

## HOUSE OF ASSEMBLY

Thursday, 5 June 2014

The **SPEAKER (Hon. M.J. Atkinson)** took the chair at 10:30 and read prayers.

### *Bills*

#### **LOCAL GOVERNMENT (ELECTIONS) (VOTING) AMENDMENT BILL**

##### *Introduction and First Reading*

**Mr GRIFFITHS (Goyder) (10:31):** Obtained leave and introduced a bill for an act to amend the Local Government (Elections) Act 1999. Read a first time.

##### *Second Reading*

**Mr GRIFFITHS (Goyder) (10:32):** I move:

That this bill be now read a second time.

It is a great pleasure to rise to present this bill to the parliament and I hope that the House of Assembly and particularly the Minister for Local Government, the member for Frome, decides to support it.

Even though some might argue that it is a relatively minor matter, for a person who believes profoundly in democracy and the need to support an opportunity for so many people to have that chance to determine where their preference lies when it comes to an opportunity to vote for those who represent them—local government being a key sector in our state—I think this amendment, while relatively minor, is an important one.

I might just take a little bit of time to explain the genesis of how I have reached this and part of the argument that I will be putting into the house about why I hope they support it. There were amendments in 2009, as I understand it, instigated by the then minister from another place (Hon. Gail Gago), which changed the situation. My intention is to simply remove from the current act subsections 15(5a) and (5b).

It was the inclusion of these subsections in 2009 which actually changed the system somewhat dramatically for those people who are not permanent residents within a council but do, by virtue of owning property within a council area or as a lessee of a building premises from which a business operates in that area—

**Ms Redmond:** A ratepayer.

**Mr GRIFFITHS:** As a ratepayer, most certainly, as the member for Heysen notes. Those people are put on a thing that I have commonly called a supplementary roll. There is a more official term for it, but for me it is a second roll that the Local Government Authority maintains which ensures that those people, by virtue of those interests, are provided with an opportunity to vote.

In past years, once you had registered for the opportunity to vote in that way, you were maintained on the roll continuing beyond any individual term of that Local Government Authority and therefore when subsequent elections were held, be they by-elections or full council elections, you were entitled to vote according to those rights.

The 2009 amendments changed that rather significantly for 67 of the 68 councils in South Australia. For the Adelaide City Council it was deemed not to implement this change, but for the other 67—metropolitan and regional councils—there was suddenly a need (for every four years of the electoral cycle from 1 January when the election was to be held) to completely forego the previous role and basically start from scratch. That means that in most cases contact would have to be made with those property owners or business operators in those areas to remind them of the opportunity for them to register on this supplementary roll and therefore receive their voting entitlements which are done by mail. Otherwise they missed out on their chance.

Statistically, as part of the evidence that I have gathered in presenting this bill to the parliament, the response rate has been rather poor, and I think that is frustrating. It is not because of the fact that people do not want to exercise their democratic rights, but through the busy lives that

they lead I think there is some level of frustration about the need to re-enrol at the time of every electoral cycle. By removing those two subclauses (5a) and (5b), this bill provides for an opportunity for continuing enrolment to occur.

I do recognise that when the debate occurred in 2009, in both chambers, the shadow minister for local government at that time was the member for Kavel. The member at that time did propose amendments quite similar to my proposed amendments which were not supported by the minister or indeed, by the government.

**Mr Goldsworthy:** Shame!

**Mr GRIFFITHS:** The member for Kavel says 'Shame,' and I think that is a great shame that it was not supported at that time. From our point of view, and indeed from the feedback to the opposition at that time, we considered that it was a relatively poor change. That is why we are standing up some five years' later and suggesting that we go back to what has existed in the past, which worked quite well. It does create some administrative effort, I must admit, in the maintenance of the roll, but there is far less effort, in my judgement, in the preparation of the roll in the very first place.

If I can quote you some examples: I put on the record that I am a property owner in the City of Port Adelaide Enfield council area. Earlier this year I received from them a notice reminding me—as a non-resident property owner and therefore not normally on the roll entitling me to vote in council elections—that it was my right to re-enrol. I commend them on that. I certainly commend every council—and I believe it is probably all 67 that are impacted by this—to be in contact with their property owners and those eligible to re-enrol regarding the importance of doing that. To me it comes back to community engagement and voter turnout and that all links into better democratic principles.

Port Adelaide Enfield Council has done that, and I have exercised my right. I replied and said that for the property in which I hold the interest I do wish to register that right to vote. Mysteriously, and wonderfully, by the time the roll closes on 8 August—I think that is the date—I will be included in the supplementary roll and therefore given the right to vote in the November elections.

As part of the consultation that I and the opposition have done on this, we have contacted all 68 councils and the Adelaide City Council for some feedback. We have received responses from 19 of those councils and a separate response from the Local Government Association. Of the 19 individual councils that replied, only one has chosen not to support it and that was Campbelltown City Council. I am advised by letter that it has tested its policy quite often in the past and it has continuously decided not to support it. I have received an overwhelming response back from other local government authorities offering their support.

