hands on the criminal intelligence so that they could mount an appeal, every single person across all acts of parliament who has got any influence on criminal intelligence would admittedly appeal any decision so that they could fish out of the police all of the criminal intelligence they are holding, and that is a manifestly absurd and unhelpful outcome.

Ms CHAPMAN: That may be the commentary of the Attorney, but the use of criminal intelligence is a novel new approach to this area of monitoring. As it has been pointed out, this is not an enforcement or a prosecution or investigation of other offences. In fact, this new enhanced monitoring process, which is being strengthened as identified, is one in which it will no longer be necessary for the enforcing officers to form an intent that there is an imminent offence.

If we were dealing with someone who was a registered sex offender and there was evidence to suggest, particularly whether or not it is of criminal intelligence, that he was engaging in some kind of paedophilia ring in some internet offences—for example, they are under surveillance; this is the sort of thing that obviously police keep an eye on, and it is a good thing they do—they would be able to utilise some of that. Of course that would be, on the face of it, a circumstance where the threshold would be reached; namely, that there is a reasonable belief that this person is participating in activity that would lead to an offence. They would have that threshold and they would not need to use the criminal intelligence for the purposes of this offence.

If we are dealing with drug dealing, and other activity that we are trying to modify or at least curtail in other legislation in which criminal intelligence rules apply, very much on the face of it that would have merit and we have supported legislation along that line, but here we are talking about a monitoring role. These people have not done anything else wrong. They are out at large and it is deemed, we all agreed back in 2006, an important extra tool to keep an eye on them, that they should regularly report and be able to be kept to that extent on a database and be useable.

Here we are talking about changing the rules; that is, removing the need to be able to have any threshold of an obligation to form an intent that there is some breach or activity that could lead

to a further breach of the law, and you are now asking us to add in the criminal intelligence. That is why I am asking.

The Hon. J.R. RAU: I am asking the parliament to do that and, if it turns out that members in this chamber, or members somewhere else, want to explain to the public why they want to take this out and why the commissioner—

Ms Chapman: We want an explanation as to why it's in.

The Hon. J.R. RAU: It is in because the police need it. Can I give you an example which you might understand a little better than this one because I think it makes a bit more sense but it is actually no less relevant than this—and I am grateful to my parliamentary colleague the member for Elder for pointing this out to me.

Let us say you have a person who is a reputed arsonist or a person who has previously been convicted of arson and we have a high-risk fire day and the police have either covert operations underway or they have a source placed in the CFS, unbeknown to anybody, who is keeping their eye on whether people are a little bit too free with their matches, or whatever the case might be. The police might use that information so that on the high-risk fire day, the catastrophic risk day, guess whose house they are knocking on the door of all day. Guess whose car they are following up and down the streets all day. Are you seriously suggesting the police should not be able to do that? All we are saying here is, in the case—

Ms Chapman: They can do it now.

The Hon. J.R. RAU: And we are formalising it. We are putting it in the legislation. We are making it utterly transparent. I, for the life of me, cannot see why, in relation to a known child sex offender who the police have intelligence to suggest is misbehaving, they should not be able to be using that intelligence in this context. I honestly cannot see why not. It might be we just have to agree to disagree.

Ms CHAPMAN: Just for the record, as I understand it, there are about 50 people on the state register of people who are known arsonists or likely to light fires every summer, and they are under surveillance either with someone sitting in a rubbish bin with holes through it and peering through their house, or knocking on their door and checking them and telling them, 'It's a hot day and we are keeping an eye on you.' There are various ways of doing this. Some are covert and some are open, as you say. But there has been no impediment to using that information and following them, for example, in an unmarked car through scrubland, etc., on high-fire-risk days and they do not need this sort of provision in other legislation to be able to utilise that information.

Unfortunately, minister, that does not give me any comfort as to why this is in here. I think this is something, as you have admitted, the police want. They want to expand—in fact, you are going to be introducing an amendment for another thing they have added to the list in the last couple of years to be slipped into this legislation. I am not satisfied that it is actually necessary. I now know the origin of this. It is nothing to do with the need to support the introduction of the new offence in here because, if that had a similar threshold, we would not need this. But, in any event, you have decided that is what you are doing.

The Hon. J.R. RAU: Again, let us make it very clear: if the police are going to use criminal intelligence, they need to be able to protect that criminal intelligence. We are saying here two things. Number one: if the police think they have got criminal intelligence which is pertinent and apposite to a particular individual, they should be able to use it. Number 2: that intelligence and its source and method of derivation need to be protectable. That is what this says.

Clause passed.

Clause 6.

Ms CHAPMAN: I think this is to identify a specific offence because, in introducing new offences, we are talking about multiple offences. I take it that is why these amendments are there, minister. We are adding in the word 'single' for the lower level offences. Is that what that is for?

The Hon. J.R. RAU: I am advised that this is to do with the fact that, unless this clarification were made, under the Acts Interpretation Act offences would be deemed to be multiple. This is just to clarify matters to differentiate between single and multiple offences.

Clause passed.

Clause 7.

Ms CHAPMAN: This is to add in a provision for circumstances that could lead to a restraining order under section 99AA of the Summary Procedure Act 1921 similarly being given the status, I suppose, to be able to introduce those persons into the child sex offender registration order. I am assuming this is all part of the enhancement that has been referred to of tightening and strengthening the requirements. Again, this is an area where information comes in to support, really, a civil procedure. Can the minister identify the source of this amendment?

The Hon. J.R. RAU: I am advised that the situation here is that the restraining orders presently can only be made on the register at the time that the restraining order is made. So, if there is subsequent need to get them on the register, this enables them to go back and do that.

Ms CHAPMAN: Under the Summary Procedure Act, you can have an interim order made. So does this mean that an interim order, which of course can be ex parte, can also trigger the obligations for this to be on the reportable list, or does it have to be a final order for an injunction before that applies?

The Hon. J.R. RAU: I am advised that it is to do with final orders, but more particularly that, to be perfectly frank, there are occasions where the police, for whatever reason, do not make an application at the time of the conviction or getting the restraining order of asking also for the person to be placed on the register for whatever reason—it might be omission or whatever. This simply enables them, if they become aware of the fact that such an omission has been made, to return to the court and seek that registration. That is the point.

The way I am advised of it is that it is more of a slips rule, in the sense that if you do not do it on day one, at the moment, you have not done it and that is bad luck. This means that if you do not do it on day one but the police subsequently become aware of the fact that there has been this omission, they are able to go to the court and make the application independently of doing it at the exact same moment. That is the point. To answer the other question, this again was a matter that the police, as I understand it, requested that we attend to.

Ms CHAPMAN: My understanding is that, apart from class 1 and class 2 offences, etc., we are now going to add a new category which will trigger the obligation to be registered, namely if you are the subject of a restraining order. That is my understanding.

The Hon. J.R. RAU: I am advised that is not new. It has always been there, but it had to be done on the same day. As soon as you got the restraining order, you could ask to have them put on the list and that was fine—that can be done now. This is just to say, if you get the restraining order and for whatever reason the police officer making the application does not at the same time make the application to have them entered, then this will enable them to return to the court at some subsequent time and make that application.

Ms CHAPMAN: So my question is: it may be an existing area that can attract the right to apply for this registration procedure, but is that currently only able to apply once it becomes a final order, or is there currently an application procedure that can be made at the time of the application of the interim ex parte proceedings?

The Hon. J.R. RAU: I am advised that it is at the time of the final order.

Clause passed.

Clause 8.

Ms CHAPMAN: This relates to who one can appeal to. I think the current clause 10 is all to the District Court, if I recall, but I will just check. Here to a single judge of the Supreme Court is the replacing provision. Can I just have some explanation as to the variants and purpose of it?

The Hon. J.R. RAU: This is one of those matters which parliamentary counsel has suggested in light of other things that have been done, I presume some of the jurisdictional changes that have been occurring recently in other pieces of legislation. I have no particular view about this one way or the other. This was a matter, as I said, I am advised parliamentary counsel suggested in light of other changes that have been going on about relationships between different jurisdictions would be an appropriate formulation. I cannot offer, unfortunately, any further argument in favour—or against it, for that matter.

Ms CHAPMAN: Is it your understanding, Attorney, that at present the general appeal process from the Magistrates Court would go to the District Court and that because, of course, now this is being introduced, it is to go to a single judge of the Supreme Court?

The Hon. J.R. RAU: Parliamentary counsel is here. We may be able to—

Ms CHAPMAN: —enlighten it?

The Hon. J.R. RAU: —enlighten it, yes. We will take it on notice. It obviously was not the most important provision in the bill as far as parliamentary counsel was concerned. We will do what we can to provide an answer. I can say to the honourable member it is of no particular consequence to me one way or the other. It is there.

Clause passed.

Clause 9.

Ms CHAPMAN: This is the provision to introduce the serious registrable offender declaration, which is the new power to go, the new offence. The police have sought higher penalties in these circumstances. I think we are looking at a five-year imprisonment, fines of up to $25,000 and very significant penalties for giving false and misleading information.

The Hon. J.R. RAU: Clause 9?

Ms CHAPMAN: Yes, clause 9. This is where the commissioner can declare if they are satisfied someone is a serious registrable offender. This is the tougher one. This is a new category of serious registrable offender. This is, I suppose, the key element of the legislation in the sense of new, tougher laws, of penalties that can be imposed under these two new offences.

The Hon. J.R. RAU: I am not sure that the tougher penalties bit is there.

Ms CHAPMAN: They are only applied further down, but this is the category, as I understand it.

The Hon. J.R. RAU: That is the category?

Ms CHAPMAN: Yes, this is the category that creates these new fines and things and there is a new process where the commissioner comes in with a role to be able to grant that assessment and there is an appeal process there under 10B. One of the areas of concern was this question of whether, there being no time required between the imposition of the declaration and the use of it by the police, that may result in the affected person being not notified and therefore not having any chance of appeal before the declaration comes into effect. How is that going to be addressed?

The Hon. J.R. RAU: I am advised that the declaration would become operative as soon as the individual becomes aware of it.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, they have to be given a copy. Just bear in mind this, because it is quite an important point: if the police, for example, have the view that a particular individual is a high-risk individual and may be straying off the path, and they obtain one of these orders, the last thing they would want to have to do is to serve the order and then wait 14 days, for instance, before they could do anything about it, because by that time the person will clean their house up and get rid of incriminating material and suchlike. The idea is that they cannot do anything without the person knowing but, as soon as the order is obtained, they should be able to exercise power under this, so that there is not an opportunity for individuals to divest themselves of material or whatever the case might be. That is the notion.

Ms CHAPMAN: Just so I understand it, in practical terms, the commissioner can make an assessment, he makes the declaration, it is served on the party that it is to apply to and it can be acted on immediately.

The Hon. J.R. RAU: Correct.

Ms CHAPMAN: So the process, then, of appeal against the declaration, obviously in some circumstances, will be academic, because they will not have any opportunity to appeal before enforcement.

The Hon. J.R. RAU: It will be ex post facto, yes.

Ms CHAPMAN: Why is it necessary, if there is some imminent problem with a further offence perhaps that is likely to be caused, to utilise this declaration when, if they had some concern about using this process to confiscate property or to search a premises, they have all the

usual opportunities to do that—to get a search warrant, for example, and confiscate the pornographic material or the like? Clearly they would be concerned in those circumstances. Or does the Attorney agree that it could be a situation where this new process is actually going to be available to the police to use to circumvent those usual processes?

The Hon. J.R. RAU: There is no doubt that this process, once initiated, provides a lower bar than a general search warrant. It does; there is no question about that. But bear in mind that with this class of offender, the material that might be concerning for this class of offender might also be of a lower grade than the sort of material that would be of concern for perhaps other prosecutions. To explain: suppose an offender in this category had been, let's say, collecting magazines of some sort which are—

Ms Chapman: Lawfully obtained.

The Hon. J.R. RAU: —a lawfully obtained, generally accessible product but had been collecting those magazines or perhaps cutting out images from magazines or whatever and they had parts of their place decorated with these images. Assume for the purposes of the argument, none of those images are in and of themselves an illegal or inappropriate image.

Ms Chapman: Most teenagers have them strung across their room.

The Hon. J.R. RAU: Exactly. If it were the average teenager, you would say it is just a symptom of poor taste, but if it is one of these individuals it might actually be a completely different phenomenon that we are looking at. I am just giving you that as an example. There would not necessarily be reasonable suspicion that there was material that was otherwise classifiable as child pornography or something else in their premises, but there may be material which, having regard to their particular circumstances, is highly concerning, which, if you or anybody else had it, would not necessarily be a matter of concern.

I accept that this means that the level of interference that these people can be subjected to by police is considerable—I accept that—but, as I have said before, there is a balancing act here between what in this particular section we are talking about is the serious group of offender. There is a balance to be found between that serious group of offender, who are a relatively small number of people, and the welfare of all of the young people, and smaller children in particular out there, who are potentially at risk from these people. So, yes, I accept it is a very serious step.

Ms CHAPMAN: I am still not certain, Attorney, as to how it is then that someone who fits into the category of an offender, who is on the registration, and if they are lawfully collecting and displaying, for example, in their home, multiple pictures of images of a pop star which may be a bit revealing but are quite legal—and, as I say, that we might find across the bedroom of teenagers across the world, or carrying around images on their phones and the like—if they are perfectly lawful, how is it that someone who may happen to have been a sex offender, who might have these pictures, should be subjected to, basically, invasion, in those circumstances? I perfectly understand if there is reasonable suspicion that they are collecting material of young children in a semi-naked state. I understand all that, but the lawful activity of these people could be invaded without any justification that they are in any way either breaching the terms of their current obligation or working their way towards some other devious conduct.

The Hon. J.R. RAU: Between the houses I can arrange for the police to speak to the honourable member about this matter if that would be of any assistance. Can I also say, there is another point that has just been drawn to my attention, and it might also be evidence of breaching that they detect by these unheralded and unexpected visits. For instance, the police making one of these visits might find, that there are air tickets in the house. It is not necessarily illegal to have air tickets but it may well be in breach of other constraints that are imposed on these people. They might go there and discover tickets to Bullen's Circus and legitimately ask, 'Who are you going to Bullen's Circus with? Why are you going to Bullen's Circus?' or to the Ice Arena, or wherever else, or the Royal Adelaide Show. So, I accept that this means that these individuals are subject to, basically, random visits and the police are able to search their premises—

Ms Chapman: At any time.

The Hon. J.R. RAU: Yes. Look, I accept that that is, on the face of it, very harsh. I just think that we need to bear in mind who this group of people are, what sort of offences they have committed, and what sort of a risk they potentially present to, particularly, young people in our community.

Clause passed.

Clause 10.

Ms CHAPMAN: Just quickly, minister, on this issue, we are going from 28 down to seven days. Can you explain that and the 14 to seven in other cases?

The Hon. J.R. RAU: Just to get back to an earlier comment, I have now been advised the reason for the business about the Supreme Court was that the courts efficiency legislation that went through has made changes that necessitate this. Your next question was?

Ms CHAPMAN: The time for reporting is going from 28 or 14 down to seven, in clauses 10 and 11.

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: The reason?

The Hon. J.R. RAU: To tighten reporting time lines. I am advised that that is basically the reason.

Ms CHAPMAN: Is there some justification that there is a change of technology or a capacity to be able to do that? I understand when we go from horse and cart days legislation to modernise, but we only made this legislation a few years ago.

The Hon. J.R. RAU: At the moment, just as an example, an offender who leaves custody has got a month to let people know where they are.

Ms CHAPMAN: And it has been reduced to seven?

The Hon. J.R. RAU: Yes; it has been reduced to seven days. It is purely and simply that people want to know where these characters are so they can monitor them.

Ms CHAPMAN: That's a police request?

The Hon. J.R. RAU: Yes; that is 11 and 12, I believe.

Ms CHAPMAN: Sorry; new sections 11 and 12, yes.

Clause passed.

Clause 11 passed.

Clause 12.

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

Page 7, lines 13 to 30 [clause 12(5), inserted subsection (4)]—Delete inserted subsection (4) and substitute:

(4) For the purposes of this section, a person has *reportable contact* with a child—

(a) if—

(i) the person has contact with the child consisting of—

(A) any form of physical contact or close physical proximity with the child; or

(B) any form of communication with the child (whether in person, in writing, by telephone or other electronic device); and

(ii) the contact with the child—

(A) occurs in the course of—

- the person or the child visiting or residing at a dwelling (whether the person and the child are alone or with others); or
- the person (whether alone or with others) supervising or caring for the child; or

(B) involves the person providing contact details to the child or obtaining contact details from the child or otherwise inviting (in any manner) further contact or communication between him or her and the child; or

(b) if the person has contact of a kind, or occurring in circumstances, prescribed by the regulations.

(4a) A reference to a *dwelling* in subsection (4)(a)(ii)(A) includes any form of accommodation (including temporary accommodation).

The situation here is to give more definition around the notion of what is or is not reportable contact. It is my understanding that the police have been concerned about the lack of particularity presently in terms of occasion. What is meant by an 'occasion'? This is to give some definition to what is or is not reportable contact.

Ms CHAPMAN: This is a matter, Attorney, that we certainly canvassed in the briefing that was provided to us, and I thank those who were available from your office and the department who provided advice on this. The opposition noted that some consideration had been given to the review that took place in Victoria, that is, the Victorian Law Reform Commission report from late last year. That was, of course, one of the reasons the whole reform in this area had been delayed, because that was going to be given some consideration.

Curious, to us at least, is that the Victorians did not seem to have sorted out this issue either; that is, there had not really been any clarity as to what was going to be a one-off contact, whether one of those contacts was going to be defined as a day or a second, or whether it was being with somebody either in a dwelling or residence, or at a bus stop. These things were completely undefined. It certainly was a concern to us and remains that there appears to be a regime that is being established ostensibly to protect children from the potential predation of known offenders, yet they are allowed to have three goes at them before any obligation to report is made.

I will just go through this with you, but your amendment may or may not assist us in that regard. I am reading it as you have moved it, but I will say that it certainly remains a concern to us that there still seems to be at least the potential for contacts to occur during which there would be opportunity to cause some harm to a child or to give some thrill to the offender and/or both which would not be reportable.

There are a couple of examples that I was going to ask and you can clarify whether you think your amendment now covers it. Obviously in a circumstance where the party who is on the list, or should be, inadvertently accidentally comes into the proximity of a child; that is, they are standing at a bus stop alone and a child walks up and makes an inquiry about whether a particular service is available. There are no other adults around and the adult is faced with the situation where they are in immediate proximity of a child. I am identifying a public place, but if it is raining and there is nobody else around and they are sitting in a bus shelter, these are the sorts of situations.

I am giving you this example as one where the person on the list, the adult offender, has not initiated or introduced himself into the environment of the child; it is purely accidental on his or her part. That may be for a reasonable period of time; they might be 20 minutes waiting for a bus or much longer in this state, but in any event, we will not go there. Can you give some assurance to the house that that circumstance is captured by this as a reportable contact? What do you say to the house is the merit or basis for even allowing a situation like that, which may go for a multiple minute period of time, that would protect a child in those circumstances?

The Hon. J.R. RAU: A fair enough question. The first part of the question is: what about if other things pop up which we have not thought of? The answer is 4(b) where we have the capacity in the future, if we need to, to prescribe certain other behaviour by way of regulation.

The second thing is if you look at 4(a)(ii)(a) and (b), you will see what is contemplated here is either that the contact occurs in a private home or some place where there is a dwelling or whatever, and then importantly (b), if you have the bus stop situation and all that is happening is the person is standing there and a child is standing there and you ask yourself: what mischief is that creating?

If that is all that happens, then the answer is that there is not any mischief and that is fine, but as (b) acknowledges if the person standing at the bus stop then says to the child, 'Oh, hello. This is my phone number. I would like to meet you' or 'Hello, what is your name? What is your phone number?' they are immediately caught. Otherwise, you would have a practically impossible situation where these people, to be fair about it, who are not presently in custody, could not go to the corner shop, could not catch a bus, could not do anything because of the risk that at some moment in time a child would enter whatever building they were in and then they would immediately have to vacate the premises.

That is taking it too far, so we need the three ingredients. We need the individual present and we need a context. The context can either be a private place (like a home, or whatever) or it could be a public place but the individual transforms the relationship between them as just two passersby, as it were, in a public place to an attempt to relate to that person in a public place.

Ms CHAPMAN: You would say in the scenario I have given, the person in that circumstance would not need to report that because the contact, as such, or interaction or communication in that scenario had been initiated by the child (maybe an inquiry about the bus services), unless there was further communication and some reciprocity from the adult party and then there had been further engagement.

That does raise a concern. I accept that there is always this question of someone in an area or in a precinct where they are not supposed to be—because of a restraining order, bail conditions, parole conditions or obligations because of a prior history—otherwise they could never go into a public place. They could never go into a shopping centre or on a bus, or the like, and not have a real risk of being in the proximity of a child. A child may wander across and sit next to them at a bus shelter or on a seat sitting outside a supermarket. It still does not allay concerns that we have that we are going to allow three periods of contact first, unsupervised.

The Hon. J.R. Rau: There is no three.

Ms CHAPMAN: Now, completely, first time. Alright. The second thing is this area of being in the same dwelling, and this is another common area where, at least from my experience, there is opportunity for breach. If a party the subject of these proceedings forms an association with another person—adult, legal and legitimate, in the sense of some personal relationship—and that party has children living in their household with them, the person the subject of these proceedings may go to stay overnight, presumably to continue some social discourse with that person. Either completely unknown or inadvertently, there are children sleeping in the household.

They may stay in the premises overnight and there is contact the next morning. The other resident adult goes out to the garden and does things and the person the subject of these proceedings may be in the precinct and proximity of children sitting down eating breakfast. I want you to consider that scenario for a moment because there are circumstances where they move in and there is a change of residence and there are all sorts of other things that will capture them. But where there are one-off occasions, is that a contact that is then reportable? I am assuming it will be.

The Hon. J.R. Rau: It is.

Ms CHAPMAN: What about the one where he wakes up in the morning, dresses, leaves the premises and does not even know that there are children otherwise sleeping in the household?

The Hon. J.R. RAU: That gets down to a question of fact. Clearly, in the situation where they are visiting or residing in a dwelling where there are children, a policy call has to be made. Are we sufficiently concerned about the risk of this individual misbehaving to allow them to be there and take the risk, or are we saying, 'Sorry, in your case, we are not going to take the risk,' because the child's mother, for example, might be outside doing the gardening for 20 minutes and you can do a hell of a lot in 20 minutes when she is not looking? So, yes, it is reportable.

I guess if the person turns up and there are kids there and they genuinely do not know anything about it, that would be a defence or some argument they could put forward. There are going to be difficult odd situations in any of these rules, but the basic idea is to try and pick out classifications of situations. If we do not do it this way, what about the person who says, 'I'm a babysitter. I'll come around and babysit your children. I'm not there all the time; I'm not even sleeping over. I'm just there babysitting your kids. You go to the shops. Have a nice day.' How do we cut that person from a different piece of cloth than the person you have just spoken about? It gets very difficult.

Progress reported; committee to sit again.

[Sitting suspended from 13:00 to 14:00]

PAPERS

The following paper was laid on the table:

By the Deputy Premier (Hon. J.R. Rau) for the Minister for Health and Ageing (Hon J.J. Snelling)—

Regulations made under the following Act—

Health Practitioner Regulation National Law (South Australia)—Midwife Insurance Exemption—Regulations 2013

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:01): I bring up the 30th report of the committee concerning subordinate legislation.

Report received.

VISITORS

The SPEAKER: We welcome to the house today members of the Adelaide Central Probus Club, who are guests of the member for Adelaide.

QUESTION TIME

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:01): My question is to the Premier. How is it possible for a person charged with seven counts of child sex offences to have his original bail conditions relaxed to drive a bus full of children interstate for five days as a gymnastics coach and team manager?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:02): This is a question which is a very important question. First of all, it needs to be made very clear to everybody concerned that the decision about bail is made by a court. The court makes that decision after hearing evidence and making a judgement that the judge or magistrate concerned is best placed to make. It is not for the Leader of the Opposition or anyone else to be second-guessing members of the judiciary about the way they apply the law.

The second point is, and I think it is one that is very important, that the very question that the Leader of the Opposition raises the issue about, if there was such alarm about this particular matter, given the fact that, as I understand the evidence that we have heard so far, that it came to the attention of the member for Unley on the 4th or thereabouts of July, and given the fact that, as I understand it from what the member for Unley has said in the last couple of days, the first public report of this matter occurred in this place yesterday for a purpose presumably attached to being in here, and given the fact that he did not spend any of that time—he did not contact the police about this matter at the time, it ill behoves—

Mr PISONI: Point of order: the minister is debating the answer.

The SPEAKER: The member for Unley is called to order for blatantly and deliberately obstructing the house with a matter that is not a point of order. If he does it again, I'll throw him out.

The Hon. J.R. RAU: As I was saying, the member for Unley (the person who has been asking a number of questions in this parliament of a number of people on this side, being quite particular in his complaints about allegations of failing to pass material) has been sitting on material for a fortnight rather than giving it to the police. As I understand his explanation, Mr Speaker, the explanation is: the reason he did not give it to the police is because he thought someone else was doing it. How ironic!

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:04): Supplementary to the Attorney-General: when did the Attorney-General become aware that the alleged child sex offender operating a southern suburbs gymnastics centre was able to have his original bail conditions relaxed to drive a bus full of children interstate for five days as a gymnastics coach and team manager?

Members interjecting:

The SPEAKER: Attorney, before you begin, I call to order the Minister for Police and I call to order the Minister for Transport. Attorney-General.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:05): Thank you, Mr Speaker. I think it is important for members opposite to know, and I will make this very clear, that I as Attorney-General do not—I repeat, do not—sit down and survey every single decision of every single court every single day so that I am familiar with what every single defendant in South Australia is doing at any point in time.

If I were to do that, I would be even busier than I am presently, and I don't have the time to do that. So, from time to time, people make me aware of particular issues, and so far as I am aware the first time that any suggestion about driving a bus has come to my attention has been in the last 24 hours, when it has been raised by, I believe, the member for Unley—who had been sitting on that information and not telling the police about it for about a fortnight.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): A further supplementary: were parents informed that an alleged child sex offender was driving a bus full of their children to Victoria and staying overnight near those children? If parents were not informed, why not?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:06): Unfortunately, Mr Speaker, to the best of my knowledge, the parents were in the same position as SAPOL: the member for Unley did not tell them either.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): Sir, a final supplementary: don't parents have the right to be advised when their children are in the care of an alleged child sex offender?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:06): Mr Speaker, in relation to this particular matter, what we are getting is—we are moving away from the fact that the member for Unley has sat on information that might have actually caused a potential risk—

Members interjecting:

The Hon. J.R. RAU: We are getting away—

Mr PENGILLY: Sir, point of order.

The SPEAKER: I presume the member for Finniss's point of order would be that the member for Chaffey is disrupting the house; accordingly, I call him to order. Am I right?

Mr PENGILLY: No, sir, I'm sorry. I draw to your attention standing order No. 125.

The SPEAKER: And what is the content of that?

Mr PENGILLY: Unbecoming words towards a member, sir, and I believe that—

The SPEAKER: Unbecoming?

Mr PENGILLY: Unbecoming words; I believe that applies to the member for Unley.

An honourable member: Offensive, you might like to—

Mr PENGILLY: No, it's unbecoming.

The SPEAKER: And those words were that he was 'sitting on information'?

Members interjecting:

The SPEAKER: Well, it would be my ruling that to accuse a member of sitting on information is neither offensive nor unbecoming, but part of the stock in trade of this house.

The Hon. J.R. RAU: Thank you, Mr Speaker. Were it within my capacity to do so, the question I would like to ask in this chamber is to ask the Leader of the Opposition when he first found out—

Mr Marshall interjecting:

The Hon. J.R. RAU: —that the member for Unley was sitting on information about an alleged child sex abuser travelling in a bus to Victoria with children.

The Hon. I.F. EVANS: Point of order: the minister is going nowhere near the substance of the question, Mr Speaker.

The SPEAKER: Well, I think he is actually entirely germane as far as I can see.

Members interjecting:

The SPEAKER: Attorney, are you finished, or is there more?

The Hon. J.R. RAU: The only thing I will say is that the Leader of the Opposition needs to think about the old adage about doing as he does and not just doing as he says.

Mr Marshall interjecting:

The SPEAKER: Are there any more supplementaries?

Mr Marshall: Absolutely; we haven't had anywhere near an answer so far.

GM HOLDEN

Mr ODENWALDER (Little Para) (14:09): My question is to the Premier. What action is the state government taking to secure Holden's future in South Australia, and is he aware of any alternative proposals?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:09): I thank the honourable member for his question, and, of course, Holden being the heart of his electorate and his community, this is a matter of significance for him and his community. As members would be aware, we know that the future of Holden's is absolutely central to the future of South Australia's economy. Sixteen thousand South Australians would lose their jobs if Holden's were to close and we could lose up to $1.5 billion in our gross state product.

Yesterday, I detailed the government's response following the changes that were announced to the fringe benefits tax by the commonwealth government. I put forward a set of positive proposals that are among a number of options that we believe the commonwealth government could consider. I have also spoken to the federal Treasurer (Hon. Chris Bowen) and met with the Minister for Innovation, Industry, Science and Research (Senator Kim Carr) to raise our concerns about this proposal.

I have also spoken today to Mr Mike Devereux, the managing director of Holden. I have been encouraged by recent comments that have been made by members of the commonwealth government who have taken these concerns seriously. Ministers, including minister Butler on radio this morning, have re-emphasised the commitment of the commonwealth government to ensuring that the coinvestment necessary to secure the future of Holden's is indeed made.

On the other hand, the South Australian government has been disappointed with the policy response put forward by the federal Coalition. Their plan to simply reverse the FBT changes would assist imported as well as Australian-made cars, as opposed to the plans that I put forward. There is an opportunity to go forward here. There is an opportunity for us to actually take this challenge and put us in a better position than we were before we started this. We know that the federal Leader of the Opposition, Tony Abbott, and the shadow minister in the area, Sophie Mirabella, have reconfirmed the federal government's plan to rip $500 million out of automotive assistance—

Members interjecting:

The Hon. J.W. WEATHERILL: The federal Coalition's plans—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, they're the alternative government.

Mr Marshall: That's not what you said, though.

The Hon. J.W. WEATHERILL: They are the alternative government. I correct myself, but they are the alternative government. They are promoting themselves and, if the recent polling is anything to suggest it, they may well be the next federal government, and the truth is that they propose to rip $500 million out of support for the car industry and subject the remainder of the funding to a so-called review by the Productivity Commission. I think everybody knows where that

review is destined to head. We also know that the opposition leader of the South Australian parliament has confirmed that he supports the federal opposition's plans to take $500 million out of the automotive sector.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, the state opposition leader says, 'What has this got to do with anything?' Well, taking $500 million—

Mr Marshall: Sorry, that is not what I said at all.

The Hon. J.W. WEATHERILL: Well, what did you say, then?

Ms CHAPMAN: Point of order!

The SPEAKER: Yes, the point of order is?

Ms CHAPMAN: The Premier was asked a question about what he is doing to secure the GMH situation in South Australia, not what everyone else is in the world is doing.

The SPEAKER: What was the point of order?

Ms CHAPMAN: Relevance.

The SPEAKER: I will listen carefully to what the Premier has to say.

The Hon. J.W. WEATHERILL: The opposition spokesperson did not listen to the question, because it was: is he aware of any alternative proposals? That was the question, and I am commenting on the alternative proposals which have a direct relevance on this matter. It is important. He has a fraternal party: the federal Coalition is, of course, related to the state Liberal Party. It is material what the attitude of the state Leader of the Opposition is. He could have influence on his federal colleagues. It would be embarrassing for his federal colleagues if he joined with us and said—

Members interjecting:

The Hon. J.W. WEATHERILL: It would be embarrassing for Mr Abbott if the Leader of the Opposition here joined with me and opposed his plans to take $500 million out of automotive assistance, but instead, what happens is that the Leader of the Opposition joins with Mr Abbott.

Mr Whetstone: Have you called the Prime Minister?

The SPEAKER: I warn the member for Chaffey for the first time.

The Hon. J.W. WEATHERILL: Instead, what happens is the state Leader of the Opposition joins together with Tony Abbott in common cause to take $500 million out of automotive assistance, which is to the detriment of South Australia. We call upon him to join with us, so that we can present a united front nationally, just as we call upon him to join with us in our FBT proposals. To present a united front nationally, I am prepared to actually adopt a different position than my federal party—the federal Labor Party—on this question in the interests of South Australia. I simply call upon him to join with me and do the same, so that our arguments will have more force at a national level.

Members interjecting:

Mr MARSHALL: Supplementary.

The SPEAKER: Before the supplementary, I call the deputy leader to order; I call the member for Morialta to order, and he is lucky just to get that one with the number of his interjections; I warn the member for Chaffey for the second time; and I warn the Minister for Transport for the first time. Supplementary.

FRINGE BENEFITS TAX

Mr MARSHALL (Norwood—Leader of the Opposition) (14:14): My supplementary is to the Premier. Is there a communication problem between the Premier and the Prime Minister which contributed to the Prime Minister's decision to push ahead with changes to the fringe benefits tax on motor vehicles without even consulting him?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:15): I think there is a policy problem. The federal Labor Party made a decision which is not in the interests of South

Australia, and we understand why they made that decision. They obviously were making some substantial decisions around changes to the carbon tax arrangements to move to a floating ETS scheme, and they sought to offset that with revenue measures. They sought to make those revenue errors—

Mr Marshall: The question is: is there a communication problem between yourself and the Prime Minister?

The Hon. J.W. WEATHERILL: No, there's a policy choice problem. That's the problem. They made a choice about how they should deal with this question of the revenue they needed to provide. I have not got a difficulty with the way in which they have constructed changes to business taxation arrangements; it is entirely a matter for them. What I am interested in is the effect that it has on the car industry, and so we don't agree with the policy position they've taken. I've been prepared, though, to set aside the fact that this is the same political party at a national level.

Of course, it is not comfortable to have to oppose not only the Prime Minister of the country but also the leader of your national party, but I have done that in the interests of South Australia, and I simply invite the Leader of the Opposition to join with me in the same way. We both have an interest here. You have a leader of your party who is proposing a change which is not in South Australia's interest. I ask you to oppose that, just as we have done in relation to these FBT changes.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Supplementary from the Leader of the Opposition.

FRINGE BENEFITS TAX

Mr MARSHALL (Norwood—Leader of the Opposition) (14:16): Has the Premier actually spoken to the Prime Minister about his decision to introduce changes to the fringe benefits tax which he himself thinks will be a disadvantage to South Australia?

The SPEAKER: Yes, I think we have got the idea. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:17): I have made it absolutely clear what my position is to the Prime Minister. I have made it absolutely clear what my position is, and it is to oppose his proposal.

FRINGE BENEFITS TAX

Mr MARSHALL (Norwood—Leader of the Opposition) (14:17): Supplementary: has the Premier spoken to finance minister, Penny Wong, or Labor cabinet minister, Mark Butler, asking them to lobby the Prime Minister to reverse the fringe benefits tax changes on motor vehicle sales and, if so, what was their response?

The SPEAKER: Supplementary, to the Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:17): The answer is yes, I have spoken to the minister in question.

Mr Marshall: Which one?

The Hon. J.W. WEATHERILL: You asked me whether I had spoken to either of them and I have spoken to them, and I am not going to go into the details of what I have said.

Mr Marshall: You are very vacant today.

The Hon. J.W. WEATHERILL: I just answered your question.

The SPEAKER: I call the Leader of the Opposition to order. Member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (14:18): My question is to the minister responsible for child protection. Has the minister inquired as to what the interstate accommodation arrangements were for the alleged child sex offender who drove a bus full of children interstate for five days as a gymnastics coach and team manager?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:18): As the Attorney-General has just said, we became aware of the information that the member for Unley has been sitting on for a fortnight last night. I have real concerns about people sitting on information when they think children may be at risk, and it really does raise whether these people are concerned about the protection of our children or more concerned about getting a story in the paper.

Ms CHAPMAN: Point of order: clearly the minister is debating this matter but, in any event, the question was absolutely clear—

The SPEAKER: Yes, I know what the question was, and I will listen carefully to ensure that the answer is to the substance of the question. The minister.

The Hon. J.M. RANKINE: Thank you, sir. It is important when you become aware of situations where children may be placed in danger to alert authorities to that, and I can give you an example. Whilst the member for Unley sat on this for a fortnight, on 5 May the member for Unley held a press conference outside the education building.

Ms CHAPMAN: Point of order: I know that you are listening carefully to what the minister has to say, but the question very clearly was to ask her has the minister inquired into this matter, not the obligation of any others, or anything else—

Mr Marshall: Or examples.

Ms CHAPMAN: —or examples, or any other aspect. It was: has this minister made the inquiry?

The SPEAKER: Alright; I will accept the point of order. Before the minister returns to the topic of the member for Unley's action, or inaction, could she address the substance of the question?

The Hon. J.M. RANKINE: Thank you, sir. As I said, I became aware of this last night after the media were told by the member for Unley that he had an email that he had been sitting on for a fortnight.

CHILD PROTECTION

Mr PISONI (Unley) (14:20): Supplementary question: was the undercover police source present on the bus full of children being driven interstate and was the undercover police source monitoring the alleged sex offender's activities at night?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:21): When I became aware of the existence of the email via the media that the member for Unley did last night, a member of my staff contacted SAPOL. At no time had SAPOL been made aware of that particular email. This morning they interviewed the individual who passed the email on to the member for Unley. We have established that the email was received on 6 July. In my calculation that makes it 18 days, not two weeks; so, the member for Unley has been sitting on this email for 18 days.

Mr PISONI: Point of order.

The SPEAKER: The Minister for Police will be seated.

Mr PISONI: I refer to the substance of the question. The question was about a bus trip that happened in November last year.

The SPEAKER: That appears to be another obstructive point of order, which is just used as an opportunity by the member for Unley to make an impromptu speech. Accordingly, I warn him for the first time. The Minister for Police may now continue.

The Hon. M.F. O'BRIEN: SAPOL are at their initial stages of investigation. I think there are other individuals who they would like to interview, because there may be a potential breach of parole conditions that was not identified or conveyed to SAPOL, which potentially could have put young children at risk. Investigations are continuing. I think this house at some stage needs an explanation from the member for Unley as to why this information was not conveyed to SAPOL in a timely manner and, more specifically, was the Leader of the Opposition made aware?

The Hon. I.F. Evans: Point of order.

The SPEAKER: The Minister for Police will wind up, and that should wind up the member for Davenport as well.

CHILD PROTECTION

Mr PISONI (Unley) (14:23): Supplementary, if I may, sir. Given that the Attorney-General advised the parliament that the alleged sex offender has been under police surveillance since his initial arrest, which was in March 2011, is it acceptable that the alleged sex offender was not under surveillance on this interstate trip?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:23): The situation is that the honourable member, if I am correct, is referring to an answer I gave to a question a week or two ago. That answer was based on information provided to me through SAPOL to the effect that, I think if my memory serves me correctly, there have been both periodic visits by police officers and covert observation. As the Minister for Police very eloquently put it yesterday, covert operation is by its very nature covert.

I am not aware of the particulars of that, but police do not, certainly, advise me of the highly secret and covert matters that they are involved in. It is not appropriate that they should do so, and I do not believe it is even the case that ministers for police are routinely informed of covert matters, certainly not the detail of those matters. That is just something which is completely outside of the information that is available to executive government, and for very good reason, because those covert operations are there to protect the citizens of South Australia.

Those covert operations put police officers at considerable risk of personal harm in many cases. Those covert operations mean that there are times when there are things which actually are known to police which are held very tightly and for any information at all to be given about those covert operations can actually put people at risk and operations at risk, so it is for very good reason that we are not brought into those conversations.

Mr PISONI: Supplementary if I may, sir?

The SPEAKER: How many supplementaries is this?

CHILD PROTECTION

Mr PISONI (Unley) (14:24): Was the government aware of where the alleged child sex offender and the children were being accommodated on this trip?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:25): Let us just think for a moment about what this question is.

Mr Pengilly interjecting:

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

The Hon. J.R. RAU: The question is not: was SAPOL aware? The question is not: was a magistrate or member of the judiciary made aware? The question is: was the executive government of the state—which presumably because it must have to be through the police or the judiciary is my ministerial colleague, the Minister for Police, or myself—routinely told by the courts or the police about when one of maybe thousands of potential alleged offenders in South Australia are on or off a bus? The answer should be obvious.

Mr Marshall: You are really trivialising it.

The Hon. J.R. RAU: I am not.

Mr Marshall: You are.

The SPEAKER: The leader is warned for the first time.

PLANNING IMPROVEMENT PROJECT

The Hon. P. CAICA (Colton) (14:26): My question is to the Minister for Planning. What progress has been made in the Planning Improvement Project?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:26): I thank the honourable member for that very important question. The Planning

Improvement Project is about to reach a very important milestone. As members might recall, we have established an expert panel on planning reform which is chaired by Mr Brian Hayes QC.

Brian is a very distinguished person in South Australia's legal profession and, indeed, he is also the pre-eminent planning lawyer in South Australia and has been for decades. I hope he does not mind me saying that. In any event, this project is about to launch an extensive community engagement program. This will identify key issues and questions about our planning system that will drive further consideration by the panel about planning reforms.

Individual planning members will be holding briefing sessions for councils in Naracoorte, Port Augusta and Adelaide on 6, 8 and 15 August. All elected members from each of South Australia's 68 councils are welcome to attend these sessions and learn more about the role and work of the panel, and to participate in a question and answer session with panel members.

These initial information sessions will be followed by an extensive council, agency and community engagement program, with an extensive program of workshops across regional and metropolitan Adelaide in August and September. Members opposite, in particular, might be interested to know that workshops are scheduled to be held in the following places shortly: Port Lincoln, Loxton, Murray Bridge, Mount Gambier, Clare and—are you Goolwa, member for Finniss?

An honourable member interjecting:

The Hon. J.R. RAU: The member for Hammond, you are getting two in your electorate. These workshops will build on briefings and workshops that the panel has run through July for stakeholder groups, including the Planning Institute of Australia, the Housing Industry Association, the Urban Development Institute of Australia, Community Alliance, Conservation Council, Adelaide City Council and Property Council.

These sessions will be continuing and will be built on the partnerships the panel has developed through its planning reform reference group. The independence of the panel is of paramount importance, and their schedule of work to liaise directly with communities and councils through the state as they determine the key issues and questions that they will consider over the course of the reform program is commendable. The panel has a strong commitment to working with groups and people with an interest in the planning system to determine what the problems are before they begin to discuss the potential solutions.

I also commend the panel's intention to engage with stakeholder councils, agencies and the wider community at each stage of its process as they develop the key questions and issues and options for reform and, finally, as they determine what a future planning system for South Australia should look like. I am confident the panel's final report to government and parliament in 2014 will be the result of extensive community engagement and working partnerships with a range of stakeholders. It will reflect their independent view on planning that will best provide our state with a prosperous and sustainable future.

I look forward to inviting the expert panel to provide a further briefing to interested members of parliament after the winter break to further update all members on the important work they are doing and further progress. For further information, anybody wishing to pursue it can please look at thinkdesigndeliver.sa.gov.au.

PLANNING IMPROVEMENT PROJECT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:30): I have a supplementary question: given the panel is still considering this matter and the minister has confirmed that he has received an interim report to advise on the urban renewal legislation in the parliament, when will he release that report of the panel?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:30): I seek some guidance from you, Mr Speaker. I have no fear of answering the question other than offending the rules about a matter which is in another place. The question appertains to a bill formerly in this place and now in another place and relates to—

The SPEAKER: I can't believe that the deputy leader would do that.

The Hon. J.R. RAU: It was a matter raised in the conversation around that bill and, in fact, it has been referred to in the question. I am happy to answer the question.

The SPEAKER: Would you answer the question, yes.

The Hon. J.R. RAU: I am pleased I can, thank you. I didn't want to fall foul of you, Mr Speaker, by inappropriately answering a question. The situation as far as this is concerned—and I will explain it again for the member for Bragg—is that the timing of this is such that the work in relation to the urban renewal bill (which is now in another place) was well advanced before the planning improvement project and the panel were selected and placed in their jobs.

I thought it polite to say to the panel before introducing the bill into this place that, 'By the way, this is a piece that we have been engaged in for a period of time. I don't want you to feel as if I am in any way being disrespectful of you folks, but I want to get this into this parliament and I would invite you to have a look at it and if you have any suggestions you might make about it, then we would obviously be interested in those suggestions.'

Ms Chapman: And so, where's their report?

The Hon. J.R. RAU: Is that your bookmaker?

Members interjecting:

The Hon. J.R. RAU: Anyway, the point I am trying to make is that there is no 'report' as such.

Ms Chapman interjecting:

The Hon. J.R. RAU: Hang on, calm down. You haven't discovered the 11 herbs and spices here; this is not a big secret. What has happened, as I said before, is they looked at the bill and they commented on the bill—

Ms Chapman interjecting:

The Hon. J.R. RAU: They commented on the bill, and I will speak to the department to find out whether their comment was in the form of a scribbled note from Mr Hayes, whether it was in the form of a bill with annotations, or whether it was in the form of a conversation with one of my departmental officers. My point is—

Ms Chapman: But it's in writing on your table.

The Hon. J.R. RAU: No, I am not going to say anything of the sort. I will find out what the position is. But I can tell you this, that there is no 'report' as such. I am not sitting on a document entitled 'Report on Urban Renewal Bill' marked 'Top Secret' with pink string tied around it. I haven't got one of those. What I can tell you is that as a matter of absolute fact—

An honourable member: It's on microfilm.

The Hon. J.R. RAU: It's not even on microfilm. But there was a conversation with Mr Hayes where I said to him, 'Look, this thing is coming and we are preparing to take this matter to cabinet. I would like you, as a matter of courtesy, to look at what we are doing, to cast your eye over it, to consider whether you think there is anything there that needs some improvement'—I think is the euphemism that is used—and Mr Hayes did make some suggestions. I can't bring to mind exactly what those suggestions were now; they were of a modest nature. Those suggestions were incorporated and that bill is now, as I said, in another place. If you want me to ascertain whether one of the departmental officers has a piece of paper resembling the one that I hold up now, I will make those inquiries.

RAIL ELECTRIFICATION PROJECT

Ms THOMPSON (Reynell) (14:34): My question is to the Minister for Transport and Infrastructure. Will the minister inform the house of recent milestones in the rail revitalisation program?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:34): Last week, our state reached a significant milestone in the development of a more efficient, reliable and environmentally friendly rail network with the arrival of the state's first new electric railcar. I was pleased to be joined by the member for Reynell, of course, the Minister for Transport Services, the federal minister for Kingston (Ms Amanda Rishworth) and the member for Mawson, all of whom have been passionate advocates for investments across our rail network.

Adelaide's first A-City Class 4000 electric railcar successfully completed its journey from Bombardier's factory in Dandenong, Victoria, to the Seaford rail depot last Friday. A further two A-City Class 4000 electric railcars will arrive in the coming days. This will complete the first set of

three that will be used for intensive on-track tests and evaluations beginning next month. In total, 66 cars will arrive.

I hope commuters who have been patiently enduring substitute bus services since January will be excited about it when they begin to see the first of the A-City railcars being track tested in the next few months. The commissioning phase is required to ensure that the new Seaford line has all the necessary approvals in time for the launch of our first electrified commuter services in the new year. This will be a service that will signify a fundamental shift in the way in which the people of the south view the transport network. I think it is fair to say that, without this government's commitment to investing in the future of our public transport network, these exciting developments would not have been possible.

The A-City Class 4000 trains are designed to meet stringent new international crashworthiness standards as found in Europe and the United Kingdom. The A-City Class 4000 has been designed to meet South Australian conditions, with high-capacity air conditioning and safe weatherproof walk-through access between railcars. The new train cars also have a host of safety features, including CCTV covering the rear, front and interior, disability access compliance with wheelchair spaces and access ramps, and permanently coupled three-car sets. They also contain double-leaf saloon doors for quick entry and exit, and passenger emergency intercoms at each doorway. The wide body design creates more room for passengers, seating around 240 and providing standing room for a further 300 people.

Electrifying the Noarlunga line and Seaford rail extension is now entering its final stages. The new electrified line is expected to be operational later this year. The first electric train services are expected to commence between Adelaide and Seaford early next year. As such, I remind the community to be mindful of their safety around the new electrified rail corridor on the Noarlunga and Seaford train lines. I ask that all members in this place play their part in informing the public of the risks associated with an electrified rail network by promoting our Stay Switched On campaign. The campaign reinforces the message that overhead wires and fittings should be considered live and carrying currents at all times.

The arrival of the first railcars signals a renewal of our state's rail network. I look forward to commuters catching a 35-minute express service on a new electric train from the new Seaford station, disembarking at the redeveloped Adelaide Train Station and crossing the new Torrens footbridge to Adelaide Oval to watch the Port Adelaide Football Club thrash the Crows.

VTT CELLULOSE FIBRE REPORT

Mr PEGLER (Mount Gambier) (14:38): My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister update the house on the VTT report and support the government is providing to the South-East?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:39): As usual, the member for Mount Gambier asks pertinent and very important questions and, as usual, he remains a strong advocate for his electorate. I thank him for the question.

The member for Mount Gambier was one of a number of key stakeholders present to receive an update on stage 2 of the VTT report in Mount Gambier last week. Members would be aware that the state government is funding a comprehensive cellulose fibre study that involves the VTT Technical Research Centre of Finland working with the South-East forestry industry to identify a sustainable road map and achievable market opportunities for higher value-added activity in the forestry sector.

VTT is a world leader in translating cellulose fibre opportunity research into business opportunities. It is also globally connected to major international cellulose fibre players. Stage 1 of the VTT report focused on a value chain analysis of the Limestone Coast forestry industry, an analysis of the resource availability within the Green Triangle and identification of potential opportunities for higher value-added activities.

Last week, stakeholders received an update on stage 2 of the project, which will deliver a strategic road map for the Limestone Coast's forestry sector to transition to sustainable, higher value manufacturing opportunities. I am advised that VTT will deliver the completed report in September 2013 and in conjunction with this industry update I announced a grant of $80,000 to Regional Development Australia Limestone Coast to deliver the manufacturing work strategy business model innovation program in the South-East.

This program will complement and support the objectives of the VTT cellulose fibre study, as forestry industry representatives will be the first business offered participation in the study. The business model innovation program will be delivered in a series of applied learning workshops centred on innovation-based business strategies and will help participants learn about how they can develop more effective and strategic business models and increase their ability to innovate and be more profitable.

I am pleased to be a part of the government that has got behind the South-East and I would like to take this opportunity to thank the South-East community for their warm hospitality throughout my recent visits to the region.

Members interjecting:

The SPEAKER: I call the member for Heysen to order and I call the member for Waite to order. The member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (14:41): My question is to the Minister for Police. Were Victorian police notified that there was an alleged child sex offender travelling to Victoria with children for a gymnastics competition where he would be in contact with children from other states?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): To the best of my understanding, no, they would not have been informed, but I will come back to the house with a definitive answer.

SKILLS FOR ALL

Ms BEDFORD (Florey) (14:41): My question is to the Minister for Employment, Higher Education and Skills. Would the minister inform the house about what supports are available for students who may have additional social, economic or physical barriers to undertake and complete a training qualification?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:42): I thank the member for this very important question. A central objective of the Skills for All training reforms is to improve the support and services that are available to South Australian VET students to promote qualification completions. We also recognise that in order to do this there is a need to provide support for people who may, for a range of social and economic reasons, find it difficult to participate in training and to complete their training.

That is why I am very pleased that we have introduced the pilot program, Learner Support Services. This additional support is available to students with complex learning needs by providing individualised help across a number of areas that may prove to be barriers. This trial of Learner Support Services is nearing the completion of its second year. It is a flexible service because the range of assistance available will vary according to the individual needs of each person. The services may include, for instance: personal and study support skills, liaison and referrals to external services, career guidance and vocational placement and volunteering support and help while people move into training or go from training to employment.

I am pleased to report that there have been some very encouraging results from this pilot project. For example, some 227 students were supported during the first phase of the project in 2011-12, with an overall completion rate of over 50 per cent achieved. Phase 2 of Learner Support Services commenced in July of last year and will conclude this month. This phase of the trial includes six private Skills for All training providers delivering Learner Support Services, as well as TAFE SA.

Since July 2012, 557 students have participated across a spread of metro and regional TAFE SA campuses. An additional 317 students have received support as at May 2013 in six private RTOs for the 2012-13 year, with 102 students achieving a course completion so far. I would like to take this opportunity to commend the many staff and students and members of the community who support this work through important programs like the adult community education programs, the Abilities for All Program that I spoke about yesterday, the Aboriginal Access Centre in TAFE SA, our Skills for All in Regions programs and of course Tauondi College.

MINISTERIAL ADVISERS, CODE OF CONDUCT

The Hon. I.F. EVANS (Davenport) (14:45): My question is to the Premier. As the Premier indicated yesterday that ministerial staff were only subject to some clauses of the Public Sector Code of Ethics, can he advise the house which clauses ministerial staff are not subject to?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:45): I thank the honourable member for his question. It is obvious that some of the clauses are specifically directed at the paid Public Service. The lion's share of the code of conduct has direct relevance to every public sector employee, so they are the natural things you would expect to have in a code of ethics, such as the way in which gifts are dealt with, the way in which conflicts of interest are dealt with—all of the matters that are standards you would expect of public sector employees discharging their duties honestly and diligently.

Members interjecting:

The SPEAKER: The deputy leader and the leader are both warned for the first time. A supplementary from the member for Davenport?

MINISTERIAL ADVISERS, CODE OF CONDUCT

The Hon. I.F. EVANS (Davenport) (14:46): Can the Premier advise whether all of those examples he has just given in his previous answer apply to the ministerial staff or not, and can he further advise which clauses in the code of ethics do not apply to ministerial staff?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:46): In my reading of the code of ethics, there are just the relatively limited clauses which are clearly—

Mr Marshall: Which ones?

The Hon. J.W. WEATHERILL: Just the ones that refer to essentially the paid professional staff and their impartiality requirements. They are clearly only directed at those public servants who are in the Public Service proper. I am more than happy to take it on notice, but what is more alarming is that you are utterly unfamiliar with the fact that the code of ethics applies to your own ministerial staff.

Mr Gardner interjecting:

The Hon. J.W. WEATHERILL: Well, I was familiar with the fact that it applied to our staff, and I know what the motivation was. The motivation was—

Ms CHAPMAN: Point of order.

The SPEAKER: There's a point of order—

Ms CHAPMAN: The Premier is attempting to debate this matter. He has indicated he will take it on notice. We will wait for the list.

The SPEAKER: Yes, I am afraid the deputy leader is correct. I did refer to the deputy leader as the attorney-general elect during the last election broadcast. I was wrong. The member for Davenport.

CHILD PROTECTION

The Hon. I.F. EVANS (Davenport) (14:47): Not for the first time. My question is to the Premier. Now that the government has had 24 hours to get an answer, can the Premier advise if the then Minister for Police or his office was advised by SAPOL of the rape of the seven year old at a western suburbs school in December 2010 and, if they were advised, on what date?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:48): We have taken the question on notice, and repeating the question is not going to change those circumstances.

Ms Chapman: Don't mislead the house.

The SPEAKER: The deputy leader will withdraw—

Ms Chapman: I will withdraw that.

The SPEAKER: —and apologise.

Ms Chapman: And apologise.

The SPEAKER: Standing, please.

Ms CHAPMAN: I withdraw and apologise.

The Hon. J.D. Hill: Sit down.

The SPEAKER: Thank you. The member for Kaurna is called to order.

The Hon. I.F. EVANS: A supplementary.

The SPEAKER: A supplementary from the member for Davenport.

CHILD PROTECTION

The Hon. I.F. EVANS (Davenport) (14:48): Can the Premier just clarify his answer? Yesterday, when the question was asked, I believe the *Hansard* shows the government did not take the question on notice. In fact, they refused. Today, the Premier is saying that they took the question on notice yesterday. Can the Premier please advise: is he telling the house he has taken that question on notice and will provide an answer on the next day of sitting?

The SPEAKER: Premier, the question is out of order because the answer is readily obtainable by reference to *Hansard*. The member for Unley.

The Hon. I.F. EVANS: If the *Hansard* is not clear, we can't do it for another week—for six weeks.

The SPEAKER: Well, look, my understanding is that if the member for Davenport is right, *Hansard* will show that the question asked yesterday was not taken on notice, and I heard today the Premier take the question on notice. It's that simple. The member for Unley.

DEPARTMENTAL EXECUTIVES

Mr PISONI (Unley) (14:49): My question is to the Minister for Education and Child Development. Why was Tony Harrison appointed education department CEO without the job even being advertised when the previous CEO was recruited from the UK after a worldwide search?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:49): Tony Harrison was appointed chief executive of the Department for Education and Child Development because we think he brings unique and important skills to the department; skills that—

The Hon. I.F. Evans: So why not appoint him in the first place?

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

The Hon. J.M. RANKINE: —the department needs, and I have every confidence that he is going to be an outstanding chief executive officer.

The SPEAKER: Supplementary, member for Unley.

DEPARTMENTAL EXECUTIVES

Mr PISONI (Unley) (14:50): Were any of the previous candidates that the Premier (the then education minister) described as 'a quality field' approached to apply for the position this time around?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:50): No, they weren't, and they weren't approached because we were not prepared to take a backwards step in the important work that we are undertaking in improving child safety, improving the processes within the department in handling these important issues, and making sure that the education reforms that Mr Bartley has started—

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is called to order and warned for the first time.

The Hon. J.M. RANKINE: —will continue. We were not prepared, sir, to set those things aside to wait another four to six months while we went through a lengthy process when we had an outstanding candidate here who we thought could do the job.

COMMUNITY SAFETY DIRECTORATE

Dr McFETRIDGE (Morphett) (14:51): My question is to the Minister for Communities and Social Inclusion. Will the government be abolishing the Community Safety Directorate now that Mr Tony Harrison has a new job?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:51): I would like to thank the member for his question but, as advised in estimates, the position does not report to me; not funded by my department, not my decision.

The SPEAKER: The member for Morphett is welcome to try again.

COMMUNITY SAFETY DIRECTORATE

Dr McFETRIDGE (Morphett) (14:51): Perhaps the police minister can help the Minister for Communities and Social Inclusion answer this one then, as a supplementary. Is Mr Tony Harrison still on the SAFECOM board with Mr David Place, as is—

Members interjecting:

Dr McFETRIDGE: I'll start again if you like, Tom. Do you want me to start again?

Mr Goldsworthy: Tell Kenyon to shut up.

Dr McFETRIDGE: I can speak quickly, but I may need to speak loudly as well, sir.

The SPEAKER: Would the member for Morphett be seated? I am going to call to order all those involved in that little exchange: the Minister for Higher Education, the Minister for Manufacturing, and the member for Kavel. The member for Morphett.

Dr McFETRIDGE: You got the trifecta. As a supplementary, then, to the Minister for Communities and Social Inclusion, and perhaps the police minister can help him here: is Mr Tony Harrison still on the SAFECOM board, with Mr David Place as his deputy, as indicated in the *Government Gazette* last Thursday?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): The situation—

Mr Pengilly: Make a phone call, Michael.

The Hon. M.F. O'BRIEN: Yes. The situation is that David Place is the acting CE of SAFECOM and, by virtue of that position, is the chair of the SAFECOM board.

Dr McFetridge: He is listed as Tony Harrison's deputy in the *Gazette*.

The Hon. M.F. O'BRIEN: Well that is now being altered. The situation is that both positions that Tony Harrison held, as the CE of both SAFECOM and the Community Safety Directorate, have been replaced by David Place. The arrangement is that the CE of SAFECOM is the chair of the SAFECOM board. So, that is the situation as it stands, and it will be duly gazetted.

GOVERNMENT STATIONERY CONTRACT

The Hon. I.F. EVANS (Davenport) (14:54): My question is for the Minister for Finance. Will the government rule out extending the mandated products list made under the whole-of-government stationery contract to include education-specific back-to-school items?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54): I have requested a further review. We, being DECD, Shared Services and the Commissioner for Small Business, have developed a protocol and an arrangement for our schools. It is only prudent that we review that some little time down the track to see how it is operating. I have requested that review and I am hoping that that review will be completed within a matter of four to six weeks.

These reviews are carried out largely as a matter of course by Shared Services, and the last review that Shared Services did of the new contractual arrangements showed a saving—over, I think, a three-month period—of 26 per cent, where actually across government, in terms of what we were paying for our stationery goods, it is better than a quarter improvement.

The survey also asked for levels of customer satisfaction. It was not just directed at DECD. It applied to all agencies across government and the satisfaction level was exceptionally high. We have savings of 26 per cent with this new contract on stationery and we have an extremely high level of customer satisfaction in terms of timeliness of delivery, customer/client interaction, the maintenance of both sides—

The Hon. I.F. EVANS: Point of order!