It was not just council that the opposition chose to consult with—we have also gone to the Rundle Mall Management Authority, the South Australian Federation of Residents and Ratepayers Associations, the Property Council of South Australia and Business SA. We thought that as representatives of all sectors, they are a reasonable cross-section. It is fair to say I have been disappointed by the lack of responses from them, and I am not sure if that means that they are happy with the change or they do not want to change.

But the overwhelming position put to me by local government which, in effect, is impacted by this more than anyone else, is that it is supportive of it. There are some qualifiers in it though and I do recognise that. That is why the bill before us actually has an implementation dated 1 January 2015.

There were concerns raised by quite a few of the councils that the process of approval by the parliament, and therefore the very tight time frame that exists between them occurring and the closure of the roll in August, would make it an extreme burden and rather difficult to complete, so they have asked for the implementation to be delayed until after this election. In recognising that need for some negotiations to occur, I have agreed to that, a bit reluctantly, because my hope would have been that, with other rolls existing up until 31 December 2013, it would have been an easy process to roll over, but I have recognised the change and made that so.

I can quote a few practical examples to you where the changes were really enforced to me. Prospect City Council, for example, referred to the fact that within their estimate of the number of people who would be entitled to the maximum to vote in this way through being a member of the supplementary roll, they have something like only 1 per cent. I think that that is extremely

disappointing in that, even though they are advised of the fact they need to re-enrol, the community is not doing that in such a large number, therefore resulting in such a small number exercising their democratic principles.

They are voting in support of it because it allows them to have a continuing message of the benefit of enrolling once and that enrolment continuing, which will ensure not only a better turnout when it comes to postal voting later in the year but, indeed, it might translate into the quality of people who nominate to serve on councils, too.

That is what I am linking it back to: not just the ability of the voter to exercise the principles available to them but also into the level of representation received. I think that the more people are involved in the democratic discussions about where opportunities exist, the better chance of people deciding to stand up and be involved. There are many members from both sides of this chamber who have served in local government, and I think they have all walked away with a few frustrations, no doubt, but with a lot of positives from what they have done for the community, too.

I might take the time to summarise some of the responses received just to highlight the level of support metro and regional areas have given for it. The District Council of Streaky Bay was supportive; the Rural City of Murray Bridge was supportive; the District Council of Ceduna was supportive; the Tatiara District Council is also supportive. They have highlighted that (and this is dated 14 May, so it is little bit out of date) the fact that, at the time of their having sent out the notices to the people who are potentially able to re-enrol on the supplementary roll, out of the 906 forms that went out only 36 have come back so far. So, that is about one-third of a per cent. Hopefully, that has improved a lot. They have also enforced the fact that, at the 2011 AGM of the Local Government Association, they wrote to the then minister for state/local government relations asking for the automatic re-enrolment of property franchisees to be returned. So, for them it has been a long-held position.

For the City of Port Adelaide Enfield, they are supportive. Indeed, they noted that, between 2006 and 2010, they lost 10,000 voters as a result of changes to this legislation. I am amazed at that; it just shows that people who once held a right had gone through the effort but they just did not do it again. I think it is terribly disappointing that a legislative change removed that right to vote for so many people (10,000).

The District Council of Yankalilla were supportive. Indeed, I have received a submission from Mr Greg Mackie very supportive of this. He is someone I believe must hold a property right at Yankalilla, where a supplementary election was held early in 2014. Because it was after the loss of those previous supplementary roll voting rights, I think that it was in the teens, the number of people who were on that; therefore, it was a fraction of the people who only two months before would have been entitled to a vote had lost that right. Again, I think this is a very poor example of the impact of the legislation. I commend the Yankalilla council for supporting it.

I have held a meeting with the Deputy Lord Mayor of the City of Adelaide, and she certainly indicated her support for that. The Local Government Association has also indicated its support. It is rather interesting that, when you read the 2009 debate about the bill, the LGA seemed to be in step with the then minister for state/local government relations about the change occurring, but they have changed. David O'Loughlin, as mayor of Prospect and also president of the Local Government Association—

**Mr Pengilly:** And Labor Party candidate.

**Mr GRIFFITHS:** And Labor Party member and candidate for the City of Adelaide electorate, who is obviously not here. They have asked that 2015 be the commencement date, and that is what I have agreed to.

The District Council of Franklin Harbour are supportive. The City of Prospect, as I indicated before, are supportive and, indeed, the 1 per cent response rate from the January 2010 for re-enrolment shows some good support. The Town of Walkerville are supportive. The City of Charles Sturt are also supportive, and I am aware that they have written a letter to the Minister for Local Government (Hon. Geoff Brock) indicating that. The Regional Council of Goyder are supportive. As previously mentioned, Campbelltown City Council were opposed to it (that is a long-held policy), and Light Regional Council are supportive. The City of Victor Harbor are supportive, on the basis that it comes in for the election after this next one.