The SPEAKER: Minister, would you be seated. Point of order, member for Davenport.

The Hon. I.F. EVANS: I would ask the Speaker to draw the minister back to answering the question, which was: will the government rule out extending the mandated product list made under the whole-of-government stationery contract to include education-specific back-to-school items? That was the question—not the level of savings made by the contract, sir.

The SPEAKER: Minister. I will listen carefully.

The Hon. M.F. O'BRIEN: No, we will not. I rule that out.

GOVERNMENT STATIONERY CONTRACT

Mr PENGILLY (Finniss) (14:56): My question is also to the Minister for Finance. Is the reason the government has not extended the exemption for metropolitan schools from the whole-of-government stationery contract for more than one year because the tender stated 'exclusivity'?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): I think we went through this and there was an issue that the contracts implied one thing, which was seized upon by the unsuccessful tenderer. The advice that I received from crown law was that the tender document was quite specific in exclusivity and, by virtue of the fact that the tender document was quite specific in exclusivity, that flowed to the contract. Even though the contract may not have had a clause stipulating exclusivity to dealing with the two successful tenderers, the tender document on which all parties tendered was quite specific in that regard.

CRUISE SHIPS

Dr CLOSE (Port Adelaide) (14:58): My question is to the Minister for Tourism. Can the minister inform the house about the upcoming cruise ship season and how the government is working to attract more cruise ships to our state?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:58): I want to thank the member for Port Adelaide for that question. Of course, the Port Adelaide passenger terminal at Outer Harbor is in the member for Port Adelaide's electorate and it is a great welcoming place for thousands of people who come from around Australia and around the world to visit Adelaide.

The state government has recently joined with Flinders Ports with a $170,000 investment in a new gangway which will not only decrease the amount of time it will take to get people on and off the ships but will also enable South Australia to become a home port, so we will have more cruises starting at Port Adelaide that can then go to our regional areas.

In this most recent cruise season, we welcomed 16 cruises to South Australian waters and next year I am pleased to say we already have 31 booked in, so we are seeing a very big increase. In the following year, we have 35 cruise ships booked in, so some great news in the cruising sector for South Australia.

One thing that is really advancing is the stop-offs in regional South Australia, and we are going to see eight on Kangaroo Island next cruising season. Each time a ship calls into Kangaroo Island, a visit is worth $100,000 direct into that economy. We are also pleased to say that, for the first time, we will have a cruise ship visit Robe, and so for people on the Limestone Coast, Coonawarra and other surrounding areas, passengers will be getting off the ships and seeing the wonderful things that the Limestone Coast has to offer.

Port Lincoln is also going to be paying host to cruise ships in the upcoming season. It is great to see the regional economies benefiting. The South Australian Tourism Commission has been out conducting workshops in those regional areas as well as in the Adelaide Hills, the Barossa Valley and McLaren Vale, because we don't want people to pull up at Port Adelaide and spend all their time on the ship. We actually want them to get out and really savour the great things about South Australia.

We know that, if they go to the Barossa Valley, McLaren Vale or the Adelaide Hills and they have a wine there, when they go back home to Germany, the US, the UK, or wherever they are from, when they see a Barossa or McLaren Vale wine in the wineshop, they will reach for that first because it will bring back the wonderful experience that they had. The 16 visits that we had from cruise ships to South Australia in this most recent cruising season added $9 million to our state's economy, and that is fantastic when people come from interstate and overseas and bring their money and put it into our economy. It reduces the impact on taxpayers here in South Australia and it is why tourism is so important.

I am really pleased that the cruise sector is already ahead in all of our targets that we have set in recent years. The forward projections already have us well ahead in those projections as we try to grow the South Australian tourism industry from a $5 billion industry to an $8 billion industry by 2020. So we will continue to work with cruise ship operators from around the world to really sell not only the great port facilities that we have throughout South Australia but also the wonderful experiences that we have, and anyone who has been up to Hahndorf when the ships are in, and spoken to people off these cruise ships, will know that people really enjoy coming to South Australia.

GRIEVANCE DEBATE

ROYAL FLYING DOCTOR MEDICAL PIT STOP

Dr McFETRIDGE (Morphett) (15:02): Today at lunchtime, I and other members of both houses of this parliament had the opportunity to visit the Royal Flying Doctor men's health pit stop on the first floor. There were a number of stations in this pit stop where you could have various aspects of your health checked, and I went around the pit stop and, at the end of it, I got my registration sticker—not a defect sticker, as was issued to some unnamed members of this place. I went through the stations which were manned by young volunteers who were very helpful in giving great advice on aspects of health—not just men's health but there were some women members of parliament who visited the pit stop stations as well.

I went to the skin lesions stop and we discussed various types of skin lesions. You need to monitor your skin, particularly in our hot summertime, and the slip, slop, slap message was still being put out there. It is extremely important for all of us to be well aware of not only our internal health but our external health and checking our skin. The next stop in the journey around was at the blood pressure station, and I had my blood pressure taken. I tried to use the excuse that I was about to come down for question time as to why my blood pressure would be up and, unfortunately it was up. I can tell all members of this place that you have your diastolic and systolic blood pressure.

Systolic blood pressure is when your heart is contracting and pushing the blood around. Then, when your heart is relaxing and filling with blood again, that is your diastolic blood pressure, and that is when it should drop down. So, you hear that 120/80; 120 milligrams of mercury is your systolic blood pressure, full pressure, and blood is pumping out of your heart, and then your heart relaxes, fills with blood, and your blood pressure should drop down to about 80. I am not going to tell you what mine was, but it was significantly above normal for a person of my age. I will be taking some measures to ensure that I get back down to within the acceptable range.

It is a very salutary reminder that you do need to look after your health, because it is your diastolic blood pressure that determines whether you are going to have a stroke, a heart attack, or whether there are going to be kidney problems. It is something that does remind you that you are mortal and you could drop off this perch in a heartbeat; so watch your blood pressure.

The next station was the alcohol intake station, and I am pleased to say that I scored 5/10, which is a terrific score. I was able to go through with flying colours. I do drink a moderate amount of alcohol on a daily basis. A glass of red is good for your health, all sorts of health; in fact, it increases your life longevity, I just read the other day. I am happy to stick with that, so I am having it for medicinal purposes as well. I would encourage teetotals out there to just have a bit of a sniff for medicinal purposes.

I have never smoked other than in grade 3 at Elizabeth South Primary School when I won a packet of Craven 'A' 10s at the school fete. My three brothers and I smoked them on the way home and made ourselves so sick that we never ever touched the things again. I was able to pass through that station. They did not weigh you; they measured your girth, your stomach circumference, and 94 was the magic number. Mine was a little bit bigger than that. As I say to

people, I have not put on weight, I have just developed a thicker skin, and that is what you have to do in politics—this is some solid respectability I have developed here. In all seriousness I do have to lose a bit of weight as most members—many members—in this place may have to consider doing at some stage in the future.

I did enjoy the flexibility test, where we had to sit on the floor with our legs extended. There was a slab of beer at the end, which was not an enticement; it was just a weight that you could put your feet against. There was a ruler on it, and you had to basically sit up and stretch your hands out past your feet, and they measured how far past your feet you could extend your hands. I set the record for that. They did not give me an actual number, but the young girl there said that I was the best she had seen all day; so my back is quite flexible and my stomach is not that big that it gets in the way of me flexing like that.

At the end of the pit stop we were given a bit of a summation of what we should be doing. I certainly will be making sure that I do a bit more exercise, lose some weight, check my blood pressure and go to my doctor to have a thorough check-up. I encourage everybody in this place very, very strongly—

Mr Venning: Bring back the gym.

Dr McFETRIDGE: Yes; as the member for Schubert says, we should have a gym in this place because we are on limited time; but we do need to make sure that we maintain our health. Go to your doctor and get checked out because health is the most important thing in your life.

The SPEAKER: Before I call the member for Florey, it has been brought to my attention that when I called the minister for higher education and employment to order she was, in fact, entirely innocent. And the guilty person—

The Hon. C.C. Fox interjecting:

The SPEAKER: No, no; he was called to order also. The guilty person was the Minister for Education and, accordingly, I call her to order. The member for Florey.

CALISTHENICS NATIONAL CHAMPIONSHIPS

Ms BEDFORD (Florey) (15:08): Following on from that last fitness grievance, I have the great honour to report to the house about this year's national calisthenics competition. I am privileged, along with Bill Scott from South Australia, to be the national co-patron of the Australian Calisthenic Federation. Although Bill was not able to travel to Victoria, it was great to see a lot of familiar faces at the competitions.

This year is a special year for calisthenics, as it is their 25th anniversary national competitions, which were held in the Besen Centre in Victoria. An ever popular mass participation sport—mostly for girls, but I can let you know that one boy did compete this year in a team competition—at both team and individual levels people from all over Australia come to enjoy calisthenics. While it is unfortunate that not all states and territories could send teams at all levels, South Australia was well represented in every section.

Queensland had lots of individual competitors and also sent a team. Unfortunately, New South Wales was not present this year, but we do hope to see them next year. It was good also to see past president, Lynne Hayward, there. She has been a great stalwart of the sport. The Australian Calisthenics Federation is a very professional association and this year they introduced IT by having it webcammed worldwide with girls from all over the world tuning in and they used Twitterfeed and Facebook as well for the results.

I commend president, Liz Kratzel, and her committee of management for all their work and a job very well done. I also acknowledge and thank the Victorian organising committee, led by convenor Judy Seedman and all the volunteers who worked in every capacity, the associates in the technical area (and in a competition this size there are very good many technical assistants) and event sponsors—the Besen Centre, Australian Sports Commission, the state government of Victoria, Victoria Health, Instinctive Graphics, and No Fuss Solutions. I know everyone will want to hear this. I can hardly hear myself.

National competitions are a very expensive undertaking and the venue hire is the most restrictive aspect for smaller states to put on such a comp. I know South Australia would be happy to host again if a venue could be found, such as the Festival Theatre, at an affordable rate and considering the costs that competitors, families and supporters face flying and staying interstate, in most cases, for what is a four day-competition.

There were many highlights. Natasha Parkhurst and Amy Bickford achieved the highest level in calisthenics, the gold medal with honours. The inaugural diamond adjudicator award was given to Brenda Green, who has spent 50 years supporting calisthenics at almost every level.

Life membership was bestowed on Liz Kratzel and the CVI president, Joy Smith. Many people, competitors and support crews were recognised for five and 10 year service and many people already have served that long and longer in many capacities.

In individual competitions there were some sensational performances. SA's Chelsea Bauwmann won a third in junior graceful solo open section, coached by Melissa Daysh, and Isabella Treloar a fifth, coached by Rebecca Norsworthy. Junior cali solo was won by Isabella Cimarosti, coached by Danae McGregor and Ashleigh Banning was coached by Amy Hofmeyer into second place.

The intermediate graceful saw Hayley Thomas, coached by Barbara Prizrenac placed fourth in the open division and the senior graceful was won by Queensland competitor Jess Chalmers. Intermediate cali duo saw South Australian winners, Emily Sutherland and Sara Bartholomew, coached by Kayla Kearney, and Eliza Jessup and Emmaline Edwards, coached by Annika Sellen, placed third. The senior cali solo was won by WA's Ashley Shroeder.

In teams, South Australian juniors coached by Melissa Daysh, assisted by Natalie Flemming and Amy Grace-Phillips, won their section. South Australian sub juniors were narrowly beaten to second place by Western Australia. South Australia is coached by Nikki Ianunzio, assisted by Kieran White and Kayla Kearney and demonstrator Taylor Evans.

South Australian seniors were a very close second to Victoria, coached by Sarah Talbot and Carly Davey, assisted by Kim Ritter. South Australian intermediates won a very close comp coached by Rebecca Norsworthy, assisted by Amy Hofmeyer. WA was placed second, Victoria third and the ACT fourth in what was a nailbiting finish to a wonderful competition.

I urge all members to get involved with their local calisthenics club. Unless you have had the pleasure to witness a cali competition or concert, you have missed out completely. A state tradition here in South Australia, calisthenics is a wonderful sport that gives competitors many great options. The health and fitness benefits are obvious, while the confidence, performance skills and friendships are lifelong gifts.

I would like to thank CASA (Calisthenics Association of South Australia) for always facilitating arrangements for me to accompany them and for the honours of patron and life membership which they have bestowed on me. I thank Bev Daysh and Carolyn Fortune who always keep me in the right place at the right time at comps. It was good to see so many familiar faces from local clubs supporting their girls. Thanks to every participant at national and local level, calisthenics is a great joy. Thanks also to the club and CASA officials and to all the families who give their daughters the opportunity to enjoy their sport.

PETER LEHMANN

Mr VENNING (Schubert) (15:13): Australia, South Australia and the Barossa have lost one of their true icons. Legendary winemaker, Peter Lehmann, died at the age of 82 on 26 June. Known as The Baron of the Barossa, Peter is credited with transforming Australia's wine industry into a global player and was pivotal in shaping the Barossa wine industry as we know it today.

Mr Lehmann is survived by his wife, Margaret, their two children, David and Philip, and Doug and Libby from his first marriage and several grandchildren.

Peter Lehmann was born at Angaston in 1930, the son of a local pastor. He was 14 when his father died, and in 1947 he decided he would leave school to become an apprentice winemaker at Yalumba. Over more than a decade, he learnt the skills which set him on course to becoming a leading winemaker.

In 1959, Peter became the head winemaker/manager of the historic Barossa Valley winery, a position he held for some 20 years. In 1975, Peter discovered fruity white wines, at a time when red wine consumption was declining, and introduced them to Saltram's offering. Unfortunately, the owner of Saltram's at the time did not agree, and in 1978, Peter was instructed to stop buying the fruit for white wines. It is a bit similar to Max Schubert being told by Penfolds to stop experimenting with these new dry reds, particularly the Grange, in 1953.

Knowing that growers' families' livelihoods were at stake if they had nowhere to sell their fruit, Peter stood up and said no to Saltram's management and they let him continue to work with

the growers and process the fruit on the site as a side project and it was called Masterson. In 1979, Saltram's was sold and the new owners no longer let the side project continue, with growers facing ruin. Peter then made the bold decision to resign. In 1982, Peter Lehmann and his wife Margaret built a respected reputation under their own name, Peter Lehmann Wines.

Peter Lehmann retired in 2002 and he and Margaret remained part owners of the business and lived right next door to the Barossa winery. Peter Lehmann was awarded the Member of the Order of Australia, received an International Wine Challenge lifetime achievement award in 2009 and was known as the original Baron of the Barossa. He was one of the founding members of the Barons of Barossa in 1974, a group which has now inducted more than 100 men and women to recognise their contributions to the famous wine region.

I got to know Peter Lehmann quite well. Usually fairly reserved and quite serious, he was capable of very witty, dry and infectious humour and tricks. One day, many years ago, he was welcoming me to a party at their home and he said, 'I apologise; Susan Lenehan is here. She's a friend of Margaret's, not mine'—and deliberately in the hearing of Susan. What do you say? Also, I will never forget when I was a brand-new member of parliament being present when M.S. McLeod, who owned Lehmann's, was trying to sell it off because they were cash-strapped and Lehmann was good business and worth a big dollar.

Peter was trying to stave off the sale so he and his new board could publicly float the company, but they needed $5 million in order to do that—only a matter of five weeks—and many negotiations went on. In the end, after all was said and done, history will record what happened here and I will not put it on the record, because I duck for cover a little, as some may know. The final result was that the company was saved and floated, and it was 50 per cent oversubscribed, so it was a great success story.

To Margaret, David and Philip and to Doug and Libby and to the extended family and friends, we extend our sincere condolences. Peter was pivotal in shaping the Barossa wine industry and for getting the Australian wine industry renowned on the global stage. A true icon in the wine industry, Peter Lehmann, vale. Sir, it has been extremely quiet in the Barossa. The whole week after he had gone, everybody was very hushed, and we did not realise what it was going to be like without him. He is gone, but he will always be very fondly remembered.

YOUTH PARLIAMENT

Ms BETTISON (Ramsay) (15:18): I rise today to speak in parliament regarding the Youth Parliament, which is a personal development program that gives young people aged 16 to 25 a voice on issues of importance in our community. I am pleased to say that this year is the 18th year of Youth Parliament, and we had more than 80 participants. I was very delighted to be able to join them at the opening of the Youth Parliament on Monday, 15 July, and I note that the Minister for Youth made an opening speech on that day.

More than 1,000 participants have played a part in the Youth Parliament over the years, and those people who were there at the opening—many who had participated previously—spoke very fondly about how much they got out of it and then how they have been able to contribute in other years. The program is not just the week in parliament, but several modules, including a training session in May and a residential component during the Youth Parliament week.

The Youth Parliament participants work in teams of six to eight to actively research and develop youth bills. Participants complete two to three days of training overall, as well as attending local team meetings to prepare for parliament week. The training covers bill writing; parliamentary process skills and learning how the parliamentary system works; as well as developing public speaking, leadership and public relations skills. The participants are able to gain credit towards their SACE Certificate as part of their integrated learning or research project. They are also able to gain credit if they are participating in the Duke of Edinburgh Award.

Fourteen bills were debated over four days and they were streamed live through the intranet. While South Australians were very active, they were also part of a national agenda of youth parliaments, and there were some shared bills that all the youth parliaments debated. In South Australia, five bills passed, and they were the Youth Employment Act, Free Student Public Transport Act, Organ Sponsorship and Quality Act, Indigenous Education Studies Act and Family Planning Options Act.

The YMCA delivers this Youth Parliament with an incredible team of volunteers called Taskforce. Taskforce is a group of young people responsible for organising Youth Parliament each

year. It is mostly made up of previous participants and is responsible for five areas—training, support, operations, recreation and public relations and advocacy. The trainers organise the training weekend where participants learn about the parliamentary process as well as how the sitting week in parliament is going to run. I thank Faye Gough, Tom Stratford, Cambell Davis, Ebony Haebich and Sam Davis for their roles. They were supported by the support manager in Brianna Obst.

The operations team was headed by Matthew Shilling, Matthew Crawford and Ashleigh Walsh. The recreation team included Rachael Cormie and Jacqui Slocom, and the public relations team included Samantha Mitchell, Cameron Edson and Sarah Nelson. The Youth Governor is also part of the Taskforce team and it is his responsibility to be the voice and face of the program, representing the participants and carrying out public relations and media responsibilities, and I thank Aaron Dela Paz for his role in the Youth Parliament 2013.

I was very pleased to see Marina Hull, a member of the Salisbury Youth Council, was acting premier during the Youth Parliament, and she was one of several members of the Salisbury Youth Council participating. In closing, I would just like to quote a comment that was on the YMCA website from a participant from the previous year. It says:

Youth Parliament provides opportunity for like-minded youth from a diverse range of backgrounds to promote issues that are important to them, create lifelong friendships and to give back to society.

BERRI TRULY ORANGE JUICE

Mr WHETSTONE (Chaffey) (15:22): Today I rise to talk about an issue that is quite dear to my heart, being a citrus grower for nearly 25 years. During the last couple of weeks, I have been involved in a campaign to bring public awareness to a product that has been on our supermarket shelves—actually, it has been dumped on our supermarket shelves—and that is a product branded synonymously with South Australia as a Berri product and as a 'truly' orange product. This has been put on supermarket shelves and I have had constituents come into my office in the Riverland outraged at how a litre of orange juice could be on the shelf for $1.

I thought I would do some investigation into this product, with some concerns that this product was not an Australian product. I looked further and, to my outrage, this product was imported from Mexico, and not only was the product imported from Mexico but also the packaging was from Mexico. Despite hiding behind a name synonymous with the clean, fresh produce from the Riverland, the Berri brand and its 'truly' juice product is 100 per cent produced and packaged in Mexico. I urge Australians to look at the carton and the product and the disclosure regarding where that product comes from.

Berri Juice is a brand familiar to most people in this place and most consumers of juice. Its life began in the Riverland back in 1943, and it was around that time and into the 1950s that Berri, along with the Riverland region, started to dominate the local juice industry. It was always widely regarded as fresh Riverland produce with an image of being hand picked from local trees, and it was a region that was reliable, clean and green. That image still remains today. If you talk to people walking in the street, or in the supermarket, and you ask them about the brand, they see the Berri brand as synonymous with clean, fresh, green produce.

At the moment, Riverland orange growers are being forced to rip out orchards due to poor commodity prices. They are receiving returns of less than 1.8 cents a kilogram for juicing fruit. Yet, we see these multinationals using an Australian brand to sell juice that has been imported from Mexico. Lion claims to have hand picked the finest oranges, but they forget to mention that they were hand picked in Mexico and, potentially, by child slave labour.

Lion subsequently issued a statement, after last Monday's press release, about the Berri Truly product claiming that it had not met performance benchmarks. I agree that it has not met those benchmarks. If it tastes like the back of a dunny door then, potentially, that is where it might have come from. For those consumers drinking orange juice, or any juice for that matter, if you smell that juice and it tastes like a steel drum that is potentially where it has come from because that is where the imported juice comes into this country via steel drums. That is just a tip for the consumer.

The South Australian citrus industry is already under siege from imported concentrates and cheap overseas labour, as I have stated. It is during this time that we need our iconic brands—supporting this state's economy and supporting this state's growers—to be supported by South Australian consumers. If you want to drink local juice, not oranges from the other side of the world,

then have a look at the packaging, have a look at where it comes from, where it is produced and how it is being presented on that shelf.

There is a continuing argument about foreign ownership in South Australia and yet we are not doing anything about foreign products that are put on our supermarket shelves. So, I encourage everyone here to promote the South Australian citrus industry by supporting a South Australian business. Look at the Nippy's brand, the Orchard Crush brand, the Crusta brand, they are reliable, reputable brands from South Australia that are guaranteed fresh produce from Riverland growers.

It has been an ongoing issue. Kirin has issued a release that they would withdraw those products from the shelf. I call on Kirin to do that immediately. They said one week ago that they would remove the product but they are yet to do it.

UNSUNG HEROES AWARDS

Mr SIBBONS (Mitchell) (15:27): It was my pleasure last week to attend the City of Marion Unsung Heroes Awards. These annual awards are a fantastic opportunity to recognise the outstanding work of the many volunteers who make our communities safer, more enjoyable and more vibrant places in which to live. I would like to share some of the achievements honoured at the awards this year.

It was wonderful to see Bernice Heaven, who has been the volunteer tea lady for the Marion City Band for almost 40 years, receive an art and culture award. Bernice also helps to provide meals for those who do not have time to cook before rehearsals and coordinates fundraising efforts for the band. It is fair to say that the band, which has won accolades in national competitions, owes so much to their tireless tea lady.

As I make my way around the electorate, I bump into Patricia Munden everywhere and so I was thrilled to see her receive a community spirit award. She has been volunteering at the Cooinda Neighbourhood Centre for the past 30 years. Patricia's warm-heartedness and inclusive nature has attracted many regulars to her ceramics classes, and they have kept youngsters' boredom at bay during school holidays for many years. Patricia is also regularly found cooking up delicious, healthy and affordable lunches and snacks in the centre's kitchen as a part of the Healthy Communities Initiative. Patricia is a valued source of wisdom and advice for other staff and volunteers at the centre.

It was great to see Pauline Newman acknowledged for her work at Cooinda as a Green Thumbs Volunteer, helping to teach others to grow healthy food at home or to participate in community gardening. The award also recognised Sharon Jupp, who is the dedicated trainer and volunteer in the Cooinda gardening program. Thanks to the work of Pauline and Sharon, many participants have been able to overcome barriers, including isolation, disability or illness, to make a contribution to community gardening or establish their own gardens at home.

Each year I have attended these awards, recognition has been given to the incredible work undertaken by the Warradale branch of Meals on Wheels. It was wonderful to see a Community Spirit Award presented to Ann and David Pope, who have dedicated a total of 39 years volunteering with Meals on Wheels. Ann is a founding member of the Warradale branch and, together with husband David, they make up a compassionate, caring and dedicated duo.

Another founding member of the group acknowledged at the ceremony was Alan Vowels. Alan has volunteered for nearly a quarter of a century driving and delivering meals to his local community. His can-do attitude, good humour and genuine interest and willingness to engage with his clients has made him a very popular member of the team.

With 22 years of service at Warradale Meals on Wheels, Fay Quinn also received an award. Her passion for crocheting means that many Meals on Wheels clients have received beautifully crafted blankets and shawls in addition to the thousands of meals she has lovingly prepared over the years.

Finally, a story that is now well known to many South Australians: I would like to acknowledge the incredible bravery of Tony Mills, a senior MFS firefighter. Tony was on his way home after finishing his shift when he noticed smoke billowing from a house and raced to the scene. The fire was moving through the house so quickly that Tony could not get inside but, hearing screams, he used a garden dropper to break a window and pull 17-year-old Tim and 14-year-old Tabitha to safety. Incidentally, I grew up with Tim and Tabitha's mother Tracey in Mitchell Park.

I congratulate the City of Marion for hosting these awards, which enable us to acknowledge and appreciate the generosity of many people in our community who work so hard for the betterment of others.

SELECT COMMITTEE ON ANTISOCIAL AND CRIMINAL BEHAVIOUR

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:32): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

MOTOR VEHICLES (LEARNER'S PERMITS AND PROVISIONAL LICENCES) AMENDMENT BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:35): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:35): I move:

That this bill be now read a second time.

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

Leave granted.

The *Motor Vehicles (Learner's Permits and Provisional Licences) Amendment Bill 2013* amends the *Motor Vehicles Act 1959* to enhance the Graduated Licensing Scheme (GLS) and improve the safety of young drivers, their passengers and other road users. Despite significant reductions in South Australia's road toll over the past decade, young drivers continue to be over-represented in the road trauma statistics, much more so than older age groups.

In South Australia young people aged 16 to 19 make up 5 per cent of our population, however they account for 12 per cent of our road deaths and serious injuries. Young drivers aged 16 to 19 years in rural South Australia are 2 ½ times more likely to die or be injured in a crash than their peers in metropolitan Adelaide. Statistics show that South Australia has the second worst fatality rate for the 16 to 19-year-old age group of all Australian states and territories, and almost double that of Victoria and New South Wales.

Research shows that young drivers are at greatest risk of a crash in their first year of driving unsupervised. In fact, upon gaining a provisional licence and beginning to drive unsupervised, the percentage of young drivers involved in crashes rises eleven times. Lack of experience, night-time driving and the presence of peer passengers all contribute to younger drivers having an increased risk of being involved in a road crash. The initiatives in this Bill are intended to address this problem. They reflect world's best practice, are evidence-based and are already in place in some form in other parts of Australia.

The amendments within this Bill will do the following:

The Bill introduces a passenger restriction for P1 drivers (under aged 25), allowing no more than one passenger aged 16 to 20 years (immediate family members are exempt and exemptions for employment will apply).

Research shows that young, inexperienced drivers are more likely to be involved in a serious crash when they have two or more peer passengers in the car. In South Australia, 27 per cent of drivers aged 16 to 19 years involved in fatal crashes from 2008 to 2012 were driving with two or more passengers, compared to 13 per cent of drivers aged 25 and over.

In recent years, Queensland, New South Wales and Victoria have all introduced a passenger restriction for their P1 drivers.

This amendment will mean that a P1 driver will not be allowed to carry more than one peer age passenger aged 16 to 20, with immediate family members exempt. The passenger restriction will not apply if a P1 driver is aged over 25 or if a Qualified Supervising Driver is present in the vehicle. It is also important to note that the restriction will apply for the duration of the P1 licence for 12 months.

P1 drivers will be exempt from the restriction if they are required to carry peer passengers during the course of their employment. P1 drivers will need to be able to provide evidence to prove that they are driving within exemption grounds. Police and emergency workers will also be exempt from this restriction if driving on duty.

The maximum penalty for breach of the restriction will be $1,250, which is the same as the penalty for breach of the provisional high powered vehicles restriction and the offence will be expiable. It will also attract 3 demerit points.

The Bill introduces a night-time driving restriction for P1 drivers (under age 25) between midnight and 5am (with an exemption system).

All drivers have an increased risk of crashing late at night, however the risk is much greater for inexperienced young drivers. In South Australia, 31 per cent of drivers aged 16 to 19 years who were involved in fatal crashes from 2008 to 2012 crashed between 10pm and 5am, compared to 14 per cent of drivers aged 25 years and over.

A night-time driving restriction was introduced in Western Australia in 2008.

This amendment will mean that a P1 driver will not be allowed to drive between midnight and 5am. The restriction will not apply if a P1 driver is aged over 25 or if a Qualified Supervising Driver is present in the vehicle. It is also important to note that the restriction will apply for the duration of the P1 licence for 12 months.

P1 drivers will be exempt from the restriction if they need to drive for employment (including formal volunteer work), education, training or sporting purposes. P1 drivers will need to be able to provide evidence to prove that they are driving within exemption grounds. As with the passenger restriction, police and emergency workers will be exempt if driving on duty.

The maximum penalty for breach of the restriction will be $1,250, which is the same as the penalty for breach of the provisional high powered vehicles restriction and the offence will be expiable. It will also attract 3 demerit points.

The Bill extends the total minimum provisional licence period from two to three years.

The total length of time a new driver must hold a provisional licence will be extended from two years to three. This would comprise 12 months on the P1 stage and 2 years on the P2 stage (up from the existing six months). This will extend the duration of conditions such as the zero blood alcohol limit, speed and vehicle power restrictions and a lower demerit allowance. Extending these conditions will help to keep our young drivers out of high-risk situations without impinging on their mobility.

The Bill removes regression to a previous licence stage following a disqualification period.

The requirement to regress following a period of driver disqualification to the previous licence stage than that held at the time of the offence is being removed. No strong evidence has emerged to suggest that this policy has improved road safety outcomes for young drivers. Instead, drivers who apply for a learner's permit or provisional licence following a disqualification will return to the stage they were at when they committed the offence resulting in the disqualification.

This Bill also contains a number of consequential amendments to the GLS such as:

- A night-time driving restriction for learner motorcyclists who have not already obtained a P2 or full licence for another class of vehicle. The amendment will ensure that inexperienced learner motorcyclists will receive the same level of protection as motorcyclists who hold a P1 licence. Learner motorcyclists are already subject to a passenger condition which restricts them from carrying more than one passenger, who must be a QSD.
- Currently, a novice driver who is disqualified for a serious disqualification offence must serve a six-month disqualification period, as they are not eligible for a Safer Driver Agreement, and this will not change. However, these drivers are also subject to a curfew when they return to driving, and must not drive between midnight and 5am unless a QSD is present in the vehicle. This curfew will become redundant with the introduction of the night-time driving restriction and is therefore being removed from the Act. A transitional amendment also provides that existing curfew conditions will cease to apply upon commencement of the new legislation. This will avoid confusion for provisional licence holders as to whether they are subject to the existing curfew (without an exemption system) or the new night-driving restriction (with an exemption system).
- The Hazard Perception Test (HPT) will become a requirement of graduation from L to P1 rather than from the current P1 to P2. This will allow a young driver's hazard perception skills to be tested before they are allowed to drive unsupervised.