Mid Murray Council apologised for the fact that they were not able to have it considered at a council meeting, and they have highlighted that, in a regional council area, they lost 4,848 voters as a result of the 2009 changes. It shows the high level of non-resident property owners within that council area who have not taken up their right again, and that is a loss to democracy, I believe very strongly. Wakefield Regional Council are supportive. The District Council of Lower Eyre Peninsula noted the proposal but did not actually provide any feedback on it. The Renmark Paringa Council are supportive, also.

I know there are some privately held views by some members of the government, which I hope allows minister Brock to indicate his support for it. I must admit that I am not sure whether this is a minister Brock responsibility or a minister Rau responsibility. There are some levels of delegation in the Local Government Act that are not entirely clear. We hope that minister Brock stands up quite strongly and indicates his support for this, as a person from a regional community who has strong interest in all regional South Australia—as he talks about in the media all the time.

This has been shown clearly in the consultation that has occurred on the bill and the very strong support that exists in the regions and the metropolitan areas for it, and I think it is a rather simple change to be made to the legislation which will create some profound differences to the opportunity for people to exercise their most basic of rights, that is, the opportunity to vote for those who represent them.

We in this chamber recognise the importance of local government and ensuring that it has the best chance to exercise that challenge before it by having as many people as possible vote. It is a simple fact, and I urge the house to support the bill.

Debate adjourned on motion of Mrs Vlahos.

## **WORKERS REHABILITATION AND COMPENSATION (FIREFIGHTERS) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 22 May 2014.)

**Mr PEDERICK (Hammond) (10:49):** I rise today to speak to the Workers Rehabilitation and Compensation (Firefighters) Amendment Bill. I think this is a very important bill. It is about seeking equity for Country Fire Service volunteers, and I know there are members of the Country Fire Service on this side of the house as well as the other side.

What we have seen with the recent workers compensation arrangements in regard to certain types of cancer is that Metropolitan Fire Service firefighters and retained Metropolitan Fire Service firefighters do not have to prove how many events they have attended in their service. Once they go through a qualifying period, depending on the type of cancer that they may pick up, they qualify and are eligible for compensation under the compensation scheme. I think that is a good thing. I think that is a great thing, because our firefighters, whether they are from the MFS, CFS or, quite frankly, just farmers who turn up with their fire units and are not a member of either, all do a great thing for this state.

I think people need to be recognised for the health concerns that they encounter, whether it be out in the field, a shed fire, an industrial fire with poisonous fumes and obviously the effects of potential asbestos contamination from fighting fires. It still beggars belief as to why Country Fire Service volunteers are not recognised in the same way by this government. The member for Brock, the regional development—

**An honourable member:** Frome.

**Mr PEDERICK:** The member for Frome, sorry. The member for Brock—he is not dead, is he? No. You usually only get a seat named after you after you die, I think.

*Members interjecting:*

**Mr PEDERICK:** Thank you to my friends on this side. I get confused with the 'Brockument' and everything, but anyway. The member for Frome, who was a strong supporter prior to the recent state election, of the CFS volunteers and that they should get the equivalent compensation of Metropolitan Fire Service members, seems to have gone to water on this issue since. He was going

to chair a committee but, no, now the government have set up their own committee to look into this. Quite frankly, I think it is a pretty easy thing to fix. I think the government should give absolute equity to the many thousands of CFS volunteers across this state.

The government has made it such that the onus of proof has to come back to the CFS volunteer, that they have attended 175 incidents over five years. What the government has forgotten in this whole debate is that many incidents that the CFS attend are not bushfires, building fires or structural fires. I have many CFS volunteers in my electorate, from Coomandook, which merged with what was the CFS brigade at Ki Ki, Cooke Plains, Tailem Bend, Murray Bridge, Langhorne Creek, Milang, Currency Creek, Clayton Bay, Goolwa and Finniss, and I certainly have members in my electorate who are in the Rockleigh and Coonalpyn brigades as well.

Especially on the Dukes Highway, the brigades down there from Tailem Bend, Coomandook and Coonalpyn have to attend many horrifying scenes and many accidents that result in terrible injury and quite often death. One of my friends who serves on the Coonalpyn brigade, which is a brigade that is a specified road crash accident brigade, has said, 'Look, I've just got to have some time off from the CFS. I've just got to get my head right.' This is coming from someone who volunteers their time, because what they see out there on the road are terrible things: dismembered bodies, people dying in front of them or people already deceased because they have had a terrible accident.

Occasionally there are head-on accidents on the Dukes Highway and terrible outcomes as a result. It is not just there, it is right throughout my electorate and right throughout the state, throughout the Fleurieu Peninsula where a lot of the roads need upgrading, and the brigades through Goolwa, Clayton Bay, Finniss, Milang and Langhorne Creek, very sadly, have to deal with these accidents all the time. It is a huge thing to put on people and, as I said, sometimes people just need some time out to have a break from the service. These people do fantastic service for our community.