It is important to note that these initiatives are not about punishing our young drivers, they are about protecting them. This Bill has the support of major stakeholders including the health sector, emergency services and the RAA. In conclusion, these amendments are based on sound evidence and represent the Government's commitment to reducing the number of deaths and serious injuries suffered by our young drivers, their passengers and other road users.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 5—Interpretation

This clause amends some of the definitions consequentially to the new section 81A (to be inserted by clause 11).

5—Amendment of section 75—Issue and renewal of licences

This clause amends the minimum age for obtaining a licence from 16 years and 6 months to 17 years.

6—Amendment of section 75AAA—Term of licence and surrender

This clause makes a consequential amendment to section 75AAA(6) (reflecting the fact that P1 and P2 licences are no longer to be 2 different licences but just 2 different phases of the 1 provisional licence).

7—Amendment of section 75A—Learner's permit

This clause amends section 75A to introduce a new offence for 'prescribed learner's permit holders' who are novice motor bike riders under 25 years of age. The new offence relates to riding a motor bike on a road between midnight and 5am without a qualified supervising driver. It is a defence if the rider can establish that he or she was riding the motor bike in circumstances prescribed in proposed Schedule 2 (see clause 21), in the regulations or by notice in the Gazette (provided that such Gazette notices will have effect for a period not exceeding 6 months). The clause also consequentially deletes the current provision relating to driving a motor bike between midnight and 5am (in 75A(10)(c)).

8—Amendment of section 79—Examination of applicant for licence or learner's permit

This clause changes the current 'examiners' under section 79 to 'testers' (to help distinguish them from other examiners under the Act). The clause also removes the requirement for a person who is disqualified as a result of an offence as a learner to resit the theoretical test in order to regain a licence at the end of the period of disqualification and clarifies that, in all cases, it is sufficient if an applicant for a licence has, at some time in the past, produced a certificate to the Registrar certifying that he or she has passed the theoretical test, so that there is no need to keep the certificate and produce it again if for some reason you need to reapply for a licence.

9—Amendment of section 79A—Driving experience

Section 79A is amended—

- to replace the requirement for a licence applicant referred to in section 79A(1)(a)(i)(A) to have held a learner's permit for periods totalling 15 months with a requirement that such an applicant have held a learner's permit for periods totalling at least 12 months (of which there must be a continuous period of at least 3 months since the end of the period of disqualification);
- to replace the requirement for a licence applicant referred to in section 79A(1)(a)(i)(B) to have held a learner's permit for periods totalling 9 months with a requirement that such an applicant have held a learner's permit for periods totalling at least 6 months (of which there must be a continuous period of at least 3 months since the end of the period of disqualification);
- to clarify that it is sufficient if an applicant for a licence has, at some time in the past, produced the required logbook and certificates to the Registrar, so that there is no need to keep these documents and produce them again if, for some reason, you need to reapply for a licence after a break of more than 5 years;
- to require completion of the hazard perception test before the grant of a provisional licence (rather than as a requirement to move from a P1 licence to a P2 licence).

10—Amendment of section 81—Restricted licences and learner's permits

This amendment is consequential.

11—Substitution of section 81A

This clause substitutes a new section 81A as follows:

81A—Provisional licences

New section 81A provides for the issue of provisional licences. The provisional licence may be issued as a P1 licence (in the circumstances set out in section 81A(2)) in which case it will be taken to be a P1 licence for a period of 12 months and thereafter will be taken to be a P2 licence. Alternatively, the provisional licence may be issued as a P2 licence in the limited circumstances set out in section 81A(3). Section 81A(4) sets out the provisional licence conditions, which apply to the provisional licence in both the P1 and P2 phases. Subsection (5) provides that a provisional licence holder cannot be granted a non-provisional licence unless he or she is at least 20 years of age, has had a P2 licence for at least 2 years and is not subject to alcohol interlock conditions. Subsection (6) allows a court disqualifying a person to order a longer P1 or P2 period in relation to the person. Subsection (7) allows the Registrar some discretion to waive or alter requirements of the section in granting a licence to a person who has held a foreign licence or who is of a class prescribed by the regulations (as per the current 81A(11)). Subsection (8) is the same as the current section 81A(12). The remaining subsections set out offences and other provisions relevant to those offences. The provisions in subsections (9) to (15) all have equivalents in the current section 81A, but subsections (16) to (21) contain new provisions applying to P1 drivers under

the age of 25 and restricting driving between the hours of midnight and 5 am and driving with peer passengers in the vehicle.

12—Amendment of section 81BA—Safer Driver Agreements

This clause makes consequential amendments to section 81BA (including deleting the requirement that a person who has been granted a P1 licence after entering a safer driver agreement spend 2 years and 6 months at the P1 stage (instead of the usual current requirement of 2 years)).

13—Amendment of section 81BB—Appeals to Magistrates Court

This clause makes consequential amendments to section 81BB (including deleting the requirement that a person who has been granted a P1 licence after successfully appealing against a disqualification spend 2 years and 6 months at the P1 stage (instead of the usual current requirement of 2 years)).

14—Repeal of section 81BC

This clause repeals section 81BC which currently requires licence regression for a person who has progressed to a non-provisional licence but who then incurs demerit points in respect of offences allegedly committed while a provisional licence holder under the age of 19 years.

15—Amendment of section 81C—Disqualification for certain drink driving offences

16—Amendment of section 81D—Disqualification for certain drug driving offences

17—Amendment of section 98BD—Notices to be sent by Registrar

18—Amendment of section 98BE—Disqualification and discounting of demerit points

Clauses 15 to 18 each make a minor change to clarify the wording of the relevant sections of the Act and make them consistent with section 81B(1) (so they all refer to the Registrar 'becoming aware' of some fact).

19—Amendment of section 141—Evidence by certificate etc

20—Amendment of section 145—Regulations

Clauses 19 and 20 each make a consequential change to a cross reference.

21—Insertion of Schedule 2

This clause inserts a new Schedule as follows:

Schedule 2—Prescribed circumstances (sections 75A(21), 81A(17) and 81A(19))

This Schedule sets out various circumstances that will be 'prescribed circumstances' in which a driver may have a defence to the new offences in sections 75A and 81A relating to carriage of peer passengers and driving between midnight and 5am.

Schedule 1—Transitional provisions

The Schedule makes provisions of a transitional nature.

Debate adjourned on motion of Mr Gardner.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:36): Obtained leave and introduced a bill for an act to establish a tribunal with jurisdiction to review certain administrative decisions and to act with respect to certain disciplinary, civil or other proceedings; to confer powers on the tribunal; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:38): I move:

That this bill be now read a second time.

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

Leave granted.

The South Australian Civil and Administrative Tribunal Bill 2013 seeks to establish in South Australia a new tribunal, with jurisdiction to review certain administrative decisions and to act with respect to certain disciplinary, civil or other proceedings; to confer powers on the tribunal; and for other purposes.

The purpose of the South Australian Civil and Administrative Tribunal ('the Tribunal') is to make and review a range of administrative decisions in one tribunal. Its objectives in exercising its jurisdiction are to be accessible to all, especially people with special needs, to ensure efficient and cost effective processes for all parties involved, to act with as little formality and technicality as possible and to be flexible in the way in which it conducts its business.

The Tribunal will also be transparent and accountable, headed by a President who will hold concurrent office as either a Judge of the Supreme or District Court.

Currently in South Australia merits review functions are conferred on a wide array of decision making bodies including Ministers, commissioners, ombudsman, courts and other specialist boards and tribunals. Each merits review body has limited jurisdiction and undertakes the review of selected decisions under a host of individual legislative schemes. A further complication is that these bodies each have their own administrative structure, procedural processes and infrastructure, resulting in inconsistency and unnecessary duplication. These factors all contribute to creating an inefficient and confusing barrier to members of the public attempting to enforce their rights.

The introduction of this Bill constitutes a significant reform in the field of administrative law in the State of South Australia, the beginnings of which trace back to 1984, when the South Australia Law Reform Committee recommended the establishment of a General Appeals Tribunal to streamline and simplify the review of administrative decisions in this State.

Thereafter, in 2006, the merits review processes in the State, that is, the processes for review of administrative decisions made by government, were again reviewed by the Attorney-General's Department with the South Australian Law Society's Administrative Law Committee. The idea of a civil and administrative tribunal was proposed as a consolidated body for adjudication of administrative decisions. This committee identified a number of problems with the existing merits review system, most of which related to the fragmentation of the system.

In August 2011, the Government publicly announced a review of the feasibility and desirability of establishing a general administrative tribunal. Accordingly, the review project was established to investigate potential efficiencies and improved decision making opportunities. This project was overseen by a Steering Committee, comprised of members from the Attorney-General's Department, the Crown Solicitor's Office and the Courts Administration Authority, the then President of the Law Society and chaired by the Member for Light, the Hon. Tony Piccolo MP.

The review project explored the benefits of a single, easy to find, easy to use body for fair and independent resolution of disputes relating to administrative decisions, and more broadly investigated whether the use of such a body could improve access to justice if extended to other areas. It did not aim to introduce a general right to review all administrative decisions or otherwise propose law reform. It was evident, however, that minor amendments to specific review and appeal decisions would be necessary for consistency.

The Steering Committee concluded that there are various benefits to be gained from altering the current administrative review system and made a number of recommendations in support of the establishment of a generalist Tribunal. As evidenced by this brief chronology, the establishment of a South Australian Civil and Administrative Tribunal in South Australia is a long overdue and significant reform regarding accessibility to justice.

South Australia is one of the last jurisdictions to address the ad hoc tribunal system. The Commonwealth was the first to do so in 1976 with the Administrative Appeals Tribunal (AAT), established under the *Administrative Appeals Tribunal Act 1975* (Cth). From a State and Territory perspective, Victoria was the first to follow in the Commonwealth's footsteps by establishing the Victorian Civil and Administrative Tribunal (VCAT) under the *Victorian Civil and Administrative Tribunal Act 1998*(Vic), with NSW following suit in 1997 with the Administrative Decisions Tribunal established under the *Administrative Decisions Tribunal Act 1997*(NSW). I note, however, that NSW is currently undertaking further reforms to consolidating these tribunals with the recent passage of the *Civil and Administrative Tribunal Act 2013*(NSW) and further reforms to shortly follow.

Western Australia followed suit in 2005 when the State Administrative Tribunal (SAT) commenced operations under the *State Administrative Tribunal Act 2004*(WA). The Australian Capital Territory Government established the Civil and Administrative Tribunal (ACAT) under the *ACT Civil and Administrative Tribunal Act 2008*(ACT). The most recent jurisdiction to create a single generalist body to conduct merit review functions of government was Queensland, establishing the Civil and Administrative Tribunal (QCAT), under the *Queensland Civil and Administrative Tribunal Act 2009*(Qld).

As already foreshadowed, establishing the Tribunal requires the introduction of at least two separate Bills, the first being the current Bill, which sets out the structure, membership, constitution and other provisions that are required to facilitate the establishment of the Tribunal. This Bill does not however confer any jurisdiction on the Tribunal. Conferral of jurisdiction and other related matters will be the subject of a separate Bill or Bills. The 'Statutes Amendment' Bill or Bills will be needed to amend the many various Acts that presently confer jurisdiction on courts, tribunals, boards and other persons or bodies to deal with the disciplinary and other administrative decisions and reviews proposed to be transferred to the Tribunal.

The introduction of legislation required to support the Tribunal is being done in separate phases so as to allow the Government to undertake extensive consultation with existing tribunals and other bodies or matters that could be included. Targeted consultation with these tribunals and other bodies is necessary for a number of reasons. Firstly, to inform the drafting of the Statutes Amendment Bill or Bills and to ensure there is minimal disruption during the transition and implementation, once all legislation has been passed. The second reason for the Government introducing legislation in separate phases, commencing with this current Bill, is to enable the appointment of the President of the Tribunal. Appointing the President shortly after the passage of this Bill will ensure that she or he plays an integral part in overseeing, assisting and informing the nature, extent and scope of the integration of existing tribunals, boards and other bodies into the Tribunal.

The staged implementation of legislation to implement the Tribunal is not without precedent. New South Wales is currently in the process of establishing the NSW Civil and Administrative Tribunal, where more than 20 of the State's tribunals will be integrated into NCAT, which will provide a single gateway for tribunal services to the people of NSW. With the first Bill, the *Civil and Administrative Tribunal Act 2013*(NSW) having passed both

Houses of Parliament without amendment in February 2013, a separate Civil and Administrative Tribunal Amendment Bill, which sets out NCAT's jurisdiction, powers and functions, is reported to be under preparation.

The Bill has been introduced today so that consultation can occur over the winter break of Parliament. Letters have already been sent to those consulted by the Steering Committee asking for their comment on the Bill, and I invite any other interested person to send their comments to my Department. If amendments to the Bill are required following this consultation they will be filed and moved when the Bill is debated in September.

Turning now to the main features of the Bill.

Members of the Tribunal

The Bill proposes that the Tribunal be led by a President, supported by 1 or more Deputy Presidents, Magistrates, Senior Members, Ordinary Members and Assessors.

In order to be eligible for appointment, the President must hold concurrent office as either a Supreme or District Court Judge. The process of appointment to the role of President is by means of assignment by the Governor, by proclamation, in consultation with the Chief Justice or Chief Judge. As the President of the Tribunal will hold concurrent office as a Judge of the Supreme or District Court, it is envisaged their role will be on a part-time basis. In the performance of the President's functions, the President will not be subject to direction or control by the Minister.

The President, aside from participating as a member of the Tribunal, has primary responsibility for its administration and will not be subject to the direction or control of a Minister. The President's functions are expressly prescribed in the Bill to include both administrative and managerial responsibility, which are as follows:

- managing the business of the Tribunal, which includes ensuring it operates efficiently and effectively;
- providing leadership and guidance to the Tribunal and ensuring a collective cohesiveness amongst the members and staff;
- giving directions about practices and procedures to be followed by the Tribunal;
- developing and implementing performance standards and benchmarks;
- being responsible for promoting the training, education and professional development of members;
- overseeing the provision of proper use of resources; and
- providing advice about the membership and operation of the Tribunal.

There will be at least one Deputy President. In order to be eligible to be appointed to the role of Deputy President, the person must be either a judge of the District Court or eligible for appointment as a judge of the District Court. Appointment mechanisms for the Deputy President are either by assignment by the Governor, by proclamation, or appointment by the Governor, depending on whether the person is a judge of the District Court or not.

Aside from participating as a member of the Tribunal, the Deputy President, will assist the President in the management of business and members of the Tribunal.

In order to provide maximum flexibility, the Bill provides a mechanism to temporarily appoint Supplementary Deputy Presidents, upon the Attorney-General receiving a request from the President, in relation to a particular matter or matters or for a specified period, irrespective of whether there is any vacancy in the office of Deputy Presidents. Magistrates will also have a role in the Tribunal, as and when required.

Senior and ordinary members

The Bill proposes that the Tribunal should be comprised of senior and ordinary members who may be legally qualified, but may also be experts from different fields or vocations. Legally qualified members must be practitioners of not less than five years standing and for other members must have, in the Minister's opinion, extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the Tribunal.

The Bill will require the Minister to appoint a panel of persons who will, after consultation with the President, recommend the selection criteria for the senior members and ordinary members of the Tribunal. This same panel of persons will also be responsible for assessing a candidate or candidates for appointment as either a senior or ordinary member and provide advice to the Minister about this.

All members should be assessed by a panel against selection criteria and appointed by the Governor, after consultation with the President and the Minister, for a term of office, of between three and five years. A senior or ordinary member will be eligible for reappointment at the expiration of a term of office. Both senior and ordinary members will be appointed on conditions specified in the instrument of appointment.

The Bill proposes mechanisms for removal and suspension of senior and ordinary members of the Tribunal, in addition to specifying the grounds upon which a senior or ordinary member ceases to be a member of the Tribunal.

In order to manage unforeseen spikes in workloads, the Bill provides a mechanism to temporarily appoint senior and ordinary members for a particular matter or for a specified period, either at the request or with the agreement of the President of the Tribunal.

Assessors

The Bill proposes that there be panels of assessors as may be necessary for the purposes of any relevant Act. Assessors will be appointed by the Governor on recommendation of the Minister.

To be eligible for appointment as an assessor, the person must be qualified, by reason of his or her knowledge, expertise and experience, to provide specialist knowledge in a field or fields in which the Tribunal exercises jurisdiction.

An assessor will sit on a sessional basis and will be appointed for a term of office, not exceeding five years, but will be eligible for reappointment at the expiration of the five year term. As an assessor will sit on a sessional basis only, the Bill authorises work outside the Tribunal, subject to the conditions of appointment.

Constitution of Tribunal and its decision-making processes

Subject to the provisions in the Bill, the President may determine, in relation to particular matters, or particular classes of matters, which member or members of the Tribunal will constitute the Tribunal. Unless the conferring Act states otherwise, the Tribunal is not to be constituted by more than three members.

In determining the constitution of the Tribunal, the Bill prescribes a range of relevant considerations to which the President is to have regard. These include but are not limited to: the degree of public importance or complexity of the matter, the requirement for a Tribunal member to have specialist knowledge or expertise and the nature and status of the office of the original decision-maker in the case of a reviewable decision.

The Bill also clarifies which member in what circumstance will be considered the presiding member in the hearing of matters and the order of precedence generally, amongst all members of the Tribunal.

Clarification is also provided about how the Tribunal resolves cases that come before it. For questions that do not amount to a determination of a question of law, the opinion of the majority will apply. Where there is no majority, the opinion of the presiding member prevails. By contrast, where a question of law requires determination by the Tribunal, a question of law will be decided according to the opinion of the presiding member, if that member is legally qualified or the unanimous opinion of two legally qualified members. There is also a mechanism for a presiding member to refer a question of law to a Presidential Member for determination. The Bill sets outs the process for the determination of such a matter.

A range of other matters related to the constitution of the Tribunal are set out to assist the day to day operations of the Tribunal, these include:

- permitting the listing of matters into various steams that reflect the areas of jurisdiction
- validating the acts of the Tribunal
- setting out requirements of Tribunal members to disclose interests (pecuniary or otherwise)
- authorising of the President of the Tribunal to delegate a function or power under the Bill.

Jurisdiction

The Tribunal will be the primary forum for the review of administrative decisions, including reviews currently conducted by ministers (departmental reviews and appeals), courts (administrative reviews and appeals) and appellate tribunals (including boards and committees). The Tribunal will also make specific original administrative and civil decisions currently made by a range of disciplinary boards and tribunals.

Original jurisdiction of the Tribunal

The Tribunal exercises its original jurisdiction if the matter that a relevant Act gives the Tribunal to deal with does not involve a review of a decision, which in other words means the Tribunal is the original decision-maker.

The Bill provides that where jurisdiction to make original decisions is conferred upon the Tribunal, wherever possible the original hearing should be conducted in accordance with the processes already provided for in the existing legislation.

There will then be an internal right of review from an original decision of the Tribunal. As the internal reviews will be conducted by the President or Deputy President sitting alone or with others, an appeal would then lie, with permission, to the Full Court of the Supreme Court against the decision of the Tribunal from its internal review jurisdiction.

Review jurisdiction of the Tribunal

The Tribunal will exercise its review jurisdiction if the matter that a relevant Act gives the Tribunal jurisdiction to deal with is a matter that expressly or necessarily involves a review of a decision. The Tribunal will examine the decision of the original decision-maker by way of re-hearing.

In order to assist the Tribunal in exercising its review jurisdiction, the Bill imposes obligations upon the original decision-maker for the purposes of assisting the Tribunal so that it can make its decision on the review. The Bill also confirms the effect of the review proceeding on the decision being reviewed.

The Bill also allows for the Tribunal, at any stage of a proceeding for the review of a reviewable decision, to invite the decision-maker to reconsider the decision. Upon being invited to do so by the Tribunal, the original decision-maker may either affirm, vary or set aside the decision and substitute a new decision.

Principles, powers and procedures

Principles

The Bill sets out the principles that are to guide the Tribunal in the hearing of any proceeding for which it has jurisdiction. In summary, these principles include: minimising any formality, dispensing with rules of evidence and adopting an inquisitorial approach and finally, acting according to equity and good conscience, without regard to legal technicalities.

Evidentiary Powers

To discharge its various functions as an administrative tribunal, the Tribunal will need powers to establish processes, obtain evidence, control parties and make adequate and appropriate determinations. Certain powers are proposed for inclusion in the Bill, whereas others will be located in the Regulations or Rules.

First, the Tribunal will be equipped with the power to require the production of evidentiary material or to require an individual to give evidence, which may be exercised by the Tribunal upon the application of a party or by means of its own initiative. This power will be exercised by the issuing of a summons. Failure to comply with this provision of the Bill amount to an offence, which will attract a maximum penalty of a $10,000 fine or imprisonment for 6 months.

Second, a member of the Tribunal will have the power to enter any land or building and carry out any inspection that the Tribunal considers relevant to a proceeding before a Tribunal. Obstruction of a member of the Tribunal, or a person authorised by the Tribunal who is exercising this power, will be guilty of an offence, attracting a maximum penalty of $10,000 or 6 months imprisonment.

Finally, there is a power for the Tribunal to refer any question arising in any proceedings for investigation and report by an expert in the relevant field. However before doing so, the Tribunal must seek submissions from the parties to the proceedings, prior to making such a reference.

Practice and procedures

The Bill outlines a number of obligations upon the Tribunal in terms of practices and procedures generally, and regarding the conduct of proceedings and interaction of parties to proceedings. More specifically, it confirms the Tribunal's ability to give directions, consolidate proceedings, split proceedings, move a proceeding to a more appropriate forum and finally to dismiss or strike out a proceeding that is frivolous, vexatious or an abuse of process. There is also a mechanism for the Tribunal to manage proceedings being conducted to cause disadvantage to a party, either by the application of a party or on its own initiative.

Conferences, mediation and settlement

An important emphasis is placed on the role of alternative dispute resolution and proceedings before the Tribunal. The Bill provides the Tribunal with the scope, at an initial directions hearing or at any other time, to require the parties to attend a compulsory conference, or refer the matter, or any aspect of the matter, for mediation by a person specified as a mediator by the Tribunal. The Bill also sets out the procedures for both conferences and mediation. The Tribunal itself may also endeavour to achieve a negotiated settlement of a matter before the Tribunal.

Parties and representation

The Bill defines who is considered a 'party' for the purposes of a proceeding before the Tribunal, confirms who may be joined as a party, and who can intervene in a proceeding before the Tribunal and on what grounds. Further, the Attorney-General may, on behalf of the State intervene in any proceedings before the Tribunal at any time. For all others however, leave of the Tribunal to intervene must first be obtained. The matter of representation before the Tribunal is also addressed.

Costs

Unless specified in the Bill, a relevant Act, or an order of the Tribunal, it is proposed that parties bear their own costs in any proceeding before the Tribunal. Nonetheless, the Tribunal may make an order for the payment by a party of all or any of the costs of another party, or of a person required to appear before the Tribunal or to produce evidential material. However, where the Tribunal dismisses or strikes out any proceeding in any prescribed circumstances, it is proposed that the Tribunal should also make an order for costs against the party against whom the action is directed unless there is good reason not to.

Further, the Bill provides that the power to make an order for the payment by a party of the costs of another party includes the power to make an order for the payment of an amount to compensate the other party for any expenses, loss, inconvenience, or embarrassment from any proceeding or matter. The Bill provides guidance to the Tribunal as to the relevant considerations in exercising this power.

Other procedural and related provisions

The Bill addresses a range of other miscellaneous, procedural and related provisions, which are summarised as follows:

- the time and location of Tribunal sittings;
- the requirement for hearings to be heard in public, unless the Tribunal is satisfied that it is desirable to either hear all or part of a hearing in private or there is a need for example to prohibit/restrict publication of the name and addresses of persons appearing before the Tribunal and/or evidence given at the Tribunal;
- the power to make any order that may be necessary to preserve the subject matter of proceedings or interests of a party;

- security as to costs;
- the power to make interlocutory orders;
- the power to make declaratory judgments;
- the power to make conditional and alternative orders;
- the power to refer questions arising in a proceeding to a special referee;
- the power to provide relief from time limits for doing anything in connection with a proceeding or the commencement of any proceeding;
- equipping the Tribunal with the capacity to undertake electronic hearings and proceedings without hearings (on the basis of documents);
- managing disclosures about a specified matter (protected matter) in connection with proceedings of the Tribunal that would be contrary to the public interest;
- the management of disclosures that would be contrary to the public interest;
- the Tribunal's duties as to protected matters;
- privilege against self-incrimination; and
- other claims of privilege.

Reviews and appeals

As already stated, there is a mechanism to review an original decision of the Tribunal and the Bill sets out measures for this to occur. Also set out in the Bill is an avenue to appeal:

- to the Full Court of the Supreme Court of South Australia, if the Tribunal was constituted for the purpose of making the order by the President or a Deputy President, whether with or without others; or
- to a single judge of the Supreme Court in any other case.

The requirement for leave to appeal is designed to ensure that appeals that do not raise points of importance are not unnecessarily maintained. The Bill then sets out what orders can be made by the Supreme Court on appeal.

Further, the Bill confirms that a Presidential member of the Tribunal may reserve any questions of law arising in any proceedings for determination by the Full Court of the Supreme Court. If a question of law is reserved, the Supreme Court may determine the question and give any consequential orders or directions considered by the Court to be appropriate to the circumstances of the case.

Staff of the Tribunal

The President and members of the Tribunal will be assisted by staff. It is proposed that the Tribunal have one principal registrar, supported by one or more other registrars (to be known as 'Deputy Registrars').

The functions of the Registrar will be:

- to assist the President of the Tribunal in the administration of the Tribunal;
- to be responsible for the registry and records of the Tribunal;
- to undertake responsibility for the day-to-day case management of the Tribunal;
- to constitute the Tribunal to the extent specified under this Act; and
- to fulfil other functions assigned to the Registrar by the President or under the rules of the Tribunal.

The Bill also confirms that there will be other staff of the Tribunal, consisting of persons employed in a public sector agency and made available to act as members of the staff of the Tribunal. Further the Tribunal may, by arrangement with the relevant body, make use of the facilities, staff or equipment of an administrative unit in the Public Service, or the State Courts Administration Council or another public agency or authority.

Miscellaneous

Finally, the Bill contains a number of miscellaneous measures relating to the operation and functions of the Tribunal.

The Bill contains a regulation making power and confirms that the Minister must appoint one or more independent persons to conduct a review to undertake an assessment of the performance of the Tribunal, whether the Tribunal's objectives are being met and the extent to which it would be advantageous to extend the jurisdiction of the Tribunal. The review must be incorporated into a report and submitted to the Minister for tabling before both Houses of Parliament.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause contains definitions of words and phrases used in the Bill, including applicant, decision-maker, evidentiary material, legally qualified member, protected matter and Tribunal.

4—Relevant Acts prevail

A 'relevant Act' is defined in clause 3 to mean 'an Act which confers jurisdiction on the Tribunal'. There will be numerous relevant Acts that confer jurisdiction on the Tribunal. In the event of an inconsistency between a relevant Act and this Act, the relevant Act prevails.

Part 2—South Australian Civil and Administrative Tribunal

Division 1—Establishment of Tribunal

5—Establishment of Tribunal

This Bill establishes a new tribunal called the South Australian Civil and Administrative Tribunal ('the Tribunal').

6—Jurisdiction of Tribunal

This clause provides that Tribunal's jurisdiction is set out in proposed Part 3.

7—Tribunal to operate throughout State

This clause provides that the Tribunal is to facilitate access to its services throughout South Australia and may sit at any place. The President after consultation with the Minister will determine where Registries of the Tribunal will be located.

Division 2—Main objectives of Tribunal

8—Main objectives of Tribunal

This clause sets out the Tribunal's primary objectives. These will enable the Tribunal to be an accessible 'one-stop shop' that can resolve disputes quickly, with minimal formality and costs and utilise Tribunal members who have the appropriate experience and expertise.

The objects of the Tribunal are—

- to promote the best principles of administrative law;
- to be accessible and be responsive to parties, especially people with special needs;
- to ensure that applications are processed and resolved as quickly as possible while achieving a just outcome;
- resolving disputes through high-quality processes and the use of mediation and other alternative dispute resolution procedures where appropriate;
- to keep costs to parties involved in proceedings before the Tribunal to a minimum;
- to use simple language and procedures that can be understood by the general public;
- to act with as little formality and technicality as possible;
- to be flexible in the way in which the Tribunal conducts its business.

Division 3—Members of Tribunal

Subdivision 1—The members

9—The members

The proposed section provides for membership of the Tribunal. This clause specifies that the Tribunal is to have judicial members (including a President, at least one Deputy President, and magistrates who are designated as members) and other members (either senior members, ordinary members or assessors).

Subdivision 2—The President

10—Appointment of President

This clause provides for the appointment of the President of the Tribunal. The Tribunal President must be a judge of the Supreme Court or the District Court assigned by the Governor, by proclamation. Appointment to the position of President of the Tribunal is subject to conditions determined by the Governor. Appointment as the President does not affect that person's tenure, status, rights or privileges as a judge, and service as President is to be taken for all practical purposes as service as a judge.

11—President's functions generally

This clause outlines the functions of the President of the Tribunal.

12—Acting President

This clause provides for the appointment of an Acting President of the Tribunal if there is a vacancy in the office of President or the President is absent or unable to perform the functions of office.

Subdivision 3—The Deputy Presidents

13—Number of Deputy Presidents

The proposed section provides that there will be at least 1 Deputy President of the Tribunal.

14—Appointment of Deputy Presidents

This clause provides for the appointment and removal of the Deputy Presidents of the Tribunal. It also specifies that a Deputy President must be a District Court Judge or a person who is eligible to be appointed as a District Court judge.

15—Deputy President's functions generally

This clause outlines the functions of a Deputy President of the Tribunal.

16—Acting Deputy Presidents

This clause provides for the appointment of an Acting Deputy President of the Tribunal if there is a vacancy in the office of Deputy President or a Deputy President is absent or unable to perform the functions of office.