I had a fire from a lightning strike on my property in the last 18 months or so when I was on Kangaroo Island with the Hon. John Dawkins and the member for Finniss. You can imagine, I am trying to manage a fire on my property from Kangaroo Island where it looked all fine, but obviously there were hundreds of lightning strikes throughout the South-East. The CFS were absolutely flat out that day. They were fighting fires towards Meningie, right down through the South-East and through to Naracoorte because of the hundreds of lightning strikes around the place. It was great that everyone could coordinate what other resources we had in farm fire units to back up the service of the CFS to put out all of these spot fires. I am certainly very grateful of the CFS that day and my neighbours who helped extinguish those fires.

Not enough recognition is given to the volunteers. They save the government hundreds of millions of dollars annually because it does not have to pay for these people to do their training or to go to their meetings. They give up their valuable time so that they can do this valuable work. They are saving money not just for the government but for insurance companies, and also ensuring the wellbeing of the citizens of this state. I think it is a very small price to pay to give them the eligibility to qualify for cancer compensation.

There are various arguments about how much money that could be. It is a bit like the workers compensation argument that we get in here all the time and the fund, I understand, of the unfunded liabilities is well over a billion dollars. We get different amounts brought to us here about what the fund could be but, as I said, I think that would be a very small price to pay for the massive and diligent service that these volunteers give.

I want to reflect on the area of Rockleigh. I represent a part of that area, the member for Schubert represents part of it, and the member for Kavel represents part of it. Finally, they are going to get a new fire station there. They have had their fire truck housed in a farmer's property and they use his shearing shed for training. I commend Don Moore and his group there for taking the initiative to house the truck so that they can look after the many fires. There were about four in the last 18 months to two years that have gone through Rockleigh and caused major devastation.

I think the government needs to wake up and recognise what a valuable resource they have in the Country Fire Service. I am a member. Sadly, not that I want to go attending many fires, I do not get the opportunity as I am not there a lot of the time to assist my colleagues with fighting fires, but I certainly commend all the CFS firefighters of this state not only for the work they do in fighting fires but the vehicle accident work they have to attend and the rescues. It is just such great service. They do not want pay. They do not want to be paid as firefighters, they just want some

acknowledgment that their service is treated as fine service by this state, and I think that is all they can ask for.

**Mr VAN HOLST PELLEKAAN (Stuart) (10:59):** I am extremely seriously and passionately behind the member for Morphett on this issue. This is incredibly important and very close to my heart, and I commend speakers on this side, my colleagues, who are also just as serious about this issue. I also commend the Hon. Tammy Franks from the other place for pushing this issue over there. I think that it speaks volumes about her for doing that.

I also know that many of the members opposite feel very seriously about this issue as well, and I encourage them to do everything they can within their team to change the government's position on this. I can only imagine what the Labor Party would be saying if the roles were reversed and the Liberal Party was doing what the Labor Party is doing right now. I thank those people opposite who are working with their consciences and their hearts on this issue, and I hope that they are successful in convincing the rest of their government colleagues on this very important issue.

The reality is that the exposure to health risks for professionals and volunteers is exactly the same. I can tell you that in my electorate, and all over country South Australia, where there are MFS and CFS brigades they go to the same incidents and they do the same work. Sometimes, the CFS people have less equipment and so are potentially exposed to greater risks. In other parts of the electorate where there is only CFS and no MFS, the CFS do the work that the MFS would do if they were there. So, they are at the very least exposed to the same risks, and quite probably exposed to more.

I will read a brief excerpt from an article which was given to me just this morning by Scott Kennedy, a very capable Liberal staff member, and it comes from the Autumn 2014 edition of *Fire Australia* magazine. I will not read through it all, but I commend the article to people. The short bit I will read out is:

It is a hazardous scenario that bushfire firefighters in Australia and overseas face more frequently as population growth pushes residential development into rural areas. At the rural-urban interface, bushfire firefighters are exposed to smoke from not just vegetation, but from combinations of burning houses, cars and other materials. And bushfire firefighters—

So, read 'CFS', rather than 'MFS'—

are less likely than city firefighters to be wearing breathing apparatus. This means they may be more vulnerable to health risks posed by burning organic compounds that have been, until now, mostly unmeasured.

There is much more in that article, and I do commend it to the people making decisions within the government to consider this, because it is a very important issue. It is important to point out that this is about access. I understand what the government says: if a CFS volunteer firefighter ended up being sick, and if that person wanted to claim support for a medical condition, potentially that person could get it—but they would have to fight for it. This is about the onus of proof: the professionals get it automatically; the volunteers have to fight for it. That is the heart of the problem here, and that is completely inexcusable.

It would not happen in any other workplace. I cannot imagine that any member of parliament, regardless of which party they come from, would have a work experience person in their electorate office and give them different workplace conditions and expect that if they somehow contracted an illness, or happened to be injured or something like that, there was a difference between that work experience person and one of their paid staff.

I cannot imagine that anybody in this house would say that volunteers in schools, whether they were providing special activities, coaching sport, or working in a canteen as volunteers, should have a different level of workplace health and safety cover than the paid staff who worked there. I cannot imagine that people would think that anybody working for a charitable organisation, whether they be paid or volunteer staff, should have different access to safety cover, to health cover or to basic workplace safety in the workplace, whether they are paid or not paid.

Volunteers in tourism and visitor information centres, Families SA volunteers who drive cars to ferry people around the city and the state as volunteers—I cannot imagine that the government would say that those people would be entitled to a less safe workplace because they had a lower level of entitlement than the paid Families SA volunteers if they happen to be doing the same work. It is completely inexcusable.

There is precedent everywhere we look, and particularly in public servants, as MFS professionals are, and as many very good people across this state are, to say that there should be exactly the same access to workplace health and safety support if it is required. It is inexcusable for the government to say, 'But when it comes to firefighters, we think that's different.' Let me say, I am not trying to take anything away from the MFS. Good luck to them. They have recently received extra support, and I think that is fantastic.

The volunteers deserve exactly the same because the principle is set throughout our state. They deserve exactly the same because the risks they face are exactly the same and quite possibly even greater. For the government to say that we cannot afford it is disgraceful, and that is what the government is saying, 'We have decided to give it to the paid MFS firefighters, but we cannot give it to the volunteers because we can't afford it.' That is a disgraceful precedent that they are trying to set.

This is a principle about the cover that is there, and I understand the realities of budgets and I understand the realities that you cannot pay for more than you can actually afford to pay for. It should not be, 'We will give complete full cover to one group and no cover to another, or not give the same access to the same cover to a different group.' It should actually be that you start with the principle and then figure out what you can afford; do not start with what you can afford and then try to create a principle that works to your budget. What is right is right and what is wrong is wrong.

I think it is a dreadful shame for the government to say that we can afford it for the professionals but we cannot afford it for the volunteers. The professionals deserve it and the volunteers deserve it as well. I would not be at all surprised if all of those other types of workplaces I mentioned—whether it be MPs' offices, schools, charitable organisations, visitor information centres or Families SA, and there are probably dozens of other examples people here could consider—decided to stick up for their colleagues, for volunteers, who go out of their way, as many members on this side have said, and put themselves at very serious risk.

I can say that I have done it and I am just one person. I go to a few CFS callouts a year because I am barely home. If I am home and the pager goes off, I go out, but I am not home that often so I go to probably four CFS callouts a year. I know firsthand the risks that people put themselves through and I know firsthand the people who do it much more frequently than I do. There is a core group of people in the Wilmington CFS, probably 10 or a dozen or so, who would be available for almost every callout.

This is not about me. As far as I know I am very fit and healthy and do not expect to ever benefit from what I am pushing for, but there are probably 5,000 to 8,000 people out there out of the 13,000-odd CFS volunteers who would do callouts more frequently than I do, and they are the people who deserve this. Government members know in their hearts that what the government is doing here is wrong. It is good that they gave it to the MFS but completely inexcusable that they did not give it to the CFS as well.

The last thing I would like to say is to make a genuine plea to the member for Frome, who understands this issue very well. For the previous four years in parliament we discussed many CFS and emergency services issues together. He understands this issue and before the last election he was in lock step with us on this issue of principle. I call on him not to change his principle. He said that if he joined the Labor government he would not change his principles on regional development. He said that if he joined the Labor government he would not change his principles in the way he represents the people of Frome. I call on him not to change his principles on the way he wants to stick up for CFS volunteers throughout his electorate and throughout this state.

There are approximately 30 CFS brigades within my electorate alone. There are 13,000 CFS volunteers throughout the state. We support them. The member for Frome said he would support them, and I call on him to do so.

**Mr PENGILLY (Finniss) (11:09):** I wholeheartedly support the bill introduced by the member for Morphett. We have spoken on this before in this place. I applaud the efforts of the Hon. Tammy Franks in another place as well. It is just unfortunate that those on the other side have not really woken up to the fact that we have two classes of firefighters in this state: we have paid firefighters and we have volunteer firefighters who do similar work. Some are afforded the privilege of compensation for cancer and suchlike, whereas the poor old volunteers are defecated on from a large height by an out-of-touch government, quite frankly.

I know there are members on the other side, as well as some in another place, who support the efforts of this side of the house. It is once again a sad indictment on where South Australia is that we have this ludicrous situation where some can have and some cannot have.