17—Supplementary Deputy Presidents

Under this clause, even if there is no vacancy in the office of Deputy President, the Attorney-General may on the request of the President of the Tribunal, temporarily appoint a person to act as a supplementary Deputy President of the Tribunal.

Subdivision 4—Magistrates

18—Magistrates

Under this clause, magistrates may be designated by the Governor as members of the Tribunal. Before the Governor makes such a proclamation, the Attorney-General must consult with the Chief Magistrate. Appointment as a magistrate of the Tribunal does not affect that person's tenure, status, rights or privileges as a magistrate.

Subdivision 5—Senior members and ordinary members

19—Appointment of senior members and ordinary members

The proposed section provides for the appointment of non-judicial members to the Tribunal. Senior and ordinary members must be legal practitioners with at least 5 years experience or have extensive or special knowledge or experience involving any class of matters which can be dealt with by the Tribunal. Before these members are appointed by the Governor, the Minister must consult with the President of the Tribunal. Members of the Tribunal may be appointed on a full-time, part-time or sessional basis. The Minister must also establish a panel of persons who will recommend the selection criteria for members and assess candidates for appointment as senior and ordinary members.

20—Member ceasing to hold office and suspension

This clause contains standard provisions regarding the removal or suspension of members of the Tribunal.

21—Supplementary members

This clause allows the Attorney-General, after consultation with the President of the Tribunal, to temporarily appoint a person to act as a supplementary senior member or a supplementary ordinary member of the Tribunal in relation to particular matters or for a specified period.

Subdivision 6—Assessors

22—Assessors

The proposed section provides for the appointment of assessors.

Division 4—Constitution of Tribunal and it's decision-making processes

23—Constitution of Tribunal

This clause provides for the constitution of the Tribunal. Generally, the composition of the Tribunal is to be determined by the President. Under the proposed section, the Tribunal is to be constituted by not more than 3 members, except where a relevant Act provides otherwise. A person who made the original decision cannot also be a member of the appeal Tribunal. Under the measure, the President of the Tribunal will have discretion to organise the Tribunal's business and regulate proceedings before the Tribunal.

24—Who presides at proceedings of Tribunal

This clause makes provision for who will preside over proceedings in the Tribunal where the Tribunal is constituted by 2 or more members.

25—Decision if 2 or more members constitute Tribunal

If the Tribunal is constituted by 2 or more members to resolve a question, it is resolved according to the majority opinion. If the opinion on how to resolve a question is split between members, it is resolved according to the opinion of the presiding member.

26—Determination of questions of law

This clause provides further procedures relating to order of precedence and the resolution of questions of law in proceedings before the Tribunal.

Division 5—Related matters

27—Streams

Under the measure, the President of the Tribunal will be able to establish various streams or lists that reflect the areas of jurisdiction of the Tribunal.

28—Validity of acts of Tribunal

Acts or proceedings of the Tribunal are not invalidated by reason of a vacancy or defect in appointment.

29—Disclosure of interest by members of Tribunal

The proposed section provides procedures for disclosure where a member has a pecuniary interest or conflict of interest in proceedings before the Tribunal.

30—Delegation

This clause provides for delegations by the President of the Tribunal.

Part 3—Jurisdiction

Division 1—Preliminary

31—Sources of jurisdiction

This clause provides the sources of the Tribunal's jurisdiction.

32—Kinds of jurisdiction

The Tribunal will have original and review jurisdiction.

Division 2—Original jurisdiction

33—Original jurisdiction

In exercising its original jurisdiction, the Tribunal will act as the original decision-maker in the matter in accordance with this Act and the relevant Act.

Division 3—Review jurisdiction

34—Decisions within review jurisdiction

In exercising its review jurisdiction, the Tribunal will examine the decision of the decision-maker by way of rehearing in accordance with this Act and the relevant Act. A rehearing will include an examination of the evidence or material before the decision-maker and any further evidence or material that the Tribunal decides.

35—Decision-maker must assist Tribunal

In review proceedings, the decision-maker for the reviewable decision must use his or her best endeavours to help the Tribunal so that it can make its decision on the review.

36—Effect of review proceedings on decision being reviewed

This clause provides that the commencement of a review does not affect the operation of the original decision unless provided for by the relevant Act, or the Tribunal or decision-maker makes an order for a stay of the decision.

37—Decision on review

The Tribunal may on a review affirm, vary, or set aside the decision of the original-decision maker. If the Tribunal sets-aside the decision it may substitute its own decision or send the matter back to the original decision-maker for reconsideration. Any decision made upon reconsideration is open to review by the Tribunal. Once the Tribunal has decided to affirm, vary, or substitute the original decision then this reviewed decision is to be regarded and given effect as a decision of the original decision-maker. The reviewed decision has effect from the time of the original decision, unless the relevant Act allows or the Tribunal orders otherwise.

38—Tribunal may invite decision-maker to reconsider decision

At any stage the Tribunal may invite the original decision-maker to reconsider their decision the subject of review. Upon reconsideration the decision-maker may affirm, vary, or set aside their decision and substitute a new decision.

Part 4—Principles, powers and procedures

Division 1—Principles governing hearings

39—Principles governing hearings

This clause provides the general principles that the Tribunal will uphold in the performance of its functions. The main principles are that the Tribunal:

- will act subject to the relevant Act;
- will conduct itself with minimal formality;
- is not bound by the rules of evidence;
- will act according to equity, good conscience and the substantial merits of the case;
- will act without regard to legal technicalities and forms.

Division 2—Evidentiary powers

40—Power to require person to give evidence or to provide evidentiary material

The proposed section provides powers for the Tribunal to order persons to produce to the Tribunal documents or materials relevant to the Tribunal's proceedings. In addition it contains provisions relating to the giving of evidence on oath or affirmation. The clause also creates an offence relating to refusal to comply with the requirements of the proposed section, the maximum penalty being $10,000 or imprisonment for 6 months.

41—Entry and inspection of property

Under this clause, a member of the Tribunal may enter any land or building, or authorise an officer of the Tribunal to enter any land or building, that the member considers relevant to a proceeding before the Tribunal. In addition, the clause creates an offence of obstructing a member or authorised officer of the Tribunal while exercising powers under the proposed section, the maximum penalty being $10,000 or imprisonment for 6 months.

42—Expert reports

The proposed section enables the Tribunal to appoint experts to assist the Tribunal and to require the parties to proceedings to contribute to the costs of engaging such a person.

Division 3—Procedures

43—Practice and procedure generally

This clause indicates that the Tribunal is bound by rules of natural justice except to the extent that legislation otherwise provides. The Tribunal can inform itself on any matter as it sees fit and is to determine its own practice and procedures except where these matters are prescribed by legislation. The Tribunal is to assist the parties by, for example, explaining procedures and enabling them to have the fullest opportunity to give evidence and be heard. The Tribunal must ensure that all relevant material is available to it and may require documents to be served outside of the State.

44—Directions for conduct of proceedings

This clause enables the Tribunal to give directions and do other things to enable the proceedings to be fair and expeditious. These directions can require the production of a document or material or provision of information notwithstanding any rules of law regarding privilege or public interest in relation to the production of documents. The Tribunal cannot direct a party to disclose legally privileged information to another party.

45—Consolidating and splitting proceedings

The Tribunal may consolidate proceedings into one proceeding or require proceedings to be heard together. The Tribunal may also direct that proceedings commenced by 2 or more persons jointly be split into separate proceedings or that any aspect of proceedings be heard and determined separately.

46—More appropriate forum

This proposed section enables the Tribunal to strike out a proceeding or part of a proceeding if another tribunal, court or person can more appropriately deal with the matter.

47—Dismissing proceedings on withdrawal or for want of jurisdiction

This clause sets out provisions relating to the ability of a party to withdraw proceedings. The Tribunal will also have power to dismiss or strike out proceedings for want of jurisdiction.

48—Frivolous, vexatious or improper proceedings

This clause allows the Tribunal to make an order or ancillary order that a proceeding is dismissed or struck out, if the Tribunal considers that the proceeding is frivolous, vexatious, misconceived or lacking in substance, or being used for an improper purpose. If a proceeding is dismissed or struck out under the proposed section, another proceeding of the same kind in relation to the same matter cannot be commenced before the Tribunal without the leave of a Presidential member.

49—Proceedings being conducted to cause disadvantage

This clause enables the Tribunal to dismiss or strike out proceedings if a party is conducting proceedings in a way which unnecessarily disadvantages another party to the proceedings. A list of examples of such conduct is provided. This can be done on the Tribunal's own initiative or following an application by a party to the proceedings.

Division 4—Conferences, mediation and settlement

50—Conferences

The proposed section empowers the Tribunal to hold private compulsory conferences to identify and clarify issues and promote settlement of disputes.

51—Mediation

This clause enables matters dealt with at a directions hearing or a compulsory conference to be referred, with or without the parties' consent, for private mediation by a person approved by the President to resolve the matters in dispute.

52—Settling proceedings

The proposed section allows the Tribunal to make an order giving effect to parties written agreement to settle proceedings where the Tribunal would otherwise have power to make a decision in accordance with that settlement. A settlement under the proposed section must not be inconsistent with a relevant Act.

Division 5—Parties

53—Parties

This clause outlines that parties to the Tribunal's proceedings include the applicant; persons subject to disciplinary proceedings under relevant acts; decision-makers in review proceedings; persons joined as a party by order of the Tribunal; intervener and other persons specified in legislation. The decision-maker is to be described by their official description, not their personal name.

54—Person may be joined as party

The proposed section enables the Tribunal, in specified circumstances, to join persons as parties to proceedings and may make an order on the application of any person.

55—Intervening

The clause indicates the Attorney-General may intervene at any time in the Tribunal's proceedings. In addition, any other person may be given leave to intervene if the Tribunal thinks fit.

Division 6—Representation

56—Representation

The proposed section enables parties to the Tribunal's proceedings to appear in person and represent themselves or be represented by a lawyer. With leave of the Tribunal, parties may be represented by persons who are not lawyers. Unless specified by the Tribunal, a party appearing may be assisted by another person as a friend. Where only one of the parties to a dispute is represented, the Tribunal must adopt an approach that ensures that any unrepresented parties are not disadvantaged.

Division 7—Costs

57—Costs

This clause makes provision for costs liability between parties to the proceedings in the Tribunal. In general, parties are to bear their own costs, unless there are reasons for the Tribunal to order otherwise.

58—Costs—related matters

The proposed section stipulates that where the Tribunal does not specify the amount of costs, those costs are to be assessed or settled according to the rules of the Tribunal.

Division 8—Other procedural and related provisions

59—Sittings

The Tribunal will sit at such times and places as the President of the Tribunal may direct.

60—Hearings in public

This clause provides that hearings are to be public unless the Tribunal specifies (for reasons outlined in the Act) that the hearing or part of the hearing is to be private. In exercising its powers, the Tribunal can also place restrictions on the publication of all or any part of proceedings where the Tribunal considers it is necessary to do so.

61—Preserving subject matter of proceedings

Under this clause, the Tribunal may make any orders it considers necessary to preserve the subject matter of proceedings.

62—Security as to costs etc

This clause allows the Tribunal to order a party to proceedings to give security for costs or an undertaking in relation to payment of costs. An order under the proposed section may be made by a legally qualified member or a non-legally qualified member with the concurrence of a legally qualified member.

63—Interlocutory orders

The proposed section gives the Tribunal the power to make interlocutory orders.

64—Declaratory judgments

This clause enables the Tribunal to make binding declarations or right whether or not any consequential relief is or could be claimed. This provision operates subject to any provision made by the rules of the Tribunal.

65—Conditional, alternative and ancillary orders and directions

The Tribunal may make orders and give directions on conditions the Tribunal considers appropriate. The Tribunal will, by ancillary order, be able to provide that a decision of the Tribunal is to be implemented by a third party.

66—Special referees

The proposed section enables the Tribunal to refer questions to a special referee for the referees decision or opinion and to require parties to contribute to the costs.

67—Relief from time limits

The rules may provide for the Tribunal to extend or abridge a time limit for doing anything in connection with a proceeding.

68—Electronic hearings and proceedings without hearings

This clause enables the Tribunal to have proceedings using telephones, video links or other communication systems. It also allows the Tribunal to conduct proceedings solely on the basis of documents without need for a hearing.

69—Completion of part-heard matters

Under the proposed section, persons who no longer hold office as members of the Tribunal may continue to act in the relevant office for the purposes of completing part-heard proceedings.

70—Disclosures contrary to public interest

Under this provision, the Attorney-General may certify that disclosures of information, because of specified reasons (including national security or damage to inter-governmental relations) would be contrary to the public interest. The clause enables the President to order that the disclosure of such information is not contrary to the public interest. The Attorney-General may appeal against the President's order to the Supreme Court to confirm the public interest certificate and, if successful, the certificate continues to have effect and the President's order ceases to have effect.

71—Tribunal's duties as to protected matter

This clause provides that the Tribunal is to ensure all protected matter provided to it is returned to the person who provided it when no longer required by the Tribunal and is not disclosed in any way other than to a sitting member of the Tribunal. In addition, the Tribunal may allow disclosure of protected matter to a person to whom, with the consent of the President of the Tribunal has been allowed access, subject to any conditions imposed by the Tribunal.

72—Privilege against self-incrimination

The proposed section provides that persons are not excused from answering questions or producing documents or materials on the ground that this might incriminate them or render them liable to a penalty. However, any answer given or document or material produced in response to a requirement to answer or produce is not admissible in criminal proceedings against that person other than perjury proceedings or the offence of providing false or misleading answers.

73—Other claims of privilege

A person may not be compelled to answer a question or produce a document or other material in proceedings before the Tribunal, if the person could not be compelled to do so if the proceedings where before the Supreme Court.

Part 5—Reviews and appeals

Division 1—Reviews

74—Reviews

This clause makes provisions relating to the review of, or appeal against decisions of the Tribunal. The clause also inserts definitions necessary for the purposes of the proposed section.

Division 2—Appeals

75—Appeals

Under the proposed section, appeals from decisions of the Tribunal lie to the Supreme Court. This clause outlines the procedure in relation to appeals. Generally, the Supreme Court may, for example, affirm, vary, or set-aside the Tribunal's decision or make any decision that the Tribunal could have made, or send the matter back to the Tribunal for reconsideration.

Division 3—Related matters

76—Reservation of questions of law

This clause enables a Presidential member of the Tribunal to refer any question of law arising in proceedings to determination by the Full Court of the Supreme Court.

77—Effect of review or appeal on decision

The proposed section enables the Supreme Court or the Tribunal to stay the operation of the Tribunal's decision while the Supreme Court decides whether to grant leave to review or appeal and, if so, while it decides the review or appeal. If the Supreme Court or Tribunal does not make such an order, the review or appeal does not affect the Tribunal's decision or prevent implementation of that decision.

Part 6—Staff

Division 1—Registrars

78—Registrars

The proposed section provides that there will be a principal registrar of the Tribunal (to be known as the Registrar), as well as 1 or more Deputy Registrars.

79—Functions of registrars

This clause outlines the functions of the Registrar of the Tribunal.

80—Delegation

This clause provides for delegations by the Registrar of the Tribunal.

Division 2—Other staff of Tribunal

81—Other staff of Tribunal

This clause makes provision for the Tribunal to use staff made available for the purposes of the Tribunal.

Division 3—Use of services or staff

82—Use of services or staff

This clause allows the Tribunal to use the services, facilities or staff of a government department, agency or instrumentality.

Part 7—Miscellaneous

83—Immunities

This clause provides for the protection of members of the Tribunal, and other persons, who must perform functions under this Act or who are parties, legal representatives or witnesses.

84—Protection from liability for torts

A member of the Tribunal, or a member of the staff of the Tribunal, will be protected from liability in tort for anything done in the performance, or purported performance, of a function under this Act or a relevant Act.

85—Protection from compliance with Act

No liability will attach to a person for compliance, or purported compliance, in good faith, with a requirement under the Act.

86—Alternative orders and relief

This clause empowers the Tribunal to grant any form of relief that it considers appropriate, notwithstanding that another form of relief may be sought by an applicant.

87—Power to cure irregularities

It also allows the Tribunal to dispense with the fulfilment of conditions stipulated by the Act, or any other Act or law to the extent necessary for the purpose.

88—Correcting mistakes

This clause allows the Tribunal to correct its decisions or statement of reasons so as to rectify, for example, clerical mistakes or formal defects.

89—Tribunal may review its decision if person was absent

Under the proposed section, persons who did not appear and were not represented at hearings before the Tribunal may apply to the Tribunal for a review of the decision. The Tribunal may revoke or vary its decision. As far as is practicable, the Tribunal should be constituted by the same members who made the original decision.

90—Tribunal may authorise person to take evidence

The Tribunal will be able to authorise a person (whether or not a member of the Tribunal) to take evidence on behalf of the Tribunal. The Tribunal may authorise evidence to be taken under this section outside the State.

91—Miscellaneous provisions relating to legal process and service

This clause is a standard provision setting out how notices and documents may be served.

92—Proof of decisions and orders of Tribunal

Generally, an apparently genuine document purporting to be a copy of a decision or order of the Tribunal and certified as such by a registrar will be accepted in any legal proceedings as a true copy of a decision or order of the Tribunal.

93—Enforcement of decisions and orders of Tribunal

The proposed section enables a person seeking to enforce a decision or order of the Tribunal to file the order or decision in the appropriate court and that decision is deemed to be a decision of the appropriate court and can be so enforced. A definition of appropriate court is inserted for the operation of the proposed section.

94—Accessibility of evidence

This clause outlines the procedures that will apply where an application or member of the public seeks to inspect or obtain documentary material.

95—Contempt

Under the proposed section, the President of the Tribunal may deal with any act or omission that would constitute contempt of court if the proceedings were before the Supreme Court. The President of the Tribunal may refer the matter to the Supreme Court, or deal with the matter as a judge of the Court of which he or she is a member.

96—Costs of proceedings

The Tribunal will be able, in limited circumstances, to order that a party pay for all or a part of proceedings before the Tribunal.

97—Annual report

The President of the Tribunal will prepare an annual report, which will be tabled in both Houses of the Parliament.

98—Additional reports

The Attorney-General will also be able to request the President of the Tribunal to provide a report on a matter relevant to the administration of the Tribunal.

99—Rules

The proposed section enables the President and a Deputy President of the Tribunal to make rules for the Tribunal.

100—Regulations

This clause makes provision for the Governor to make regulations for the purposes of the measure.

101—Review

A review of the operation of the measure is to be conducted by 1 or more independent persons appointed by the Minister as soon as practicable after the expiry of 2 years from the commencement of Part 3 of this Act. The Minister must table a copy of the report resulting from the review in Parliament within 6 sitting days of receiving the report.

Debate adjourned on motion of Mr Gardner.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

Clause 12.

Ms CHAPMAN: We were dealing with the reportable contact amendment of the new definition of how that is going to imply. As I understand it, we are cutting out the first and second rounds and we are tightening up the definition. I have had a look at that during the luncheon adjournment and I certainly agree that is a very significant improvement. Because this is all part of

section 13, I was not sure whether the section 14 amendments affect that, so I would just like to clarify: what is the time frame for the party to give advice of their reportable contact incidents?

The Hon. J.R. RAU: It is in clause 19—new section 20A—and it is two days.

Ms CHAPMAN: My question then is: for this reportable contact, I take it that that is able to be done by electronic means?

The Hon. J.R. RAU: The commissioner can allow that, but that is a matter for the commissioner, I am advised. I think it is more particularly that the method of reporting is a method satisfactory to the commissioner, which would be a method that they could prescribe or indicate.

Ms CHAPMAN: What is the current position in what used to be unsupervised contact but which, under this amendment, is going to be reportable contact? What was the previous arrangement?

The Hon. J.R. RAU: I am advised that the standard presently is a personal report. This would maintain that, although I am advised that, should the commissioner say it would be satisfactory to do so by another means, he could.

Ms Chapman interjecting:

The Hon. J.R. RAU: The time frame? I am advised that it was 14 days, so we are shortening that time frame. The view was that, if you have had a reportable contact, the idea that you can wait 14 days before you tell anybody—if it is worth having it reportable, it is worth having it reportable in a timely fashion.

Ms CHAPMAN: In any event, this will be a matter that we will have a look at between houses. Obviously, there may well be some very good arguments for reducing the time to report it, but if it is going to be required to be personal unless other circumstances are agreed by the commissioner, then that can somewhat obviate the significance of being able to report early, if physical reporting cannot be achieved.

We will be looking for some predetermined provision for communication, so that that is automatically available, if we are going to have such a tightening of that time frame. In any event, we will have a look at that. It just seems that we are in a modern era. We are changing this legislation already and we are happy to accommodate some changes of place for reporting so that it is not so rigid and it is more convenient for the police (and, in fact, the offenders at times) to be able to have some flexibility about the nature of that reporting.

I think I am right in saying that the current act provides for a very extensive list of initial reporting matters and there is not going to be any relief from that. It still has to be name, former names, names of other parties residing with them, dates of birth, addresses, all the details of working (what you are doing, who you work for, address of work), members of organisations, motor vehicles you own or are driven by you, tattoos, permanent marks, guilty of anything from a foreign jurisdiction, whether you have been in gaol, whether you want to leave the state, membership you have in any telecommunications carriage, internet service, your passwords on every electronic device you can think of and probably your Twitter account too. I think we have 'chat room' in there but, in any event, if Twitter is not there, you can do it by regulation to ensure that it is there.

So, first up, it seems to be a pretty long meeting of disclosure and provision of all this information but the changes of all of these could be quite onerous and could require a lot of regular contact. We in the opposition will be looking to make that something that is not time-wasting for the police or indeed the party. We want to make it as easy as possible for them to report it and, if there can be a report and it is logged and recorded without being too onerous, that would be important.

It is one thing to make a party who is subject to this act have to go in and physically attend to something, but in terms of the time that is then taken with police personnel to actually receive that person, have them in the waiting room and deal with the recording, that personal contact is quite time-absorbing. We are keen to favourably consider abbreviations of time to do things, but we want some convenience included.

The Hon. J.R. RAU: I do not necessarily disagree with anything the member for Bragg has said about this. The only point is, I think, rather than the member for Bragg or me being prescriptive in this legislation about what meets the convenience of the commissioner, it would be wise for us to allow the commissioner to determine what meets the convenience of the commissioner and, as I said, if the honourable member wants to, she can have a chat with

appropriate police officers between the houses and ascertain their view about the matter, and understand their preferences for particular methods.

It could be as simple as this, if the individual bobs up in person, then clearly they are there. If the individual sends a text message, for all anyone knows they could be in Sydney or wherever. I do not know what the police view about that is, and my inclination would be to allow the choice of mode to be left to the commissioner, and if the commissioner was of the view that there was a disproportionate consumption of his staff's time being consumed in interviewing these people, weighed up against the merit of having the reporting done in person, as I understand it he has the capability of varying the reporting mechanism to suit himself, but I think that is something we will need to talk about between the houses.

Ms CHAPMAN: To complete that issue, we are not as keen, having been prescriptive in what the obligations are, and massively increasing the penalties in relation to this process, which is a monitoring process we go back to, rather than a primary offence-based offence and, so, we are keen to not make it inflexible and we have had advice to date including a number of things, and one is that there have been very few prosecutions since the introduction of this legislation. There are some 1,400 people on the register and we understand that. So, I suppose on the face of it, we who are sitting here in the parliament could reasonably assume that there has not been either a flagrant disregard for the obligations under this or, alternatively, someone out there is being lax in its enforcement, or perhaps a bit of both.

The Hon. J.R. Rau: Or they are not being detected.

Ms CHAPMAN: Or they are not being detected. But the processes here are not necessarily going to mean that there is going to be any advance on the detection and prosecution if there is a level of breach out there that we do not know about, and we have not had any evidence presented to us at the briefings or in the second reading from the government that there has been some wild level of flagrant disregard for this obligation. As I say, the penalties being imposed are very steep, and we are going to be giving a number of personnel that responsibility and, from the briefings we have received, we are advised there is going to be an increased number of personnel allocated and some budget allocation apparently for this.

So, the police know they are going to be given an extra job to do, and they have obviously successfully secured some extra resources to do it. In addition to the two items Mr Debelle has sought, of which the government has accommodated in this bill, and in addition to the attempts to provide some uniformity nationally in relation to this which are covered, there is a whole string of other things in this legislation, and we are about to have added to it another one from requests by the police to add in, which are not consistent with uniformity around Australia, they are additional things. We are keen to make sure that, when they come in, there will be some scrutiny on it. But, in any event, I thank the government for at least making a considered effort to find this question of reportable contact. It is certainly a significant improvement.

The Hon. J.R. RAU: I have listened to what the honourable member has said. We can speculate about why it is that there have not been a lot of prosecutions. I think it is one of those Donald Rumsfeld moments—we have got the known knowns, the known unknowns, and the unknown unknowns. I do not know what the answer is to that particular question but I do know that if you tighten up the reporting regime you are more likely to ascertain when people have been in default than if you do not. That is something we can continue to talk about.

As to the other point that the honourable member makes about uniformity, as the honourable member would know, I have at least—I hope she will accept—been consistent about my lack of slavish adherence to national uniformity principles for their own sake. If we wind up having a better model than other states, well, that is good for us. The mere fact that somebody else does not have it, or whatever, does not mean that it is necessarily bad that we do. It might be that, as South Australia has done for many years, we are setting the national tone and making progress here that others are yet to catch up with. That is not uncommon, particularly in the term of this government.

Amendment carried; clause as amended passed.

Clause 13.

Ms CHAPMAN: While we are on this clause, I will raise the question of reporting times, which also relate to the amendments to clause 16, amending section 16, so we come back to

another reporting time. I make the same comments as before, that we will look at that reduction from 14 to seven days and the format by which that reporting can be made.

The Hon. J.R. RAU: Where is this?

Ms CHAPMAN: I am finding it. Rather than going to all of them, on time, I am just trying to abbreviate that, so bear with me a moment.

The Hon. J.R. RAU: I will take on notice every issue about time. We can take that as read, and we will have further conversations about that, but the comment will be the same for all of them, though.

Ms CHAPMAN: That's right. The opposition will indicate whether we will ultimately move amendments on any of those. I am trying to whizz through those because 18 and 19 also have abbreviated time frames in relation to leaving the state, overseas travel, etc.

Clause passed.

Clauses 14 to 20 passed.

Clause 21.

Ms CHAPMAN: Here is the question about where they report to. My understanding from the briefing, minister, is that we are trying to make this more flexible. For example, if there is a number of people in a district or a region in South Australia, the police can make a determination to say, 'Look, the reporting place for all of the people in this region is going to be the Coober Pedy Police Station', or something of that nature rather than necessarily the one that is closest to a particular party. Is that my understanding of how that is going to work?

The Hon. J.R. RAU: Yes; I understand that the question is actually about clause 20 and, yes, the answer is that it does give the commissioner the power to direct a person to go to a particular place to report.

Ms CHAPMAN: Again in relation to clause 21, seeing we have already passed clause 20, this relates to how it can be made. I think I have made sufficient comment in relation to that, and we will look for some electronic registering of that in certain circumstances, so we will deal with that later.

Clause passed.

Clause 22 passed.

Clause 23.

Ms CHAPMAN: The question really on 'additional matters' is the clause we are on. If I can just clarify again this attendance at the police station which relates to the attendance at a nominated police station as approved by the commissioner, of course, plus the accompanying of another support person. Is there any amendment in this legislation to delete the support person in any way and/or I am assuming here that they will have an obligation to attend at the police station if they are going to be there as a support person to the relevant party?

The Hon. J.R. RAU: I am advised it is unchanged. They both attend together.

Clause passed.

Clause 24.

Ms CHAPMAN: My question in relation to clause 23, which is an amendment to 25, is this provision for the passport. What is the basis for the amendment here? How is this tightened up and what is the purpose of it?

The Hon. J.R. RAU: I am advised that currently there is no requirement to present a passport if they have got it, and this makes it that they must.

Ms Chapman: For what?

The Hon. J.R. RAU: Well, obviously, have passport; can travel. If you do not have a passport, you are not going to leave the country, so it is just an additional means of keeping a handle on them.

Ms Chapman: Making sure they can come back?

The Hon. J.R. RAU: We are making sure they do not go, perhaps; that is more to the point.

Ms CHAPMAN: The next question I have is on conditions of bail and relates to the amendments to the Bail Act, and I think the minister has something at clause 36.

Clause passed.

Clauses 25 to 35 passed.

Clause 36.

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

Page 20, after line 15—After inserted section 66D insert:

Part 5B—Publication of information about registrable offenders

66DA—Commissioner may publish personal details of certain registrable offenders

(1) The Commissioner may publish, on a website maintained by the Commissioner, any or all of the personal details of a registrable offender (other than a registrable offender who is a child) if—

(a) the Commissioner is satisfied that the registrable offender—

(i) has failed to comply with any of his or her reporting obligations; or

(ii) in purported compliance with Part 3, has provided information that is false or misleading in a material particular; and

(b) the registrable offender's whereabouts are not known to the Commissioner.

(2) The Commissioner may at any time—

(a) remove any or all of the personal details of a registrable offender from the website on which they are published under subsection (1); or

(b) again publish under subsection (1) any or all of the personal details of the registrable offender after their removal under paragraph (a).

(3) If—

(a) the Commissioner has published any personal details of a registrable offender under subsection (1); and

(b) the registrable offender subsequently reports his or her whereabouts to the Commissioner under Part 3,

the Commissioner must, as soon as is practicable after receiving the report, remove those personal details from the website on which they are published.

(4) The Commissioner may not publish any personal details of the offender under this Part that are provided under section 13(1)(f) or (g) under this Part before notifying any party to whom the personal details relate (or a representative of the party) unless such disclosure would compromise a police investigation.

(5) In this section—

personal details, in relation to a registrable offender—

(a) includes a photograph of the offender; but

(b) does not include any details that the offender reports under section 13(1)(e) or (ea) or any other details that would identify a child.

66DB—Commissioner may take into account certain matters

(1) In determining whether or not—

(a) to publish any personal details of a registrable offender under section 66DA(1) (*identifying information*); or

(b) to remove identifying information from a website under section 66DA(2),

the Commissioner may take into account the matters listed in subsection (2).

(2) For the purposes of subsection (1) the following matters are relevant:

(a) whether the publication of the identifying information about the person would interfere with—

(i) an investigation by police officers in relation to the person; or

(ii) the person's compliance with the reporting obligations of this Act; or

(iii) the operation of any order or requirement under a written law to which the person is subject;

(b) whether the publication of the identifying information about the person might identify a victim of an offence, or the school attended by a victim of an offence, committed by the person;

(c) the effect that the publication of the identifying information about the person might have on a victim of an offence committed by the person;

(d) whether, in statements made by the victim to the Commissioner, the publication of the identifying information about the person has been supported or opposed by a victim of an offence committed by the person;

(e) whether the publication of the identifying information about the person would increase the risk of the person committing offences;

(f) the Commissioner's assessment of the benefit to the community of the publication of the identifying information about the person;

(g) if the identifying information is about a person who is awaiting trial on a charge of an offence— whether the publication of the identifying information might prejudice the fair trial of the person;

(h) any other matter the Commissioner considers relevant.

(3) Before publishing identifying information, the Commissioner must take reasonable steps to consult with any persons that the Commissioner believes may be adversely affected by publication of the information.

66DC—Protection as to publication and other provision of information

(1) If the Commissioner determines in good faith—

(a) to publish or provide any information under this Part; or

(b) not to publish or provide any information under this Part,

no civil or criminal liability attaches to the Commissioner or the Crown by reason of publishing or providing that information or omitting to publish or provide that information.

(2) If information is published or provided by the Commissioner under this Part, that publication or provision of information is not to be regarded—

(a) as a breach of any duty of confidentiality or secrecy imposed by law; or

(b) as a breach of professional ethics or standards or as unprofessional conduct.

(3) In this section—

information includes identifying information referred to in section 66DB.

66DD—Conduct intended to incite animosity towards or harassment of identified offenders and other people

(1) A person must not engage in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a person as an identified offender or as a person associated with an identified offender.

Maximum penalty: Imprisonment for 10 years.

(2) A person must not engage in any conduct, otherwise than in private, that is likely to create, promote or increase animosity towards, or harassment of, a person as an identified offender or as a person associated with an identified offender.

Maximum penalty: Imprisonment for 2 years.

(3) A reference in subsection (1) or (2) to conduct includes a reference to conduct occurring on a number of occasions over a period of time.

(4) For the purposes of subsection (1) or (2), conduct is taken not to occur in private if it—

(a) consists of any form of communication with the public or a section of the public; or

(b) occurs in a public place or in sight or hearing of people who are in a public place.

(5) In this section—

animosity towards a person means hatred of, or serious contempt for, the person;

harassment includes threat, serious and substantial abuse and severe ridicule;

identified offender means a registrable offender whose personal details are published by the Commissioner under this Part;

public place includes—

(a) a place to which the public, or any section of the public, has or is permitted to have access, whether on payment or otherwise; and

(b) a privately owned place to which the public has access with the express or implied approval of, or without interference from, the owner, occupier or person who has the control or management of the place; and

(c) a school, university or other place of education, other than a part of it to which neither students nor the public usually have access.

66DE—Publication, display and distribution of identifying information

(1) A person must not, without having first obtained the written approval of the Minister, publish, distribute or display any identifying information.

Maximum penalty: Imprisonment for 2 years.

(2) In this section—

display means display in or within view of a public place, as defined in section 66DD(5);

distribute means distribute to the public or a section of the public;

identifying information means information that is identifiable as the personal details of a person published by the Commissioner under section 66DA;

publish means publish to the public or a section of the public.

The Hon. J.R. RAU: I have already spoken briefly about why we are doing this, and I will not repeat it. I move my amendment in the form foreshadowed in my amendment No. 1.

Ms CHAPMAN: This is the amendment foreshadowed by the Attorney yesterday during his rebuttal in which he indicated that he had had a request, late as it may have been, from the police to say, 'Look, while this bill is under consideration we want to be able to deal with people who go AWOL and we want to be able to publish their photograph in the daily newspaper or some other media to utilise this for the benefit of determining the whereabouts and apprehension of people we suspect who have not reported or, if they have, they have not reported fully enough.'

I would have to say that at first blush the determination by the commissioner to publish a photograph is concerning, given that this is not a publication of a photograph of someone who might have been identified as a possible party who has flown from an accident or scene of a crime or who, from time to time, the commissioner or other law enforcement body, have tried to seek the support of the community in identifying and reporting it so that they might be apprehended. That has its place and sometimes that is of assistance—especially if someone might have committed an offence in which they have used a firearm where it would cause some distress to the community.

Overriding that is the importance of the safety to the community where we publish a photograph and say, 'Look, please help. Anyone having information, please come forward.' From time to time, persons such as the Attorney announce financial rewards as some inducement to help.

However, this is someone who has failed to register. There is no threshold here for the commissioner in determining whether they publish the photograph based on whether there is some reasonable suspicion that the person is engaging in some other illegal activity. We have been through some discussion about whether or not that is an appropriate situation to have as a threshold.

The flipside of this, which you commented on yesterday, is that there may still be a reasonable heightening of risk that automatically flows from someone not registering their updated information. The risk to the public, however, is that a photograph is published which is sufficient to disclose the need to apprehend (or at least report this person) and the fear that that might induce in those viewing the photograph.

I am not necessarily putting this as a presentation for the privacy of the person concerned; I think that is an aspect to be considered. But just consider this: an advertisement goes in the paper, there is publication of the photograph, 'If you have seen this person, please report them to the police station' with or without disclosure of the fact that they have failed to comply under the

Child Sex Offenders Registration Act which, of course, would be very alarming to people. That then produces, I think, an unfair fear level in the general community. The alternate is that the photograph is published and there is no information provided as to why this person needs to be brought in. That is all kept secret to minimise the concerns of the community.

Either way, we end up with a situation—and let us assume this is the bald photograph: 'This person is wanted to be ascertained by police. If you have seen this person, these are his names or aliases that he has been provided to date and if you have seen him, please assist us.' That in itself will still raise some concern from the public, especially if the media identify this person as someone of interest to them. I would just like to know where this process applies anywhere in Australia and what are the same rules that apply to this that are different in that jurisdiction, if it applies at all?

The Hon. J.R. RAU: This particular element is derived from an equivalent provision in Western Australia but this proposal does not include other elements that Western Australia has, which is basically a public phone-in line where you can ask for information. There is no correct answer to this. It is a matter of balancing policy considerations. Remember that before this is triggered the individual must, first, be on the register, which means they are a convicted offender. Secondly, they must have failed to comply with reporting obligations or provided false or misleading information and their whereabouts have become unknown to the commissioner.

I guess I pose the question to the honourable member: you have Mr O'Shea who has failed to comply with his reporting requirements or you discover that what he has told you is wrong and he has disappeared. Given who that individual is, and given that he has become noncompliant on all those things, would that not be sufficiently alarming for the police to say, 'We think there is not an inconsiderable risk that some child somewhere might be at risk if we do not find out what this bloke is doing and where he is, so we want to find out where he is'?

It is not dissimilar, I suppose, to Crime Stoppers. They have a photograph on the news of an evening and they say, 'There has been a robbery. If anyone can help us identify this gentleman, he may or may not be the villain.' The point is that these people are being kept under surveillance for a very good reason and somebody who falls within this part has decided to become noncompliant to the point where the police do not even know where they are.

All I am saying is I accept that this is fairly strong medicine—I accept that—but the balance we are trying to strike here is between these individuals' rights to privacy (which is still a legitimate matter for concern) and the public interest in making sure that children are protected from predators. There is no objectively perfect place to strike that balance. All I am saying is that, as far as I am concerned, we have to err, where it is a matter of doubt such as this, on the side of protecting children from predators. I accept that is a fairly tough line, but this does exist in Western Australia and, in my opinion, the way that this will work, ideally, is this.

People on the register becoming aware of this will become particularly vigilant about being compliant because they will not want their photograph being sprayed around the place. If, in spite of all that, they still go out and misbehave and become noncompliant, frankly, I think it is not unreasonable for the police to say to the public, 'Can you help us find this character because we don't know where they are and they are noncompliant with reporting requirements?' or 'They have given us false information.' People of goodwill may differ about whether this is the appropriate place to strike the balance but I am just trying to explain that is why—and it does occur in Western Australia.

Ms CHAPMAN: So what is the difference between the format that applies in Western Australia and what is in here?

The Hon. J.R. RAU: Western Australia has an additional arrangement whereby the public can apply for information about who is their local paedophile, or whatever. We have not gone down that path because members might recall in Western Australia a few years ago there were some pretty Wild West type scenes when vigilante type groups got together and ran people out of town. That is not desirable. It is clearly not in the public interest to have that sort of public disorder going on. So, we have not gone with that bit, but we have gone with this bit.

Ms CHAPMAN: I appreciate that the Attorney is, I think, focusing on the inconvenience or embarrassment, etc., to the subject party, and the opposition is concerned about that, but that is not the most important issue. The most important issue is the fact that Mr O'Shea's photograph, if you use that as the example, is put in the paper. Those who may have been victims, or those who know the case, may be alerted and alarmed by that publication and that is a factor which also has

to be taken into account. I notice that under the government's proposed amendment, under 66DB, factors to be taken into account, it says:

> Before publishing identifying information, the Commissioner must take reasonable steps to consult with any persons that the Commissioner believes may be adversely affected by publication of information.

I am not sure who that is to apply to, so I ask that question. Also, is there any obligation, there or anywhere else, that the commissioner advises the victims, or families, who have been the subject of any primary offence of the party in question, because obviously they will be particularly concerned? If they see this person's photograph in the paper, or on a website, it is reasonable to assume that there is a problem and that could be very concerning to them.

The Hon. J.R. RAU: First of all, I understand the point. The second point is that the legislative scheme contemplates the website being the primary means, not TV. The third point, and I do understand the point the honourable member is making, but if you were a victim of one of these individuals, and fortunately for me I have not been, but if a person had been, it is a moot point as to what would be more concerning: that you became aware that the individual was noncompliant with the reporting requirements and their whereabouts were unknown to the police or that they had become noncompliant with the reporting requirements, their whereabouts were unknown to the police and you had absolutely no idea and you are likely to bump into them at a shop. Either way, it is potentially concerning for a victim, and I acknowledge the point.

Ms CHAPMAN: Who will be advised, under—

The Hon. J.R. RAU: It is a matter for the commissioner. Clearly, if there were obvious victims I would expect the commissioner would say something about that, but I am wary of being too prescriptive about some of these things. Take the example we put in here: all victims of the alleged person must be notified before you can do X, Y and Z. Let us assume the commissioner identifies two or three former victims but does not identify the next one, for whatever administrative reason, and then there is a publication and the person says, 'Hang on, you shouldn't have published that because you missed Joe Bloggs, who was another one of my victims. You now do not have the statutory protection to be able to do this. You are now in breach of the secrecy provisions attaching to this register and you are in all sorts of trouble.' I am not encouraging sloppy behaviour but let us not set up all these crazy trip-wires for people. Let us trust in the commissioner to have some reasonable common sense about how the commissioner does what they do.

Ms CHAPMAN: Just in relation to what is operating in Western Australia, and because this is something new we have not had a chance to have any briefing on it. How long has it been operating there? How often, so far, has the Western Australian commissioner determined to publish on their website cases such as this, and have there been any problems with that?

The Hon. J.R. RAU: Well, aside from what I told the honourable member previously about vigilantism, I don't have any other information to hand, but during the interval between here and the other place, I will ask those that advise me to have regard to your questions in *Hansard* and obtain answers for you.

Amendment carried; clause as amended passed.

Remaining clauses (37 to 40) passed.

Schedule 1.

Ms CHAPMAN: This is the provision for the amendment to the Bail Act to—I'm looking for your second reading—

The Hon. J.R. RAU: I can indicate: provisions to the provisions that apply relating to people who are charged with firearms offences. They are presently given what you would call default bail conditions which include non-association with firearms. It is a default position, which you then have to discharge rather than a position that the prosecution has to persuade the court to impose.

Ms CHAPMAN: The provision in the second reading which suggests this amendment can only be imposed or relief be given from the imposition of no-bail as such if there is a threshold test of the accused poses no risk to the safety or well-being of children. It is a very exceptional circumstance, I suppose, where they can have relief from this reversal of onus. Is that the position, as I understand it?

The Hon. J.R. RAU: Yes, but it might have been just the way the honourable member expressed that question. This does not prevent bail. It just imposes default conditions of bail which then, in (2ac), can be discharged if, in effect, the person convinces them there is no risk.

Ms CHAPMAN: I was looking back at this question of child-related work, because that has the same reference under section 4 of the current act.

The Hon. J.R. RAU: We've added taxis and so on.

Ms CHAPMAN: I am just coming to that. That is what I was just trying to find. So, the provision of transport for working in a hospital or foster care children, etc., is not covered under section 64, and you have chosen to cover people in taxis, and I think hire car services, as being added into that category. Is there some reason why we do not have bus travel or other forms of transport in which they are likely to be in contact with children?

The Hon. J.R. RAU: If you are a school bus driver, you are covered, yes. But, if you are just in an ordinary bus, I am advised the police view was that since there would be lots of adults around the place observing what you were doing as the driver, they did not consider that was a high-risk situation, because it was not the same as but similar to being in a public place with an incidentally passing child.

In a hire car or a taxi, there is the opportunity of that lengthy period where there is just the driver and the child, whereas if you are talking about a person who is driving the 264 bus, or whatever it is, there are people on and off the bus all the time, and they are, after all, driving the bus—and, as you know, keeping good time—so they do not have time to be stopping and doing the wrong thing.

Ms CHAPMAN: For the moment, I am not worried about the bus services or public services; I am more worried about those children who might be driven on a private bus for an activity. We have had in the parliament just today an example of a shocking case, of course, where there has been the allegation made that a person who is currently charged with offences has driven children across the border in a private bus for a club activity (gymnastics).

It seems to me that this is exactly the situation where if somebody were to be—not an alleged offender in that case, but someone who was participating in the transport—you already have, under subparagraph (p) of section 64, services for the transport of children. Now we seem to be singling out taxis and hire cars, who actually provide special services to a lot of our disabled children, for example.

The Hon. J.R. Rau: Exactly.

Ms CHAPMAN: We know that that can be a problem, but we also know that they are in high demand, obviously, for the provision of that service, because a lot of these children do not have suitably fitted access to be able to be mobilised in any other public form of transport because of their disability, or they do not have parents who are able to have vehicles and so on to drive them around. There is a heavy reliance for a number of those children on taxi and hire car services. I think there are some very good people in the taxi industry, of course, who provide that service, but it just seems to me that—

The Hon. J.R. RAU: It is only registered offenders who would be captured by this, so the ordinary taxi driver has nothing to worry about.

Ms CHAPMAN: 'Ordinary taxi driver'. Is there such a thing?

The Hon. J.R. Rau: Who isn't an offender.

Ms CHAPMAN: That's right. In any event, you say it is necessary to exclude those who might otherwise be very capable of driving adults around to be identified here for special exclusion?

The Hon. J.R. RAU: I am advised that this just formalises a practice that currently exists whereby things are run through Police, DPTI and the taxi board. I am told that this is what they do as a matter of course now, and that this is just formalising what they do.

Ms CHAPMAN: I can understand that for the purposes of the obligations for registration as a taxi person—and the Motor Vehicles Act or some other legislation would monitor that—but 'taxi service' has been put in here. It is unique in Australia, as I understand it. Rather than under the registration obligations or prohibitions that relate to any particular professional group (or, in this case, taxi drivers), which is where it would be in its normal list of exclusionary behaviour that would knock them out for consideration to be a licensed operator or driver in some way, for some reason

this is specifically in here. All I understand from the briefing is that the police have asked for this. It is unique and we do not have any explanation as to why they are singled out.

The Hon. J.R. RAU: I have to confess that, in thinking about this, I have been acutely aware of the fact that there are some people to whom this legislation applies who are not only children but they are also people who operate under a disability. We have had some absolutely disgusting episodes in the not too distant past here in South Australia which have involved people providing transport services for disabled children.

Ms CHAPMAN: Mostly buses.

The Hon. J.R. RAU: Mostly buses, indeed, but there is no reason to assume that we could not have a similar situation—perhaps even more frightening for the victim because they would be by themselves—where the person is driving a taxi or a hire car. I am not aware of any person who is currently a taxi driver who is also a person on this list, but whilst we were going through these provisions and considering how we could provide greater safety for children—and, in particular, children with disabilities—it appeared to me that it was sensible to consider whether or not there are other circumstances in which children are potentially left in an environment where there are no witnesses and they are in a private place at the mercy, so to speak, of an adult person who is a stranger. Where else would those things occur?

One example that came up—and it was to some extent informed by those horrible events with the bus drivers that you have mentioned—is the potential for somebody who is driving a taxi or a hire car to be in that situation. It will have no impact on the industry unless there are people in the industry who are on the register, in which case, quite frankly, I would not be happy with my child being driven to school or anywhere else with that person driving them.

Schedule passed.

Title passed.

Bill reported with amendments.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:28): I move:

That this bill be now read a third time.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:28): I just wish to place a couple of things on the record. Firstly, I thank those who provided briefings in this matter to date, particularly given the announcement of late additions in the amendments that we have dealt with and the Attorney's offer to have further briefings.

I just place on the record our request that somebody from the unit that currently manages this be available for such a briefing and that particulars as to enforcement and/or prosecution under the current act be available at the briefing, including detail of further resources that are proposed for the purposes of dealing with the enhanced version of this obligation under the monitoring role.

Finally, just to confirm and place on the record our concern about one other matter which is, I think, unique to this type of legislation, that is, the capacity to be able to stop a party from changing their name. I think that there is clearly some provision and some good reason at times for people to change their name. For the purpose of tracing a party, that could inconvenience the enforcement agencies and, so, quite obviously, the current obligation in having to report any change of name is important.

I think it should also be acknowledged here that, once a word or name has become tarnished, there can be a repeated penalty with publication, and sometimes an accused's name is flashed across the media during the course of a trial. With the association of that with a particular school or family or victim (even though child victims are not named), all of these things come back, and there can be very legitimate reasons why people change their name and want to be able to start afresh.

This is a matter which the opposition feels should probably be with a magistrate to make an assessment about whether a change of name is appropriate or not. The government has chosen that the commissioner attend to this provision of entertaining applications to grant consent to change of name under these amendments. I suppose it is indicative of the whole flavour of this legislation that, to have passed a law, we then come back and say, 'We're going to change a whole

lot of it and really just let the enforcers make decisions at their discretion about what is appropriate and what is effective.'

We do not want decisions to be made in respect of this type of legislation for monitoring and the enforcement of the monitoring to be based on resources or lack of resources of those who are having to do the enforcement, as distinct from risk to the community. That is inevitably a consequence if the person who is having to apply the resources is left with the discretion about whether they impose an extra or over-burdensome obligation on those who are bound by it.

That is the reason we have separate organisations to attend to the determination of these things. I note the government is going down this track. There is probably some room for some improvement to protect against some of this, but we do thank the government for at least having identified the reportable contact issue as a worthy attempt to remedy that problem.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:32): I thank the honourable member for her remarks. I would like to give her some very heartening news; I hope it is heartening news. Apparently, I am advised, next week arrangements have been made for the honourable member to be briefed by members of my department and also by SAPOL, South Australia's finest.

Unlike the honourable member, I am so not worried about the Commissioner of Police and other senior officers in SAPOL who are doing such a fine job for us every day out there in the streets defending us against these terrible miscreants, keeping an eye on these horrible fellows who are out there preying on children.

They are what stand between us being the civilised country that we are and having a chaotic and unsafe community. I pay tribute to them for the great work that they do, and I have perfect confidence that the men and women of SAPOL and their commissioner and all of those who work in that fine organisation will bring their very best intentions to bear, because they do not want recidivist sex offenders out there preying on children. I know they do not want them out there preying on children, and I know they will do their best to make sure that these provisions are exercised with discretion and to make sure that the safety of our young people is absolutely paramount.

I will arrange all of those briefings for the honourable member. I am confident that SAPOL will be delighted to be there and provide her with whatever answers she requires to her questions.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June 2013.)

The DEPUTY SPEAKER: The Deputy Leader of the Opposition, she hardly misses a trick.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:36): I rise to contribute to the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill 2013 debate, and indicate that the opposition will be supporting this bill. I will be the lead and, I expect, only speaker on this matter.

The DEPUTY SPEAKER: You have unlimited time.

Ms CHAPMAN: Don't encourage me. This is a bill which follows the Australian Labor Party's commitment at the 2010 election in which they stated:

> A re-elected Rann government will bring to an end...some offenders 'getting away with it lightly'...the option to suspend a term of imprisonment will be removed altogether for some repeat offenders.
>
> Where an offender has already been on a suspended sentence within the three years preceding the commission of the offence that is the subject of sentencing, the offender will not be eligible to receive another wholly suspended sentence.

Tough words from the authors of that, including the premier of the day, who has since gone, and 3½ years later we are here with some annunciation of that promise. The Attorney-General followed through with this bill, tabling it here on 5 June. The current position under our Criminal Law Sentencing Act is that a sentencing court must determine whether good reasons exist in order to suspend an offender's sentence.

We have been advised that in the early 2000s there was a trend for the courts to interpret 'good reasons' as 'exceptional circumstances'. In the case of R v Fowler the Supreme Court explained the difference between 'good reason' and 'exceptional circumstances' (R v Fowler [2006] SASC 18). The court concluded that the 'good reason' test for the purposes of deciding whether to suspend a sentence:

> ...requires the sentencing judge to consider all of the circumstances of the instant case and make an assessment as to whether those circumstances give rise to good reason to suspend the sentence.
>
> On the other hand, the 'exceptional circumstances' test implies that the sentencing judge ought to compare the circumstances of the instant case with other cases and determine whether there are aspects of the instant case that set it apart from the other cases and thereby justify an exercise of the discretion to suspend.

The statute required good reasons so that a lower threshold test was applied. The exceptional circumstances test has been used in relation to suspended sentences for serious firearms offences. We are advised that the bill will effectively affirm the earlier trend in the courts to require an exceptional circumstances test when deciding whether to suspend the sentence of imprisonment, but only in relation to a limited range of offenders. They are: repeat violent offence and serious and organised crime offence.

In the case of the former, a repeat violent offender is one who has committed a designated range of serious violent offences prescribed in the bill within three years of being sentenced to a suspended sentence for another designated offence. The three-year period for them begins to run from the date the first suspended sentence was imposed and the 'relevant date' as to the second or subsequent offences is the date of the offence, not conviction or sentence. This offence can include one committed as a youth.

I think that is an important closing of the gap in the sense of the application of what has happened in the past—people constantly adjourning cases to get outside of the relevant periods. Of the latter, which is the serious and organised crime offence, these are prescribed by the bill and go beyond the offences in the serious and organised crime legislation to include offences against the Controlled Substances Act 1984, involving the trafficking of a large commercial quantity of a controlled drug whether or not aggravated by the above circumstances.

Again, whether somebody is in an organised crime gang or whether they are acting alone, we all agree that trafficking of drugs is a very serious offence and the opposition understands why this subsequent aspect of covering persons under that act is also to be included. It is noted in a budget bid from November 2012 concerning the expected costs of the scheme that:

> ...this reform will result in an estimated maximum of 34 prisoners per day in the prison system immediately following the introduction of the new law, evening out to 18-27 extra prisoners per day over time. Extra capacity with the prison system will be required to allow for the expected increase in prisoners.

Accordingly, the bid to cover this extra capacity that would be needed to be invested for 30 additional prison beds was $9.8 million. The government has provided a briefing on this bill and we thank it for that. It was claimed there that there has been sufficient provision in the budget to cover this. I would hope that in some response from the Attorney—I do not necessarily want to go into committee on it—he is able to provide some reassurance in that regard.

For the record, the opposition is interested in looking at some other areas of reform in respect of suspended sentencing and some of the problems that are highlighted by this bill. It is a somewhat cherrypicking response to some of these issues, but rather than traverse these today, we will look at a much broader reform of suspended sentences rather than identifying these aspects and what may ultimately result in another problem being born, especially if there are inadequate resources provided. I look forward to hearing the Attorney's reassurance. The opposition supports the bill.

Mr VAN HOLST PELLEKAAN (Stuart) (16:43): I just wanted to touch on something that the member for Bragg talked about with regard to prison capacity. Could the minister, in his remarks or during committee if that is more appropriate, confirm what calculations the government has done with regard to prison capacity because we all know that it is very tight already. I believe it is 34 extra beds that will be required for this program if it is passed. Could you advise the house not only where the funding and where the 34 extra beds will come from but also the government's calculations with regard to prison capacity and when it will be reached if this legislation is passed?

The Hon. R.B. SUCH (Fisher) (16:44): I just make the general point that I do not believe that we should restrain judges and magistrates in their role. For example, I am against politicians or Executive Council interfering with the recommendations of the Parole Board—and that is a different

issue to today. But I just make the general point that there is not much point in having judges or magistrates if you are going to clip their wings all the time and put the handcuffs on them when it comes to the decisions they make. So I have some concern about restricting them. I know this bill does not totally take away their discretion in respect of suspending a sentence, but I think we have to be careful because there is a bit of a climate of 'lock 'em up forever'—all of this sort of stuff—and it does not work.

I know you have to lock up people who are an ongoing threat to the community and I do not have a problem with that. I think we have to be careful we do not get into what is, in effect, a law and order auction where we see who can outdo the other in terms of the harshest penalties, the longest sentences and less consideration by the Parole Board and all of that sort of thing. I think it is a very dangerous slippery slope to be engaged in.

So I just use those words as a caution. I think we have to be very careful—particularly in the lead-up to an election—that we do not get the government or the opposition (or anyone else) engaging in this sort of auction, if you like, to see who can be the toughest or who can be the harshest. We know from history by the way the convicts were treated, that even if you whip them and hang them, and whatever, it does not do a lot to alter the crime rate. People will still commit crimes, unless you tackle the fundamental underlying causes. So I just make that brief comment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:47): I thank everyone who has contributed and I thank everyone, in particular, for the succinct nature of their remarks. Can I say that this is another example of where the community has actually spoken quite loudly. The community has constantly said, in so many ways—and I am sure all of us have heard it, and I know the member for Stuart would have heard it in his tours around the state—'Look, we have the good men and women of SAPOL out there catching these characters; they go to court and they are out; they reoffend, they go to court and they are out again.' Some of this is urban myth—that is my first point. Some of it refers to people who I know are committing a criminal offence but they do not pose a serious risk to other people's safety or lives.

For example, a person who is a repeat shop stealer is not somebody whose behaviour I condone, but the impact on the community of having somebody who has pinched a pair of pants from David Jones and who goes back out on the street and then pinches another pair of pants—I know David Jones do not like it, and I am not saying it is good—but there is an ocean of difference between that and somebody who has belted somebody within an inch of their life and then within a few weeks goes to court, is charged, goes through the system and comes out on some sort of conditional licence or conditional release and then they do it again. That is a completely different kettle of fish. I do understand why the public get concerned about that and I do understand why the police get concerned about that.

So this legislation is intended to target those people whose behaviour is so obnoxious and so dangerous to other people that they have demonstrated by their repeat offending that they cannot be trusted to get their act together and behave and they are not being put in gaol, member for Fisher, so much to actually necessarily reform them. These people are at a point where they are being put in gaol to stop them hurting somebody else, and that is the point.

The next point is, the member for Fisher said that we are getting rid of the discretion of the court. That is not true. What we are doing is we are saying to the court that the bar is higher for these repeat offenders; these people who have demonstrated they just do not want to get with the program. For these people, we are saying 'a good reason' which, members might be interested to know, has basically been defined by the courts—and I do not mean to be frivolous about this—as basically meaning any reason that stands up to any sort of—

Ms Chapman interjecting:

The Hon. J.R. RAU: A good reason, for example, might be, 'I'm a carer. I've got a relative at home that I look after, and it's a good reason I don't go to gaol because it would inconvenience the relative.' That is an example of what might be a good reason. That is all well and good and I am comfortable about that and this legislation is comfortable with that being the test for the first time the person goes out and commits one of these offences; but, by the second or third time they have committed one of these offences saying, 'I've got to look after mum,' or, 'I've got five cats and a budgerigar. What's going to happen to them?', we are saying at that point the test is not whether they have got a good reason. The cats and the budgerigar do not pass muster any more. The test

is whether there are exceptional circumstances that mean that person should not go to gaol, but it is still in the hands of the court.

Member for Fisher, do I expect the court to find it harder to let these people out? Yes, I do. We make no apology for that, because that is the whole point of this. This is intended to send a very clear message to these repeat offenders. Bear in mind that they are not first time offenders and not even second time offenders. They are repeat offenders—people who have demonstrated a pattern of behaviour which is dangerous to fellow citizens.

As to the question about resource implications, I am advised the situation is this. It was estimated at one point that there would be a peak of 37 additional prisoners within 14 months followed by a decline to around 10 to 20 additional prisoners, and that estimation assumes no deterrent effect whatsoever. It assumes no modification in anyone's behaviour: it assumes that everybody who in the past has continued statistically to behave like this continues to keep statistically behaving like this, and that nobody thinks, 'Do you know what? It's not worth my punching this bloke in the head tonight because I'm going to wind up in gaol.' It assumes nobody is ever going to mend their ways, at all.

I am also advised that the position that Corrections have taken on this is that there will be, from their point of view, a marginal acceleration of demand for additional capacity in the prison system. That is the way they explain it. I have received no information from Corrections to say they cannot manage this. I have to say that part of the reason this measure is so targeted is that we did wish to be responsible in terms of not only just locking everybody up, which would be unreasonable for a whole bunch of reasons, but also not to put unreasonable strains on Corrections. We were very careful in selecting the group of individuals that we wanted to see locked up.

As I said, the summary of Corrections' position was that these measures, targeted as they are, would result in a marginal acceleration of demand for additional capacity in the prison system. So there is already an incremental increase in demand for capacity in the prison system and this would result in a marginal step-up of that progress.

It was clear, when this matter was being discussed, and it was discussed for a while, that ultimately Corrections were able to accommodate this. But I do say this to the opposition, because the member for Bragg did suggest that there may be something about to come out from underneath the cloak. If the member for Bragg and her colleagues decide that they wish to broaden the category of people who might be caught in this type of regime, the point about Corrections is not an insignificant point because, if you did decide that every single person who was a multiple offender, for every kind of offence, would not get repeat suspended sentences—

Ms Chapman: Nobody suggested that.

The Hon. J.R. RAU: No; I am not putting words in your mouth, I am just saying that, hypothetically, if one did, that would have an impact on corrections, a significant impact on corrections. That is why this bill is targeted as it is. We have tried to balance, on the one hand, identifying these people who are a menace to other members of the public and who the police have to catch once, twice or three times, and who have committed very serious offences. We want to isolate that group of people and say, 'Right, you mob have been taking advantage of the fact that the law has been interpreted in a certain way. For you people, once you get yourself into that category, the law is going to be different when they consider what they do with you.'