**Mr Goldsworthy:** Marty will change all that because he's going to give a free vote.

**Mr PENGILLY:** Thank you. I would like to pick up on the comments by the member for Stuart. When I was chairman of the former CFS board we had 18,000 volunteers. They have drifted off for various reasons, some have gone. Country areas have struggled to maintain populations, and that has impacted heavily on volunteers in all sorts of areas but very much so in the CFS. I know that my brigade on the island, the Wisanger brigade, struggles to keep going. We have people on the roster who are in their 60s. It is hard to keep the enthusiasm there; however, we keep the brigade going because we need it for our immediate area. That is why we keep it going. In country areas, by and large, if there is a fire all one wants to do is get on the truck, go and put the fire out and go home and not put up with the rest of the nonsense.

I have my membership certificate up in my office. I joined up in 1968, when I first became an EFS member, like perhaps the member for MacKillop, who is probably also a member of the EFS. Fred Kerr was the head serang and I was very fortunate in the 1990s to be given the position on the board of presiding member. The volunteers were always at the forefront of our deliberations, to the extent that I had somewhat of a fallout with the minister at the time, Mr Brokenshire from another place. Mr Brokenshire, acting under the instructions of his boss at that time, slotted me, quite frankly. However, that is another story; that is history and we have moved on from that.

**Mr Griffiths:** Did you deserve it?

**Mr PENGILLY:** No, I didn't. The problem was that I would not do what he wanted. That occurred at Maitland actually. That is history. The member for Morphett has done the right thing in giving the house the opportunity to debate this bill. Picking up on what the member for Stuart said a few minutes ago, it is incumbent, in my view, on the member for Frome, now that he is a minister in the Labor government, to not forget what he said, where he came from and where his roots are and to return to supporting a bill such as this.

Also, can I say to the member for Waite—who is not in the chamber and who cannot look across the chamber at us, I might add—that he also has a responsibility because he backed this thing to the hilt; he absolutely backed it to the hilt before doing a quisling. It is incumbent on him to support this motion, otherwise it shows him up to be not worth consideration on questions of integrity on what they have done in the past and what they may do now. Not that I want to put any pressure on him, I might add. However, it is important that this motion gets through the house.

There are many in this place who have CFS brigades in their electorates and I know there are members on the other side who have CFS and SES brigades in their electorates. It is important that they actually stand up for something instead of picking up all the trappings of government and getting paid additional money for all sorts of jobs, that they recognise that they have constituents to support and that many of those are volunteers. So, I say to members on the other side: for heaven's sake, for once in your lives get real about it and support this motion of the member for Morphett. It is not going to go away.

Over the years, I know myself—I am not going to speak for others, they can speak for themselves—I have attended numerous incidents where people have been severely injured, where people have been burnt, where one person was burnt alive and we got him out with a rake the next day. I mean, that is pretty macabre but that is what we did, and it was not a very pleasant experience. I think I was 18 at that stage, or I might have even been a little bit younger, when I first joined.

I have gone to all sorts of incredible fires. I guess the real major fire that I was involved in, apart from a number of little ones, was the 2007 fires which burnt out a third of Kangaroo Island, much of which did not need to burn if the Department of Environment was not such a mob of incompetent clots and had done some decent burning at the appropriate time, instead of having the whole lot go in a major conflagration because they are out of touch with reality.

Various ministers of the environment and the environment department put out press releases on how much burning they are doing, which pales into insignificance given the amount of land they have. If you get the figures which I had supplied to me a week or two ago on what they intended to do and what they actually did do over the spring, summer and autumn period that we have just gone



through, they have failed dismally. They do not have the guts, they do not have the experience, they do not want to ask people who are experienced in burning bush because they have university degrees which say that they know better than us.

I hope that the member for Morphet's motion gets support from both sides of the house. I believe, without question, that the upper house will have a different attitude entirely and that is a good thing. It is not often that the Hon. Tammy Franks and I agree on much, but we agree on this one.

*Mr Griffiths interjecting:*

**Mr PENGILLY:** That and chooks. So, with those few words I wholeheartedly support the motion and look forward to it passing the house.

**Mr KNOLL (Schubert) (11:18):** Sorry, member for Kavel.

**Mr Griffiths:** There's an order.

**Mr KNOLL:** There is an order. There is a structure. The whip does a fantastic job. I rise today to speak about this amendment and to support the inclusion and acknowledge the good work of the CFS. It is said that we must accept fire as a part of life, of living in Australia, but we of the country do not face the front line alone. Bushfires are not restricted to my electorate. The devastation it causes is felt by many electorates but none so much as those in the country.

During the fire season over the past summer there was a great amount of media coverage of the extent of the fires across the state. There are many community-minded people who are members of the CFS. Indeed, there are more than 13,500 volunteers, including cadets, who are strongly committed to protecting their communities across the state. Those 13,500 are across 425 brigades, with a fleet of more than 850 fire trucks.