That is what we are doing and, quite frankly, I think that is what we should be doing, and I think the community thinks that too. I think the community will be very appreciative indeed that the opposition is supporting this measure because it is good for the community to see that the parliament agrees on important things, and we all agree that protecting the community from these violent and irresponsible people is one of the important things that we are here to do. So, I thank the opposition for its support.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

VISITORS

The DEPUTY SPEAKER: Before I introduce the next speaker, could I acknowledge that the Police Association is in the chamber. It is good to see both Mark Carroll, the president, and Tom Scheffler, the secretary, who are with us. You are very welcome.

STATUTES AMENDMENT (POLICE) BILL

Adjourned debate on second reading.

(Continued from 19 June 2013.)

Mr VAN HOLST PELLEKAAN (Stuart) (16:57): It is my pleasure to rise on behalf of the opposition and speak on the bill in front of us, the Statutes Amendment (Police) Bill 2013. Let me say at the outset that we have no intention of opposing the bill. I do have some questions to ask, primarily by way of clarification, just to be sure that everybody fully understands what is going on. I have also filed two amendments, which I hope the minister has received and the government has had a look at. They are very straightforward. My intention is to move only one of the amendments that have been filed, and I will come to that a little bit later on.

What I would like to say, in the time that I have available, is that it is unusual to have so much of what is, essentially, a workplace agreement in a piece of legislation. I fully understand the importance and the unusual nature of police, their work, their responsibilities and, in fact, their obligations to the state as well. I understand that there is a connection there, but I would like the minister to address in his closing remarks and/or the committee stage, whichever he prefers, his exact understanding of why so much of what would in any other public service work agreement essentially come outside of legislation, outside of an act, a bill and outside of regulations.

The current act does address much of police responsibilities, and that is very important and appropriate, but it does not go into the sort of detail that we are dealing with here in this act.

For the benefit of the house and for the benefit of people who might actually be having a look at *Hansard*, I will touch on a few of the key things with regard to police responsibilities that are in the act, because I suspect that the broader community underestimates the roles and the responsibilities that our sworn police officers have to our state. Obviously, their primary function to be out there in the community preventing crime, ideally, and apprehending criminals when necessary is out there, but section 5 of the current act provides:

> The purpose of SA Police is to reassure and protect the community in relation to crime and disorder by the provision of services to—
>
> (a) uphold the law; and
>
> (b) preserve the peace; and
>
> (c) prevent crime; and
>
> (d) assist the public in emergency situations; and
>
> (e) co-ordinate and manage responses to emergencies; and
>
> (f) regulate road use and prevent vehicle collisions.

That all seems pretty straightforward, of course, but it is perhaps an oversight of the community quite often that the very first responsibility is to reassure and protect the community. I think that is probably not recognised as a very important part of their role as often as it should be. In sections 6 and 7 the act talks about very important matters, as far as I am concerned:

> Subject to this Act and any written directions of the Minister, the Commissioner is responsible for the control and management...

So, subject to written directions of the minister, the commissioner is in charge of everything, so that is quite an important thing. Section 7, though, provides:

> No Ministerial direction may be given to the Commissioner in relation to the appointment, transfer, remuneration, discipline or termination of a particular person.

The reason I read them out for the house is because the combination of those two things, sections 6 and 7, are quite relevant to this act, which includes so much of what essentially is industrial relations. Section 28 of the current act provides:

> It is a condition of appointment as an officer below the rank of Assistant Commissioner—

So, not assistant, not deputy and not the commissioner—

that the officer is to meet performance standards as set from time to time by the Commissioner.

Now, what we are seeing here, again, is not necessarily a problem, but I would like the minister to give us his understanding of why it is here. A lot of those things are now included in the bill and the regulations that will follow on from the bill. Section 37 of the current Police Act is titled 'Code of conduct'. This code of conduct is something that is referred to many times in the bill and provides:

> The Governor may, by regulation, establish a Code of Conduct for the maintenance of professional standards by members of S.A. Police and police cadets.

That certainly is quite appropriate, but there is also section 38, 'Report and investigation of breach of Code', section 39, 'Charge for breach of Code', section 40, 'Orders for punishment following offence or charge', and it goes on. I will not hold the house up too much with that, but there are clearly areas of this bill that link to the act, and there are areas that do not link to the existing act.

I ask the minister quite earnestly to just give us his understanding of how he, SAPOL and the Police Association (because they are obviously a very important and vital partner in these negotiations) have decided what is in the bill, what is in the regulations and what will remain in what would be code of conduct or other employment conditions.

I am advised by SAPOL, the minister, the minister's advisers and also by the Police Association of South Australia that what is in this bill has been agreed by all those parties. No doubt, any of those parties perhaps would have liked to achieve a bit more, but I am assured by both parties that they are comfortable and they agree with what is in the bill.

I did ask the minister's adviser when he was telling me that the Police Association had received written confirmation of agreements that would end up being in the regulations, but unfortunately those regulations had not been written yet and not been drafted and so they could not be seen.

I was given a commitment by one of the minister's advisers that I would get a copy of that written confirmation. Unfortunately, it has not been possible for the minister to provide that. I am still not sure exactly why, but I do have it on the authority of the Police Association that they are comfortable that everything in the bill is okay with them. No doubt they would have liked to achieve more on behalf of their members. I take the minister, his staff and the Police Association at their word on that very important point.

I would just like to step through what are, from my perspective, the key things—certainly not everything, but the key things—that come to light out of this bill. Probably the most significant one is what is contained in sections 37 and 41. As part of the South Australia enterprise agreement 2011, it was agreed between Department of the Premier and Cabinet, South Australia Police and the Police Association of SA that all parties would support the introduction of legislation that enables mandatory alcohol and drug testing in certain circumstances.

I am sure that everybody involved, and the public at large, would think that was good. The purpose of drug and alcohol testing for police officers is to ensure that officers are fit to perform their work and also not compromise their own safety and the safety of fellow officers and members of the public. The government's bill proposes that alcohol and drug testing be permitted only in certain circumstances and makes no provision for random testing. The bill proposes that a member of SAPOL may be required to undergo alcohol and drug testing for any of the following circumstances (and this applies to cadets and officers):

- following a critical incident, defined as an incident where a person is killed or suffers bodily injury while detained by police, or where a firearm or taser is discharged, or where physical force is used. This seems pretty straightforward; it is a good description of a critical incident;
- following high-risk driving, as is defined in the police operational guide;
- where there is a reasonable cause to believe recent consumption of alcohol or drugs—not just a suspicion of use, but a reasonable cause to believe—has occurred; and, lastly
- a police officer applies for a classified position such as a special task and rescue group position, major crash, surveillance team, witness protection, or a position on the APY lands.

A person who is applying to join SAPOL will also be required to submit drug and alcohol tests. That seems pretty straightforward. When we get to the committee stage, minister, I will move an

amendment. I will move only the first amendment that I have filed. Essentially, that is to propose that we change the suggestion that members of SAPOL may be required to undergo alcohol and drug testing under those certain circumstances to say that they will be required.

In the briefing that I had from SAPOL and the minister's staff, I asked why it is 'may' rather than 'will' under those circumstances. It was explained to me that there may well be times were operationally it is just not practically possible to do that. I accept that explanation, but I and the opposition would still much rather that the bill, and potentially the new law, made it very clear that SAPOL officers under those circumstances will be required to undergo drug and alcohol testing and also, very, very clearly, unless it is not possible.

Minister, in relation to the two amendments I have filed, I have a strong preference to just file the first one, which still leaves it up to the commissioner's discretion. The commissioner still then has some discretion to delve into the issues and explain, in any circumstance, why on that occasion it may not have been possible. If the government does not agree to that, then I will move the second amendment as well, which takes it outside of solely the clause that gives the commissioner the discretion. Lastly, on this section relating to drug and alcohol testing, a drug for this purpose is defined under the Controlled Substances Act and details of procedures relating to the testing will be determined in the regulations. Again that is detail that I understand that the PASA and SAPOL have come to agreement on.

It might also be interesting for the house and people who follow this debate to know what happens with regard to drug and alcohol testing in other jurisdictions. To the best of my knowledge, in New South Wales there is mandatory testing in certain circumstances and random testing for any off-duty police officer, and approximately one in three officers are tested randomly each year.

I have had discussion with the President of the PASA, Mr Mark Carroll, and he has explained to me some of the difficulties that random testing can provide, so I am certainly not pushing for that. This is purely by way of comparison. In Victoria, there is mandatory testing in certain circumstances and random testing of police officers in high-risk units. In Queensland, there is mandatory testing in certain circumstances and there has been ongoing consideration of random testing, but no current proposal exists.

In WA, there is mandatory alcohol and/or drug testing in certain circumstances. In Tasmania, there is mandatory alcohol and/or drug testing in certain circumstances and, in the AFP, it is much broader—as and when directed by an approved person. I would be very comfortable if SAPOL were to fit into that description of other states by exactly what is described in the bill except with the change that they 'will be tested' rather than that they 'may be tested' under those certain circumstances.

Another important aspect of this bill is flexibility with regard to probationary periods and that relates to section 27. There is no provision in the current act for the commissioner to amend the probationary period for a probationary constable, or immediately following the promotion of the officer to a new rank. This may be appropriate if a probationary officer is absent from duty other than for recreation leave.

This amendment will provide the commissioner the flexibility to extend the probationary period for an officer who is absent from duty, providing him or her with additional time to fulfil any outstanding probationary obligations. I think that makes great sense; it gives good flexibility. There are numerous reasons why an officer may need to be off duty for an extended period during his or her probationary period and I think it makes sense to have the option to extend the probationary period in those circumstances.

Of course, we would all be reminded of the very unfortunate situation where, recently, Probationary Constable Tung Tran was very seriously injured in the line of duty. Quite clearly, through no fault of his own, he was not able to complete his duties as a police officer in the time allocated for probation, and there are many other far more pleasant reasons why that might be an appropriate amendment as well. I certainly have no hesitation.

Appeals in respect of discipline are dealt with in section 46. Under current legislation the police commissioner has the authority to impose a punishment on an officer found in breach of the police code of conduct or found guilty of an offence against a state, territory or commonwealth law. Surprisingly—and good on SAPOL and PASA for changing this—currently an officer has a right of appeal if he or she has breached the code of conduct but no right of appeal exists for an officer found guilty of an offence against any state, territory or commonwealth law. This really just tidies it

up and gives that right of appeal under both those circumstances, so I think that is very appropriate.

Another key aspect of this bill relates to section 67, concerning suspension of the powers of the police officer when absent for extended periods. Again, I think this is really good common sense. It is similar to the option to extend a probationary period. When police are sworn in, they are granted certain powers and responsibilities which exist even if they are off duty or absent from work. This remains the case even if the officer is absent for an extended period due to physical or mental disability.

It does make great sense that if an officer is off duty for an extended period of time due to physical or mental disability and, potentially, some other reasons as well, that some of the powers that that officer has should be suspended. That is not necessarily in any way a criticism of that officer either. It might just be completely appropriate for that purpose that the powers and the responsibilities that that officer has be suspended, because it is important not to forget the responsibilities that officers have even when off duty, and it might be quite burdensome for them to bear those responsibilities as much as the powers that they have when away from work.

Regarding sections 59 and 61, verbal appointment of special constables, minister, I will have a couple of questions in committee so that I can understand the detail about this. Essentially this is saying that currently the commissioner can authorise a special constable in writing. Quite understandably, in practice, it may not always be sensible or even possible to do it in writing, and it gives the verbal authority to do that followed by written confirmation later. We can all imagine situations where it may not be quite possible for the commissioner to put pen to paper before the support of that extra person may well be required. Minister, I will ask a couple of questions in committee about the detail regarding situations such as how do you transmit the commissioner's verbal authority, etc., and that sort of thing later on, but I certainly support that aspect of the bill.

Moving on to some of the things which are more about industrial relations, enterprise bargaining or workplace agreements (whatever the right term is), section 55, right of review by unsuccessful applicants when the position is not filled. Under the current legislation when a member of SAPOL wins a position of promotion, the selection decision is published in the *Gazette*. Any officer who also applied for that position and was unsuccessful can ask to explore the reasons why, but if the position was not filled, if none of the applying officers was considered to be appropriate for that position, right now it is not possible for any of them to essentially inquire as to why they were unsuccessful. This part of the bill gives that opportunity, even if the position is not filled, and I think that makes good sense. Transparency in one situation is quite as appropriate as transparency in another.

Section 7, suspension without pay, again is about workplace conditions but it does have some very sensible operational connections. Under the current legislation, the commissioner has the authority to suspend an officer's appointment including his or her remuneration; however, remuneration may not be withheld for more than three months. No doubt that was a safeguard put in to protect officers but I think we would all understand that there are occasions where that is a safeguard that might actually be far too advantageous to an officer. This is not about saying that withholding of remuneration must be extended but it certainly has that option.

The amendment seeks to allow the commissioner to withhold the remuneration for more than three months if the person has been committed for trial for a serious offence or the person has been found guilty of a serious offence, or the person has admitted or been found guilty of a breach of the police code of conduct where the most likely outcome is termination of the person's appointment. A serious offence means an offence that is punishable by imprisonment of two years or more.

Minister, I ask you to put on the record that if remuneration is suspended for any of these reasons, for three or more months—less than three months, more than four months, that is not the point—but the person is actually found not guilty that their remuneration would be repaid. Whether you choose to put that in your closing comments or deal with it in committee, I would be comfortable either way, but I would like you to address that.

Moving on to the public intoxication issues and the responsible officer, in this bill there is a change to the responsible person for the Public Intoxication Act, which is currently the police station officer in charge. We would all understand that in some situations it is quite appropriate and quite easy to implement that the officer in charge fulfils all the obligations of a responsible person, but certainly there would be plenty of times where that would not be possible. So, essentially, this

amendment allows the officer in charge to have an additional person. It is not instead of, as I understand it, but there can be, under the Public Intoxication Act, an additional responsible person to help with matters that fall to the police in police stations under the Public Intoxication Act.

Minister, as I said, the opposition is certainly not opposing this. I will have some questions to ask you in committee. For me, most of this is very straightforward. I appreciate the fact that your office and SAPOL officers, Assistant Commissioner Neil Smith and Detective Superintendent Scott Duval, came and gave that briefing. There was a mix-up with regard to written confirmation that was going to be provided, but certainly your office, SAPOL and the president of the Police Association have confirmed that you agree, so I cannot ask for better than that anyway. I will just wind up there and, as I said, I will move one of my filed amendments when we get to the committee stage.

Mr PEGLER (Mount Gambier) (17:21): I will be very brief and just intimate that I will be supporting this bill; it is a step in the right direction. It quite surprised me that there was a process for drug and alcohol testing of police. You see that in most workforces nowadays, and I would have thought that, with the police and the situations that they often find themselves in, we would already have had in place a process for drug and alcohol testing. I certainly support that.

I also support the circumstances for testing rather than just having random testing. I think this is important in relation to any person who is applying to join SAPOL, or a police officer applying for a designated classified position, or following high risk driving incidents, or where a defined critical incident has occurred involving a death or serious injury, and also where there is reasonable suspicion of drugs or alcohol being consumed by that officer. I certainly support that rather than a random testing position. I also support the other parts of the bill, particularly on the probation periods and also the promotional aspects of the bill. I will be supporting the bill.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:23): I will be reasonably brief. We the government will not be accepting either of the amendments. The reason for our inability to accept either of the amendments, particularly the first of the amendments, is that this legislation—and the opposition spokesperson alluded to it—is essentially about industrial relations. This bill flows out of an enterprise bargaining agreement that was struck in 2007. One of the central points of the enterprise bargaining agreement was that there be drug and alcohol testing.

Since 2007, I think it probably would be fair to say that there has been lengthy if not tortuous progress towards the content of the bill before us. That has involved SAPOL, that has involved the government and it has also involved the police association.

We start with an EBA in 2007 that broadly defines where we want to end up today. We worked through the process, we get into the house, general concurrence on the part of the three parties and we then have brought in at extremely short notice—in fact, when I came into the chamber I did not have the amendments in front of me, so at the very last moment—two amendments introduced that I believe will be broadly unacceptable to the parties that struck the enterprise bargaining agreement. For that reason, we will not be accepting either of the amendments. So with that indication, I conclude my remarks.

Bill read a second time.

In committee.

Clause 1 to 8 passed.

Clause 9.

Mr VAN HOLST PELLEKAAN: Clause 9, going down to line 25, paragraph (d), talks about critical incidents. Paragraph (d) is 'as a result of alleged police action'. Can you just clarify what that would mean and give some examples please?

The Hon. M.F. O'BRIEN: That is a coverall to ensure that no action, or alleged action, by a police officer is not covered. Paragraphs (a), (b) and (c) are quite specific, so we thought we would include (d) just to ensure that there was nothing that escaped the net. If it does not fall into (a), (b) and (c) and it involves a police officer, it is picked up.

Mr VAN HOLST PELLEKAAN: It is meant to cover any other possibility then?

The Hon. M.F. O'BRIEN: Yes, it is basically an insurance clause, if you like.

Mr VAN HOLST PELLEKAAN: I move:

Page 6, line 10 [clause 9, inserted section 41B(2)]—Delete 'may' and substitute 'will'

I will not take too long because we have both put our perspectives forward. I appreciate that the minister has said that he feels bound to keep the proposed changes to the act exactly in line with what, presumably, his predecessor, SAPOL and PASA agreed a couple of years ago. I feel bound to try and improve the bill as much as possible. I understand the reality that it may not be possible to do drug or alcohol testing on every single occasion that fits the criteria when it would be required, but I am not comfortable with just leaving it at may happen. So if there is a critical incident; or if there is a driving situation; or if there is any one of those other categories, it might happen.

I think it would be wrong to have it any other way than to make it very clear that it will happen, unless it is not possible. That is what this amendment does. I think to say, 'Well, because on occasion, very, very rarely it might not be possible, so we will just leave it at may' is not appropriate. I think it is far more appropriate to say it will happen unless not possible. So I feel very strongly about this amendment and so I move it.

The Hon. M.F. O'BRIEN: As I indicated, the government will not be accepting the amendment. If I could just give an example, we want to retain the discretion, and that discretion would be exercised by the commissioner. Just to go back to the previous page to the explanation or definition of 'critical incident', the member for Stuart sought explanation of paragraph (d). Looking at paragraph (c), critical incident is defined as an incident where a person is killed or suffers serious bodily injury 'in circumstances involving a police aircraft, motor vehicle, vessel or other mode of transport'.

Just by way of explanation and to indicate the reluctance of SAPOL, particularly the Police Association, and the government to accept the proposition, if a single-engine police aircraft suffered catastrophic engine failure and crash landed and one or two of the passengers were killed, our view is that it would be unacceptable to subject the pilot of that aircraft to a drug or alcohol test, because there would be an inference that in some way the pilot was responsible for the crash.

After an investigation had been carried out by the Civil Aviation Authority which determined that it was clearly a mechanical failure, to then subject the pilot (who has already been through an extremely traumatic set of circumstances) to the further tribulation of having to effectively go on trial, if you like, and be held in some way responsible for the mechanical failure by way of being subject to a drug or alcohol test, we believe is unreasonable, unfair and unjust.

So our view is that the act should allow discretion on the part of the police commissioner to determine those incidents in which it is clear that the police officer could be in no way, shape or form, held responsible for a particular set of events and outcomes. For that reason, we want the flexibility to remain for the commissioner to be the final determinant as to whether a drug and alcohol test is conducted.

Ms CHAPMAN: I rise to indicate my support for the amendment and I am happy to ask the mover of the amendment a question. I would firstly like to make this point: the 'critical incident' under the proposed bill is in very select circumstances, and I think it is worthy of consideration of the mover's amendment to insist that this be required except in certain circumstances as he has outlined in his amendment. The section provides:

> critical incident means an incident where a person is killed or suffers serious bodily injury—
>
> (a) while detained by a member of SA Police; or
>
> (b) as a result of the discharge of a firearm or an electronic control device; or
>
> (c) in circumstances involving a police aircraft, motor vehicle, vessel or other mode of transport; or
>
> (d) as a result of alleged police action;

Probably the most common of these, of course, is high-speed chases where, tragically, sometimes either a member of the public or a police officer is injured or killed. I think it is an important advance to actually have the test because, first, say there is an aircraft failure and some mechanical failure, as has been suggested, let us eliminate any allegation of human error as a result of being in some intoxicated state. That, to me, is important.

The other thing I draw attention to the house in considering this amendment is that I help to represent in the parliament people who work for the government in other areas of responsibility in

what I call high risk circumstances. The police are obviously at the forefront of many difficult situations in public administration, management and law enforcement, but also we have Metropolitan Fire Service officers who are often in critical circumstances and particularly have to use high speed vehicles to fulfil their duties, etc. There are some 400-odd people employed by the government as train and tram operators and signallers and they, too, have obligations to deal with the public and sometimes machinery and equipment where the public and their own colleagues can be put at risk.

They, for example, in the latter category, are subject to mandatory random testing for blood alcohol content. It is a condition of their employment. They have certainly never put any submission to me to shirk from it. Indeed, in more recent legislation, we canvassed this question of what should happen with the results of those tests, particularly when they are positive.

It is not unusual, as I am sure the member for Stuart would have already pointed out to the house, that people in employment situations where they are going to put either members of the public or their colleagues at risk, in the public or private world, have as a condition of their employment that they be subject to drug and alcohol testing. For the police, I do not think there should be any exception.

I commend the amendment to the house and also say that, whilst I am still puzzled as to the reason for the legislative endorsement of this EB agreement, when I pick up a bill like this, it smacks to me of some party wanting to have some legislative protection because there is a lack of trust somewhere in the system. I am not suggesting that is the minister. I make the point that, when people come coupled with a brief or a request to ask for legislative endorsement, it is because one party does not trust another. I am not here to make any judgement as to who that would be but it seems pretty clear to me that this rather extraordinary legislative endorsement of an EB agreement shines the light on the concern that at least one or more of the parties has. Nevertheless, we will otherwise support the bill.

Mr PEGLER: I indicate that I will be supporting this amendment. I believe that there should be clear direction. The minister's example of an air crash I think is not a really good example because it is my belief that, whenever there is an air crash, particularly if it involves the death of somebody, the pilot is automatically tested for both drugs and alcohol. That is my understanding. I will be supporting this amendment.

The Hon. R.B. SUCH: Likewise, I support this amendment. I think 'may' is wishy-washy and weak and 'will' has a bit more backbone in it and, short of saying 'must', I think this is the next best option.

Mr VAN HOLST PELLEKAAN: I appreciate the comments of my colleagues. I agree in particular with what the member for Mount Gambier said. He really beat me to it. I am sure that it would be quite normal for the pilot of a plane, in the example that you gave, if he were well enough to do so, to submit to drug and/or alcohol testing. I am sure that would be the case in the commercial world. I cannot think why it would not be the case for police. I am sure it would be the case in the private world, if it was a private pilot flying friends or family around.

As the member for Bragg says, and I know for a fact that this happens, samples can be taken from a driver or pilot or somebody in the situation who, unfortunately, has passed away. So, I cannot accept that that is a good reason not to support the amendment. I understand what you said to begin with about supporting the government's commitment to PASA, but it is my job and it is the opposition's job to try to improve this bill.

As the member for Fisher said, 'may' is wishy-washy, 'will' is quite clear, quite correct, quite appropriate and in line with community expectations. I point out that the simple change of one word does not remove the part that talks about the directions of the commissioner. So, if amended, this clause would read:

A member of SA Police or a police cadet will be required to undergo drug and alcohol testing, in accordance with orders or directions of the Commissioner, in any of the following circumstances:

So, the commissioner's judgement is still very involved in this. I think that the community at large, and I think SAPOL officers, if I try to put myself into their shoes, would say, 'We would be much more comfortable for it to say, "will submit to the test under the direction of the commissioner" rather than "may submit to a test under the direction of the commissioner"', because I think it is much clearer, it is much more direct and, in fact, it is much fairer in the fact that no officers can receive any preferential treatment from any commissioner under any circumstances.

I am not suggesting for a second that the current commissioner would do that, but no officer could say, 'Well, you let that one off but you made that person have a test.' So, I think, for many reasons, we should proceed with this amendment. I ask you to reconsider. I think that 'will be required to undergo alcohol and drug testing' under these circumstances is exactly what the community and the public of South Australia would expect.

The committee divided on the amendment:

AYES (19)

Brock, G.G.	Chapman, V.A.	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.
Pegler, D.W.	Pengilly, M.	Pisoni, D.G.
Redmond, I.M.	Sanderson, R.	Such, R.B.
Treloar, P.A.	van Holst Pellekaan, D.C. (teller)	Venning, I.H.
Whetstone, T.J.		

NOES (23)

Atkinson, M.J.	Bedford, F.E.	Bettison, Z.L.
Bignell, L.W.K.	Breuer, L.R.	Caica, P.
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F. (teller)
Odenwalder, L.K.	Piccolo, A.	Portolesi, G.
Rankine, J.M.	Rau, J.R.	Sibbons, A.J.
Thompson, M.G.	Vlahos, L.A.	

PAIRS (4)

Evans, I.F.	Weatherill, J.W.
Williams, M.R.	Snelling, J.J.

Majority of 4 for the noes.

Amendment thus negatived; clause passed.

Clauses 10 and 11 passed.

Clause 12.

The Hon. R.B. SUCH: This focuses mainly on promotion, but I have a general question arising out of my personal experience with a matter. When I asked what happened to a police officer who admitted he broke the rules and falsified a document and what was the punishment, if any, I was told that it is a private work matter and no-one is entitled to know that. In relation to provisions in this bill, the matter of people being aware of what happens within the police force, whether it relates to misconduct or whatever, are we going to have a transparent system or one which shields people who break the law or do the wrong thing from scrutiny by the public and accountability?

The Hon. M.F. O'BRIEN: Member for Fisher, we are actually dealing with clause 12, dealing with a selection process. I would like to make a point and have it recorded in *Hansard*. In respect of this clause, the Police Association has requested that I indicate whether the amendment to section 55 of the act will allow an applicant a right of review where a determination of no selection has been made on an advertised position. I would like to indicate that an applicant would have a right of review under those circumstances.

The Hon. R.B. SUCH: I appreciate that this would probably have been more appropriate at an earlier clause. His Honour Timothy Anderson, in his judgement of a year or so ago, said that police are not obliged to follow general orders; there is no requirement that they do so. We are looking at the right of review and so on, but in the context of overall behaviour, can the minister

assure the house that police officers are required to follow general orders? I am particularly concerned, following the judgement of His Honour Timothy Anderson, that they are not required to follow general orders, which in other words means they do not have to obey directions from the commissioner.

The Hon. M.F. O'BRIEN: The advice that I have been given is that police officers are compelled to follow direction and to follow orders as set out, but I will come back to you, if you have concerns. I will check that judgement and consult with the police commissioner to see whether we have got an issue in that regard. My instinct would be that a disciplined, functioning police force must follow the orders as they stand.

The Hon. R.B. SUCH: I have been concerned for some time at the processes within the police force for disciplining and dealing with members. I understand that it is normally conducted by a magistrate. I do not know whether that is still the practice, but what is the assurance that a police officer who is subject to discipline—whether it is minor misconduct or whatever—is dealt with in a fair and transparent manner? My understanding is that at the moment it is basically a secret process and no-one other than the people directly involved ever get to know about that process and whether or not the police officer is subject to a fair hearing and fair treatment.

The Hon. M.F. O'BRIEN: The process is carried out by a magistrate. I am informed that it is in a closed court for specific reasons, but I will establish with the police commissioner the basis for holding those hearings in camera. It has been put to me by the gentleman advising me on the bill that, on many occasions, there are issues relating to interactions with criminal elements that we do not want to get wide currency, but I will come back to you. That issue is not picked up in the bill. I know it is of concern to the member for Fisher, or he would not be raising it, and I will come back to him, but I do not think it is an impediment to the progress of the committee stage on the bill.

Clause passed.

[Sitting extended beyond 18:00 on motion of Hon. M.F. O'Brien]

Clause 13.

Mr VAN HOLST PELLEKAAN: Minister, this is one of the things that I alluded to in my second reading speech. Could you just talk through the practicalities of the appointment of a special constable? Under the current act, technically it can only take place with written authorisation from the commissioner. Under the bill, technically it can only take place with verbal authorisation from the commissioner. However, I am sure we can all think of circumstances where even that technicality under the bill would not give the flexibility required for real-world operational situations. Living and being very involved in a rural community as I am, I know that it is does happen that local police officers will ask for extra support from people they trust at times when they absolutely must have it. I am not suggesting that those occasions must be a special constable situation, and I can tell you that, living in a very small town in the Outback for seven years, I was called upon to help quite a few times and was more than happy to do so. I did not feel the need to get a badge or a star or be a special constable or anything like that, but that is the real world.

Ms Chapman interjecting:

The CHAIR: Do not interrupt the shadow minister, please.

Mr VAN HOLST PELLEKAAN: Thank you, chair. I am not talking about those situations where you just need some practical help, but there must also be times where you really need to ask somebody to do something that comes with some authority, and the designation of that person or those people as a special constable is required, but the commissioner is not on the phone. The commissioner might be away, and might be dealing with something else very pressing and just cannot get there. Can you talk us through what would happen in those situations if the bill is successful?

The Hon. M.F. O'BRIEN: Just by way of explanation, the appointment of special constables is a jealously guarded power, and the reason that the clause is in the bill is that the issue arose from a resolution made by the then named Australasian Police Minister's Council in 2005. At that meeting it was resolved that all jurisdictions would amend legislation to enable the oral appointment of special constables with confirmation in writing of the appointment to follow as soon as possible. Current South Australian legislation provides that appointments of special constables can only be by an instrument in writing.

The proposed amendment could be utilised in urgent circumstances where the Commissioner of Police might require assistance from another state or territory in an emergency-type situation where the policing needs exceed state resources—so, if we had to call the Victorians in to help with a particular situation or vice versa. Such circumstances would be events similar to the Victorian bushfires, Queensland floods or a large scale terrorist incident, so it really is very much designed to empower interstate police to come to our assistance and exercise the full gamut of responsibilities as they would as a sworn SAPOL officer.

Mr VAN HOLST PELLEKAAN: Thank you, minister. Even though it is verbal authorisation at the time, and that is quite practical, how is that recorded? Does it have to be directly from the commissioner to the officer on the scene who is essentially temporarily swearing in the special constable? Does it have to be direct to direct, or can the commissioner tell one of the assistant commissioners? Can you pass the message on? How does it actually happen and how is that verbal authorisation—understanding that it needs to be followed with written authorisation later—recorded as a safeguard for all concerned in case something goes wrong?