The people who commit themselves to the CFS do not do so lightly, nor without support. CFS training is hard but necessary. I support this amendment because, like the member for Morphet said at a previous time in this place, it includes three simple letters: CFS. Only this past summer the largest fire in the state, the Bangor fire, was just outside my electorate; indeed, in the electorate of Stuart just to the north. However my community was not untouched. On 17 January a fire ignited in the Eden Valley.

A couple of days previous to that fire there was a small fire on the hill at Krondorf, which is only a couple of kilometres from my house. I was in Adelaide that day, and came home to see the smoke coming across the valley floor. We saw the fire put out in pretty quick time; the local crews were onto it and dealt with it in an efficient and professional manner, and provided safety to approximately 5,000 residents, I think it is, within a couple of kilometres of that fire.

The fire that started at Eden Valley became a lot more serious and a lot more dangerous. In fact, the Krondorf fire was probably a good wake-up call to the locals that the fire season was definitely on us and that we needed to maintain our vigilance. Over those days of the Eden Valley fire, the response from the community—the CFS primarily, but the rest of the community that got involved, from service clubs to the Red Cross, to all the other support agencies, to my local Barossa farmers' market providing a kitchen to give food support for the CFS volunteers and affected people in those areas the fire touched—was inspiring, and it was amazing and it was extraordinary.

I talked to people along Jutland Road who were very close to the fire. They lost all lines of communication and were stuck there amongst the haze through the night, not knowing which way the fire might go. In fact, at one point the fire advice from the CFS warned towns in all four directions around the fire, suggesting that the winds were changing quite often and that no-one in close proximity to the fire was safe. I also point out that it was extremely difficult terrain. We are talking about rocky outcrops and quite hilly country, and it was an extremely difficult situation in which our CFS found themselves.

I was talking to someone who is just this side of Keyneton whose husband was with a farm fire unit on the front line. She did not know where he was or how he was until she got a phone call from him saying 'Look, I think you need to pack up the house and get out.' She said 'Unfortunately it's too late. The kids have already come up from Adelaide. We're here on the farm and we're protected. We've done everything we can and we are going to sit in.' She said it was the scariest thing she has experienced in the last 20 years, because she had no idea if her husband was safe

and, in her words, 'he went out with a flannelette and a pair of thongs' as opposed to having on all the safety gear. Having the entire family there waiting with that level of uncertainty was quite scary.

The community response after the fire was, again, amazing. I know of a friend who lives just off Jutland Road out past Keyneton, and he said that people would come and offer food and support, and would call up and check if they were okay once, after about a week and a half, the communications lines were restored. He told me the story of how the fire came over the hill towards his property. It is lucky that he had an old dry stone wall that stopped the fire from coming further, but what happened was that a fire truck rocked up—I cannot remember if it was Kangarilla or Yankalilla or—

**Dr McFetridge:** Kangarilla.

**Mr KNOLL:** Kangarilla. It rocked up in front of his house and monitored the fire and then just stood there. They sat there and waited—his property is the only property in the vicinity—and waited until the fire had passed to make sure that everything was safe and then they moved on. He said he did not ask them to come but they came, looked after him, and then they left, without a word of thanks or a word of encouragement or anything.

The reason I bring up these stories is because throughout the days, weeks and months since the fire not one person has ever come to me questioning the hard work and dedication of the members of the CFS; not one. No-one has suggested to me that they are anything other than a professional, organised group who have the absolute care of their community first and foremost in their mind. They are a group of people who, as one of their stated policies, do not want to be paid, and, as a state government that has a budget that is constrained, I think members opposite should really be quite grateful for that fact; they do not want to be paid.

Once again, for me it is another example of regional communities banding together to look after themselves. Yes, they certainly do ask for support from government in terms of equipment and training but they are there primarily volunteering their time. As a member from a rural electorate nothing could make me prouder because the CFS is an organisation that can stand up and say, 'We are here for the community. We are here to devote our time and we are prepared to do it to make our community better.' As a state government we should applaud them and we should do everything we can to support them and, indeed, give them equality.

The success of the CFS is that in the early stages of the fire there were 371 homes that were seen to be in the line of fire. Despite their best efforts, and I would say because of their best efforts only four houses were lost: four houses out of 371 in the line of fire. Even though it was unfortunate and devastating for those who lost their homes overall it was a great result for the community.

Without the service of these community-minded men and women who, at times, risk their lives to defend their communities, the government would be a whole lot more out of pocket. I would contend that those who face the same risks deserve the same cover. I have heard members opposite talk often of equality and they preach equality on so many levels, yet it seems that their commitment to equality has wavered on this issue. As a member from a regional community sitting on this side of the house I am here to call them out on it.

The CFS is a great community organisation; it is a community in itself. In extreme and exceptional circumstances crews can be flown across the country to help fellow volunteers defeat fires. This debate should not pit paid firefighters against those who volunteer for the same purpose; it should not pit those who are paid against those who volunteer to defend their communities. More often than not they work together. In my community it tends to be more often than not that the CFS gets there before the local MFS crews do. These guys travel to crash sites and are there first and they see horrific accidents and they need to be treated as well as those in the MFS.