I will give you a hypothetical example: a CFS member, perhaps, from another state, is the only appropriate person to receive this authority. It is quite appropriate to be given to them, but somewhere along the way that CFS officer does the wrong thing—makes a mistake, does something silly, was not actually a CFS officer at all, just happened to have a yellow coat on—and something goes terribly wrong, an accident or potentially even a crime, then how would we look back? So, in that situation where the commissioner may or may not choose to follow up with the written authorisation that is meant to follow the verbal authorisation, how would we track some recording of exactly what verbal authorisation was given?

The Hon. M.F. O'BRIEN: As I explained, this was a decision that was taken at a national level to allow the deployment of interstate police in another state or in another jurisdiction. As I indicated, jealously guarded power is not something that is used on a frequent basis. The way that it would work is that the South Australian commissioner would indicate, for argument's sake, to the Victorian Commissioner of Police that he requires 20 Victorian police officers to assist with an incident in South Australia, and one would assume that Victorians would be of a mind to provide that particular resource.

The South Australian commissioner then would be supplied with a list from the Victorian commissioner of the names, ranks and other identifying information, probably badge numbers and the like, to the South Australian commissioner in writing. With the South Australian commissioner having that information in front of him, he would then issue the written authorisation. That is the way that it would happen in a practical sense. As for enlisting the services of the Country Fire Service, or the like, I doubt whether that would happen. This is something, as I indicated, that was insisted upon and that was an outcome of a national meeting of police ministers. It is a national agreement, and all other states probably have or will introduce at some stage mirroring legislation.

Mr VAN HOLST PELLEKAAN: Just to be really clear, you are saying that this is only to be used for interstate police officers coming into South Australia. It would not be used for army officers, Army Reserves, volunteer firefighters, professional MFS (or whatever they are called) from other states, or even from within South Australia, and it would not be used for ambulance officers. So, none of the range of people acting in a professional or a trained and appropriate volunteer capacity would ever be asked to become special constables; it would only be for interstate police officers?

The Hon. M.F. O'BRIEN: I say to the member for Stuart that it is highly unlikely. It could happen; it could happen that we call in the army, but it is highly unlikely. Our first recourse would be to the police resources of other states, where the officers are trained in policing. However, as I said, this was an outcome that was the result of deliberations by ministers at a national level. There was a requirement that all states introduce effectively mirroring legislation to enable the movement of interstate police forces around Australia as required. There is a provision in the existing act which is not as flexible, if you like, in that it requires immediate written authorisation.

This, we believe, is a more practical way of dealing with a request to, as I indicated, say, Victoria, where a phone call is made. The Victorian police accede to the request and they supply all the identifying information in regard to the police officers coming across the border. That is effectively part of the oral component of the amendment, and then that is followed up in writing by the commissioner basically appointing the Victorian officers, in this case, as special constables while they are in within South Australia.

Ms CHAPMAN: This question relates to the special constables. I do not specifically have any question as to the special oral appointment powers given in the Emergency Management Act 2004. I remember debating that act, and I do not doubt that there would be circumstances where an oral appointment would be desirable to be covered in the legislation, but for special constables themselves—because they have under section 9 of the current act provision for reasonable remuneration, clothing, uniforms and so on to be provided—when they are appointed do they have access to workers compensation as other police officers and cadets have during the period of their commission?

The Hon. M.F. O'BRIEN: I would have to get advice on that.

Ms CHAPMAN: Secondly, I am not sure how long we have had special constables. When I first read that part—which I have to say was today—I pictured them as the sort of hobby bobbies that they have in Britain, but I do not think they are, because from time to time they have been discussed and discounted in this state. Whilst I appreciate that in some circumstances police officers might be brought in from interstate for emergency situations, in the general context, are they used very often? How many have we actually appointed in the last 10 years? What has been the purpose of them? What is the usual time of appointment—and that may, of course, depend on the purpose of them being appointed? Do they continue to play some useful regular role in supporting our police services?

The Hon. M.F. O'BRIEN: My advice is that this happens quite infrequently but, as I mentioned, there was a resolve at the national level that in the event of emergency, rather than, say, swearing in members of the Country Fire Service as special constables, the preferred outcome would actually be to bring in trained professional police from interstate to perform on a short-term basis to deal with an emergency, rather than entrusting, if you like, CFS volunteers with a range of responsibilities that would be well beyond their training and their knowledge of the law. The intent is actually to further minimise calls on general members of the community to perform this particular function and to operate a little more like a federation and actually use the resources of other states to perform this role.

Ms CHAPMAN: Finally, in relation to the special constables, I would appreciate it if that information could be provided during the passage of this to the other place. I appreciate you do not have it at your fingertips and it may have only been one or two occasions in the 10 years in any event. Are the new provisions here, in respect of obligations for blood and alcohol testing, to apply to special constables if they are in one of the critical incidents that are referred to during the course of their commission?

The Hon. M.F. O'BRIEN: I am informed no. The simple answer is no, but I will come back with a reason as to why that decision has been made.

Clause passed.

Clauses 14 and 15 passed.

Clause 16.

Mr VAN HOLST PELLEKAAN: Minister, Clause 16 is about the suspension or revocation of remuneration under the act, and you might remember that in my second reading speech I asked if you would confirm for us whether or not if a person is found innocent of the charge or the breach of a code of conduct—or whatever the reason is for their remuneration being suspended—that they would be fully retrospectively repaid.

The Hon. M.F. O'BRIEN: Section 70 of the current act (which is not being amended by this bill) actually allows the commissioner to remunerate any pay foregone but it is at the commissioner's discretion. So we have not sought to amend that particular section.

Mr VAN HOLST PELLEKAAN: Is it up to the commissioner's discretion then to repay a portion of it or is it simply that he makes a decision to repay retrospectively or not to repay retrospectively? This becomes much more complicated now where it could potentially go on for years. Under the current act, it could go on for three months; if this bill is passed, it could potentially go on for years. So is it as simple as the commissioner saying that your pay is given back to you retrospectively for the whole time, or would he have the opportunity to make a judgement on part retrospective repayment?

The Hon. M.F. O'BRIEN: The current act, as I said, gives the commissioner discretion, but it also gives him discretion as to whether the payment is in full or in part.

Clause passed.

Clauses 17 and 18 passed.

Clause 19.

Mr VAN HOLST PELLEKAAN: Minister, clause 19, as you know, is about the officer in charge under the Public Intoxication Act. This is an area that would be covered by the regulations, which, of course, we have not seen but you, your staff, SAPOL and PASA have. Can you outline the responsibilities of the responsible officer and also any difference in the responsibilities of the proposed responsible officer under this bill compared with the responsibilities that the officer in charge currently has?

The Hon. M.F. O'BRIEN: This is quite a practical amendment in that, the way it has been described to me and the briefing that I have read, you would have a situation in a very large police station with the police cells at one end, if you like, of the police station. At the moment, the officer in charge, who may be at the other end of the police station basically performing administrative duties and concerned with the ongoing operation of SAPOL in that particular area, would be unable to supervise what is occurring in the police cells. The intention of appointing a responsible officer is to have somebody in close proximity to the cells, basically ensuring the wellbeing of the prisoners who are held in the police station.

Effectively, it is allowing a delegation of charges or responsibilities currently held by the officer in charge to a subordinate officer who would be the responsible officer, responsible for a particular set of responsibilities, and, largely, they would be in relation to the wellbeing of prisoners who are held in police cells.

Mr VAN HOLST PELLEKAAN: It can certainly also happen in a very small country station as well, where you might have potentially two officers and one cannot be there but the officer in charge cannot be there. It can happen in small town stations as well.

What I was really trying to get at is whether there is any difference between the responsibilities of the responsible person as proposed under this bill compared with the responsibilities that the officer in charge has under the Public Intoxication Act. Will they be exactly the same or will there be some responsibilities that the officer in charge, under the Public Intoxication Act, has that will stay at a higher level than this responsible person would have?

The Hon. M.F. O'BRIEN: The intent of the legislation is that the responsibilities of the officer in charge under the Public Intoxication Act will remain and the responsible officer will have to exercise those responsibilities on behalf of the officer in charge and report to the officer in charge, but the officer in charge, in large part, still has the responsibility for the exercising of the Public Intoxication Act.

Mr VAN HOLST PELLEKAAN: I am not talking about the responsibilities that the officer in charge has in his policing work more broadly in the station, just particularly those responsibilities he has under the Public Intoxication Act when they have somebody in custody whose welfare they are responsible for. Are you saying that at that level they are exactly the same, there will not be a difference in terms of what is presented here?

The Hon. M.F. O'BRIEN: Effectively, they will be one and the same. The responsible officer will be exercising the powers and ensuring that the responsibilities are carried out, but the responsibility for, ultimately, the actions of the subordinate will still reside with the officer in charge. The officer in charge still has this responsibility and in delegating it to the responsible officer there is no diminution, if you like, of the responsibilities. I do not know if that has given you much clarity.

Mr VAN HOLST PELLEKAAN: Thanks, minister, yes, it does. I do understand the situation. The reason for asking is not to be pedantic but, with regard to the responsibilities under the Public Intoxication Act, if they are not identical then you have not achieved anything because the officer in charge cannot be away because if he is away then it is not possible to fulfil the responsibility. That is really what I was getting at, but you have told me that they are the same with regard to the responsibility to the Public Intoxication Act and I appreciate that.

The Hon. M.F. O'BRIEN: And, member for Stuart, largely covering the particular circumstances that you have outlined where it is a small country police station staffed by two police officers and the responsible officer may be attending an accident, or whatever, under this arrangement the responsible officer will be performing the responsibilities of the officer in charge in the absence of the officer in charge.

Clause passed.

Remaining clauses (20 and 21), schedule and title passed.

Bill reported without amendment.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:28): I move:

That this bill be now read a third time.

Mr VAN HOLST PELLEKAAN (Stuart) (18:28): I would like to say again that I understand the minister's and the government's reasons for not accepting the amendment. I am very disappointed. I honestly believe—I know—that the amendment, if it had been accepted, would still allow the fact that when it is not possible to do drug and alcohol testing it would not be required, but in every other circumstance, if it is possible, it would have been required. I think that is very important. I think the public expects that officers will submit to drug and alcohol testing. I am told that very regularly in these circumstances currently they volunteer anyway, which would be the sensible thing to do if you were involved in some sort of high-risk incident or potentially an accident or something even more serious. I think I would and, minister, I think you would. You would say, 'Look, test me. I want to get rid of any doubt about me in that regard.' I am very disappointed; the opposition will consider how we respond to the fact that you have not accepted that amendment between the two houses.

I would also like to thank parliamentary counsel for the support that they gave with regard to drafting that pretty straightforward amendment. I do not think I challenged them too much. I would also like to put on record my thanks to Mr Kris Hanna, who is my staff member. He is very capable and very diligent and supports me extremely well in all these matters.

Bill read a third time and passed.

EQUAL OPPORTUNITY (SPORTING COMPETITIONS) AMENDMENT BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:31): I move:

That standing and sessional orders be and remain so far suspended so as to enable that Private Members' Business/Bills/Notice of Motion No. 1, set down for Thursday 25 July, to be taken into consideration forthwith and for the bill to pass through all stages without delay.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

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

Motion carried.

Mrs VLAHOS (Taylor) (18:33): Obtained leave and introduced a bill for an act to amend the Equal Opportunity Act 1984. Read a first time.

Mrs VLAHOS (Taylor) (18:34): I move:

That this bill be now read a second time.

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

Leave granted.

The *Equal Opportunity (Sporting Competition) Amendment Bill 2013* amends the *Equal Opportunity Act 1984* to address a concern with the provisions that prohibit discrimination on the grounds of sex, chosen gender or sexuality by associations, or in the provision of certain services, in Part 3 of the Act as the relevant provisions relate to competitive sporting competitions.

These concerns, which, I understand, members of this place are familiar with, have been raised by Bowls SA Incorporated, the organising body for the game of lawn bowls in South Australia.

Lawn bowls is one of the most popular sports in Australia. Bowls SA has 224 clubs in the metropolitan and country areas and over 18,000 registered members. In addition, Bowls SA estimates that more than 10,000 people participate in social bowls every year through its 'Night Owls' programs. Lawn bowls is played at the local, national and international level. It is approved as a 'core sport' by the Commonwealth Games Federation and has been included in the program for every British Empire or Commonwealth Games since 1930 (other than 1966).

Bowls SA is an 'association'' within the meaning of the *Equal Opportunity Act 1984*. As such, it is subject to the provisions of that legislation insofar as it prohibits unlawful discrimination by associations. In providing

recreational services, it is also subject to the provision that prohibits unlawful discrimination in the provision of goods and services to which the Act applies.

I should make clear at this point that, subject to the concerns this bill will address, application of the *Equal Opportunity Act* to Bowls SA is entirely appropriate. Indeed, Bowls SA accepts that this is the case.

The Act provides, in sections 35(1)(b) and 39(1)(b) (both of which are in Part 3 of the Act) that:

- in the case of section 35(1)(b), it is unlawful for an association to discriminate against a member of the association on the ground of sex, chosen gender or sexuality by refusing or failing to provide a particular service or benefit to that member, in the terms on which a particular service or benefit is provided to that member, or by expelling that member from the association or subjecting him or her to any other detriment; and
- in the case of section 39(1)(b), it is unlawful for a person who offers or provides services to which the Act applies, (whether for payment or not) to discriminate against another on the ground of sex, chosen gender or sexuality by refusing or failing to supply the goods or perform the services or in the terms or conditions on which or the manner in which the goods are supplied or the services are performed.

Section 3 of the Act defines *services to which this Act applies* to include the provision of a scholarship, prize or award, entertainment, recreation or refreshment and the provision of coaching or umpiring in a sport.

Bowls SA, like all lawn peak bowling associations throughout Australia, has traditionally organised its competitions along single gender lines, that is, men and women play in separate competitions. In this regard, lawn bowls is no different to many, if not the majority, of sports played in this country.

Sporting competitions are subject to a limited exemption from the provisions of Part 3. Section 48 of the Act provides that the provisions of Part 3 do not render unlawful the exclusion of persons of the one sex from participation in a competitive sporting activity in which the strength, stamina or physique of the competitor is relevant.

The problem that has arisen in the case of Bowls SA is the qualification that applies to the competitive sporting activity exemption: that, in order for the exemption to apply the particular competitive sporting activity must be one in which the strength, stamina or physique of the competitor is relevant.

Section 66 of the *Equal Opportunity Act 1995* of Victoria has a provision very similar to section 48. This provision, and its application to the sport of lawn bowls, has been the subject of a decision of the Victorian Civil and Administrative Tribunal (VCAT). In *South v Royal Victorian Bowls Association Inc* [2001] VCAT 207, a female lawn bowls player claimed unlawful discrimination as a result of the Royal Victorian Bowls Association's decision to deny her affiliate membership on the basis of her sex. RVBA sought to rely upon the exemption in section 66, arguing that there were differences in the way men and women played the sport, based on the superior strength of men. The VCAT held, having heard evidence from a number of experts in anatomy, bio-mechanics and human movement and a number of experienced players that it was not satisfied that the exception in section 66 applied.

A decision of the VCAT is not binding on the South Australian Equal Opportunity Tribunal, and the application of section 48 of the Equal Opportunity Act to lawn bowls has not been tested before the South Australian Equal Opportunity Tribunal. Bowls SA does not concede that section 48 does not apply.

In 2007 a complaint was made to the Commissioner for Equal Opportunity about single gender lawn bowl competitions. The complaint did not proceed to a hearing and determination. The parties, instead, negotiated a settlement, part of which was that Bowls SA would establish a committee to examine the issue of mixed gender competitions. This committee produced a policy entitled 'Parameters for the Implementation and Operation of Open Gender Competition Policy', which was adopted by Bowls SA in 2008. The Policy has been in place since the 2008-09 season. Without going into any great detail, the Policy ensures that every member of Bowls SA has the opportunity to play in an open competition, with selection based on merit rather than gender.

The implementation of the Policy has been accompanied by a campaign aimed at educating Bowls SA members as to need for, and merit of, open gender competitions and the promotion of the alignment of men's and women's sections of Members Clubs within the same association and the promotion of the amalgamation of men's and women's Associations.

In October 2009 Bowls SA applied to the Equal Opportunity Tribunal for an exemption from sections 35 and 39 of the *Equal Opportunity Act* to allow it to continue to run single-sex competitions (albeit alongside mixed gender competitions). In February 2010 the Tribunal granted the application and exempted Bowls SA until 30 June 2012 (sufficient to cover the 2010-11 and 2011-12 lawn bowls seasons). In granting the exemption the Tribunal made clear it was doing so to provide Bowls SA with time to give further consideration to the issue of discrimination, to consider other ways, apart from the Policy, in which the objects of the Equal Opportunity Act could be met and its provisions complied with, and, if necessary, to seek legislative change to clarify Parliament's intention with respect to lawn bowls.

In mid 2012 Bowls SA applied to the Tribunal for a three year extension of the exemption. While the Tribunal granted an extension, it did so only until 30 June 2014. The Tribunal has indicated that a further extension beyond this date is unlikely.

The imminent end of the exemption creates uncertainty for Bowls SA. The Policy to which I alluded earlier, developed and implemented following the 2007 complaint, makes provision for open gender competitions. Bowls SA advises that it has taken steps to educate its members in relation to the necessity for open gender competitions and has, in accordance with the Tribunal's original order, examined other alternatives for the provision of single gender competitions. However, Bowls SA must continue to offer single gender competitions to those bowlers wishing to

advance to elite-level competitions as the competition pathways to participation in international events is by way of single gender competition.

To enable it to continue to offer a mix of open gender and single sex competitions free of the risk that it is in technical breach of the Equal Opportunity Act, Bowls SA has asked that the Act be amended to allow both open gender and single sex competitions to continue. The alternative is for Bowls SA to continue operating under the Policy until someone complains that it is in breach of the Act, and to seek a judicial determination from the Equal Opportunity Tribunal as to whether Section 48 of the Equal Opportunity Act applies to the lawn bowls.

Notwithstanding the uncertainty as to whether Bowls SA's Policy, insofar as it provides for single sex competitions, is in breach of sections 35 and 39 of the Act, Bowls SA does not wish to wait for a complaint to be made and litigated in order to resolve the issue.

I do not believe this to be an unreasonable position to take.

The *Equal Opportunity (Sporting Competition) Amendment Bill 2013* amends the Equal Opportunity Act to broaden the exclusion in section 48.

Currently section 48 (which provides an exclusion where the sporting activity is one in which the strength, stamina or physique of the competitor is relevant) applies only to discrimination on the ground of sex.

The Bill also includes two new exclusions. These are based on amendments to the Victorian Equal Opportunity Act aimed at addressing the problem now confronting Bowls SA in that State.

Firstly, Part 3 of the Act will no longer render unlawful the exclusion of persons from participating in a competitive sporting event on the ground of sex if the exclusion is genuinely intended to facilitate or increase the participation of persons, or a class of persons, of a particular sex. This is subject to two qualifications: it must be unlikely that there will be participation, or an increase in participation, of persons of the particular sex if the exclusion is not made (having regard to all of the circumstances of the person or class of persons); and there are reasonable opportunities for excluded persons to participate in the sporting activity in another competition.

Secondly, Part 3 of the Act will no longer render unlawful the exclusion of persons from participating in a competitive sporting event on the ground of sex if the exclusion is reasonably required to enable participants to progress to elite level (national and international) competitions. This will enable a sporting association to conduct single sex competitions where qualification to an elite level of the sport must occur through single sex qualification tournaments, as is the case with lawn bowls.

To address concern that the exclusions could be used by sporting associations to run segregated sporting competitions for young children, or to exclude children of one sex from participation in a particular sport, an additional amendment ensures that the exclusions do not apply to competitive sporting activities for children aged under 12. This is consistent with the position in a number of other jurisdictions.

I believe the amendments in this bill represent a balanced solution to the situation now confronting Bowls SA and other South Australian sporting organisations wrestling with the same complex issue.

I commend this bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This Act may be cited as the *Equal Opportunity (Sporting Competitions) Amendment Act 2013.*

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Equal Opportunity Act 1984*

3—Substitution of section 48

Section 48—delete section 48 and substitute:

48—Sport

This Part does not render unlawful the exclusion of persons from participation in a competitive sporting activity on the ground of sex in the following circumstances:

(a) if the sporting activity is one in which the strength, stamina or physique of the competitor is relevant to the outcome of the competition;

(b) if the exclusion is genuinely intended to facilitate or increase the participation of persons, or a class of persons, of a particular sex in the sporting activity and—

(i) it is unlikely that the those persons will participate, or that there will be an increase in participation by those persons, in the sporting activity if the exclusion is not made (having regard to all of the circumstances of the persons or class of persons); and

(ii) there are reasonable opportunities for excluded persons to participate in the sporting activity in another competition;

(c) if—

(i) the exclusion is reasonably required to enable participants in the sporting activity to advance to competitions at a level higher than that in which the exclusion is to occur (being a requirement that is due to the structure of, or restrictions in, the higher level competitions); and

(ii) there are reasonable opportunities for excluded persons to participate in the sporting activity in another competition;

(d) in such other circumstances as may be prescribed by the regulations.

Mr PENGILLY (Finniss) (18:34): I am absolutely delighted to speak in favour of this piece of legislation. It is an effort to fix something that, through no fault of anybody in this place, as this bill was put into place some 20 years ago. I was approached by some bowlers in my electorate some months ago who raised concerns over the fact that there had been a couple of female bowlers appeal to the Equal Opportunities Tribunal a couple of years ago in relation to their ability to play in a men's side.

Quite happily, in a lot of country South Australia particularly, and also in metropolitan areas, there are clubs without the numbers and the women will play in the men's side, and they have their men's bowls, women's bowls and open bowls. This is an attempt to just make this situation bearable for the bowls community—not for me; I don't play bowls. There are some 17,000 bowlers in South Australia, and tens of thousands around the nation, but I am particularly talking about the state.

Last month, I tabled a petition from over 5,000 bowlers calling for action on this. I commend the member for Taylor on working with me, and we introduce this legislation hoping for a quick passage through the house. It will settle the bowls community down. I am not going to get into the subject of afternoon tea at bowls—that is for them to sort out, quite frankly—but this issue is important. It is important for people around the state. I do not think I need to dwell on it; it is quite clear in the bill what we need to do. So, with those few words, I hope everyone supports the bill and we move forward.

Mr PEGLER (Mount Gambier) (18:36): I indicate that there have been quite a few bowlers in my electorate that have approached me about this matter, and I am pleased to see that this bill has come before us. It was an absolute nonsense that people had to play in mixed bowls rather than in same-sex bowls. I certainly support this bill, and will be voting for it.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (18:37): I rise to speak on the Equal Opportunity (Sporting Competitions) Amendment Bill 2013, and indicate that I will be supporting the bill. I would just like to place, in context, the reason that we are here. The Equal Opportunity Act 1984 has in its charter an obligation to:

> ...promote equality of opportunity between the citizens of this State; to prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds...

In particular, part 3 of the act prohibits discrimination on the grounds of sex, chosen gender or sexuality. As the opposition spokesperson for women, and lower house spokesperson attorney-general, I think it is important that we recognise that an amendment to this act is not doing something to introduce a new or novel exemption, because the current law allows for exemptions. We currently have exemptions specifically under the act to cover charities, measures intended to achieve equality, sport, insurance and religions bodies.

I just wish to place that on the record, because the introduction of this bill does not actually introduce a new area. Currently, we already allow for exemptions to sport, in recognising that where there is 'competitive sporting activity in which the strength, stamina or physique of the competitor is relevant.' It clearly acknowledges that this is a pre-existing exemption and recognises that.

What we are doing is adding a new provision in the exemption of sport—a redefinition to allow that exemption to be exempt from being rendered unlawful in circumstances where the single-sex competition (such as bowls competitions, as is being considered here), is intended to facilitate or increase the participation of persons, and in particular, to recognise that it would be unlikely that those persons would be able to participate, or that there would be an increase in

participation by those persons, if the sporting activity was not able to be excluded as such. This is actually a way of ensuring that more women are able to be active in this sport.

The practical consequences of this type of legislation have been identified, particularly in regional areas of South Australia, where the opportunity to be involved in a single-sex competition is necessary to ensure that they have the opportunity for participation. As the shadow minister for women, who is keen to secure the ultimate objective in relation to this legislation, I would not be tampering with this lightly.

The Equal Opportunity Commissioner herself has determined that temporary exemption be given and she has really issued notice to Bowls SA that continued temporary exemptions would not be an acceptable way to proceed and they should really present back to the parliament to consider this legislative amendment. For all those reasons, it is a mild amendment; it is an appropriate amendment; and it will remedy the situation and enable many more people to enjoy this sport in South Australia. I wish them well in their competitions.

Mr PEDERICK (Hammond) (18:40): I too rise today to support the Equal Opportunity (Sporting Competitions) Amendment Bill 2013 and note that, by the nature of the bill, it will affect more sports than just bowls, so I welcome that. What has happened here is that some people have challenged the way bowls can be played as a single-gender competition in this state.

From what I understand, one of the people who challenged this does not play bowls any more. I am a night owl bowler; I have not done it lately, but I was a night owl bowler at Geranium for probably 15 to 20 years. I am not sure whether I learnt any skill there but I am now a parliamentary bowler in the state parliamentary team and was elected the president of the parliamentary bowling team very recently.

Just on that, I will digress for a very short moment. Parliamentary bowls has had interesting outcomes over time and certainly has had some criticism from the media over many years, but what I have found in the time that I have been involved in this house is the many relationships you have with both sitting and past members and the things you can learn from the people in that competition and from the camaraderie at these events. It certainly is a sport that brings people together.

I certainly commend this bill, because the situation was that you could have the single gender competition in the higher events through to the world of bowling on the global scale, so it just seemed ridiculous that people were not going to be able to have their single gender events. I must say that we need also to acknowledge that we need to be able to have open bowls games, because some of the bowls clubs in my area are certainly short on members, but they did not want to be restricted to that. They wanted to be able to have a single gender competition as well.

With those few words I would just like to commend the members for Taylor and Finniss and I also acknowledge Leith Gregurke from Parrakie who contacted me on this issue, and I wish this legislation speedy passage through the house.

Mr VAN HOLST PELLEKAAN (Stuart) (18:43): I too rise to speak briefly on the Equal Opportunity (Sporting Competitions) Amendment Bill 2013 (affectionately known in this house as the Bowls Bill). I compliment the members for Taylor and Finniss for collaborating on this. As the member for Hammond quite rightly points out, technically it does not only apply to bowls. I know that the member for Taylor would be very well aware of that and would have written it deliberately that way, and it is quite appropriate, but it has come to our attention primarily through the bowls community.

It was not that long ago that I could not possibly imagine that I would ever have an interest in bowls but it is actually on the horizon, I can tell you that. I have played night owl bowls and I thoroughly enjoyed it, and I know that I will become a bowler, so I have a particular, personal interest in this. I also have a professional interest in this because many people in the electorate of Stuart have come to me and complained about the current situation, and they do not want to run on with exemptions.

Interestingly, it has primarily been women who have said 'We do not want to be forced into mixed competitions. We like playing with the women, and the men like playing with the men, and we like it when we choose to play mixed competitions as well. We want complete flexibility.' This bill does this, and I think it is very positive in that way.

There is another wrinkle which some members of this place would understand from their electorates but, certainly in the electorate of Stuart—and I am thinking particularly of the town of

Wilmington where I live—the men and women play in totally different geographic areas. The men who play bowls from the Wilmington Bowling Club play north of Wilmington, through Port Augusta and Whyalla and all that way. The women actually play south, into Wirrabara and Laura in the Mid-North and down that way.

It would be a complete nightmare for them if anybody were to try and force them to merge, and to have to play together all the time. When they want to, they can, and they do have very enjoyable, very competitive, mixed competitions when that is appropriate as well. I also think that, given that the vast majority of people who play bowls are senior people in our community, I trust them to decide whether they want to play in a women's team or a men's team or a mixed team, so I wholeheartedly support this bill, because it gives them the opportunity to do that.

Mr BROCK (Frome) (18:46): I also congratulate the member for Taylor and also the member for Finniss for cooperating to bring one bill up into this house so that we can debate and discuss it. As other members here have discussed, I think this is an excellent bill that has come through, and I am only disappointed or surprised that it has come to the situation where we need to put a bill in here to ensure that what is happening out there in the communities of the regional areas can continue to go on.

I am not going to go any further, other than to say I sincerely agree with this bill, and I will certainly be supporting it. Like other members here, I have had numerous calls, not only from the electorate of Frome, but also from all across South Australia including Bowls SA but, certainly, this is a well-deserved and appreciated bill coming forward and I will be supporting it 100 per cent.

Dr McFETRIDGE (Morphett) (18:47): With Glenelg, Holdfast Bay, Somerton and Novar Gardens bowling clubs in my electorate of Morphett, I am very pleased to support this piece of legislation. While I may not have as many bowling clubs in my electorate as some of the country members, can I say that at Holdfast Bay in the last year we have had the Asia Pacific Bowls Championship and also the World Bowls Championship shared with Lockleys. What fantastic events they were. There are very, very strong bowling competitions in my bowling clubs down there, and I am very pleased to support this bill.

As a bit of an aside, a number of years ago a person who is familiar to this house, Ms Edith Pringle, came to see me about the Somerton Bowling Club, which was at that stage a male-only bowling club. She wanted to have it changed so that women could join, and she was successful in that process. Some men did resign in protest, but the club has since gone ahead in leaps and bounds. All of Somerton, Glenelg and Holdfast, and Novar Gardens to a lesser extent, are going ahead with expansions and developments, despite a fire at Holdfast Bay.

The Police Association was having a dinner dance there one night, when an arsonist came in and tried to burn down the place. Like the phoenix rising from the ashes, that club has come back better than ever. I think it has got one of the longest bars in South Australia, if not the longest. The club is bowling on fantastic greens, and all these clubs are a terrific part of the community. This move is something that I know they will strongly support.

Mrs VLAHOS (Taylor) (18:49): As a lawn bowler, the captain of the South Australian parliamentary bowls club, and the girls' unofficial mascot, and also as the patron of the Penfield Bowling Club, which originally raised this issue with me and who taught me how to lawn bowl and who I enjoy much time chiacking with about bowls and participating, I am pleased to move this bill.

Bill read a second time.

Mrs VLAHOS (Taylor) (18:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:51 the house adjourned until Thursday, 25 July 2013 at 10:30.