This debate is about a fair go. Again, another catchcry of those opposite. This debate is about a fair go. On this side of the house we are here to stand up for a fair go for the CFS volunteers. In closing, may I say that the volunteers face the same danger, they face the same stress, and the MFS and CFS always complement each other. I say that they should be treated exactly the same, and that is why I urge this house to support this fantastic amendment.

**Mr GOLDSWORTHY (Kavel) (11:27):** I am certainly aware of the short amount of time I have before the clock gets to 11.30 and we move on to other matters so I will seek leave to continue my remarks. Whenever an issue comes before the house in relation to our CFS volunteers or

bushfire- related matters, I always think it is important for members such as myself to stand up and make some comments. I am one of the members in this place who represents probably one of the highest fire risk regions not only in the state, not only in Australia but actually on the planet. It is well known that the Adelaide Hills region is an extremely high fire risk area.

**Mr van Holst Pellekaan:** Kavel is the centre of the universe!

**Mr GOLDSWORTHY:** I am glad the member for Stuart recognises that! I will pick him up on that so that it goes into *Hansard*: that Kavel is the centre of the universe. He is right. All of us in this place support our CFS volunteers and we know what a crucial and essential role they play in each and every one of our communities. There is a CFS brigade in every one of the towns in my electorate. There are smaller villages and hamlets that do not necessarily have a CFS brigade but right from the north up in Gumeracha/Birdwood, in the north of the electorate down to Mount Barker and out to Callington and Monarto and everywhere in between there is a CFS brigade. As previous speakers have said, they are committed members of our community. As the member for Schubert stated in his contribution, they are committed volunteers within our community endeavouring to make our places safe and secure. I seek leave to continue my remarks.

Leave granted; debate adjourned.

### *Motions*

#### **HOUSING TRUST TENANTS ASSOCIATION**

**Dr McFETRIDGE (Morphett) (11:30):** I move:

That this house—

- (a) condemns the Housing Trust Tenants Association for their despicable scare campaign and their misleading and deceptive conduct during the March 2014 election; and
- (b) calls on any member of parliament who assisted the Housing Trust Tenants Association in this campaign in any way, to apologise to the thousands of South Australians who were caused great distress as a result of this disgraceful campaign.

Can I say at the outset, Madam Acting Speaker, that it is good to see you in that role there; it is good to see you in this place because we need fresh ideas, fresh faces but, above all, we need people in this place, on both sides, who are going to uphold the dignity of the political process in South Australia and the reputation of politicians.

Unfortunately, over the last number of political campaigns, we have seen some dirty tricks and there is just no way we can walk away from that—seriously dirty tricks. We saw the dodgy how-to-vote cards that were masquerading as Family First, and we saw that terrible racial slur on the very upstanding—very attractive but very intelligent—candidate for Elder, trying to bring racial taint into her campaign. It was atrocious and I just hope beyond hope that the member for Elder had nothing to do with that and I believe she is a better person than that.

I do not know who did it, but I tell you that what we have got down to now is a level that is indescribable, and that is what the Housing Trust Tenants Association did in this last election. The Housing Trust Tenants Association are a strange group—and I will talk a bit more about them later on, I think they are a group, they might be a group of one or two, but they are a group—who are out there proclaiming to be affiliated with the Labor Party. The assistant secretary proudly proclaims herself as a member of the Labor Party. She is a prolific 'twitterer' and I will remind the house what the assistant secretary said on her Twitter site on 10 May this year:

Duncan McFetridge—

spelled with two t's which is an insult, that is the Irish half of the family—

shadow social housing minister is still whingeing about the HTTA warning letters we sent out during the election. So glad we did.

The assistant secretary of the Housing Trust Tenants Association is completely unrepentant for having run one of the dodgiest and dirtiest scare campaigns I have seen in my time involved in politics. It is not just me who is saying this, it is not just members of the Liberal Party, and it is not just the candidates who were defeated partly because of this campaign. Let's read what Shelter SA, one of the peak housing bodies in South Australia, had to say about this in a media release from Dr Alice Clark, Executive Director:

A discredited Adelaide lobby group is frightening vulnerable Housing SA tenants by writing to them and striking fear into their hearts about losing their homes leading up to the South Australian election.

'Shelter SA, the peak body for housing in South Australia is appalled,' Executive Director Dr Alice Clark said today. 'Any group who is prepared to scaremonger pensioners and people with disabilities should be ashamed.'

Dr Clark went on to say:

It is not known how the group obtained the addresses of Housing SA tenants...

And I will say a bit more about that later on. The letter that was sent out by the Housing Trust Tenants Association—the post office box, and we have heard about the issues there—made claims, and I will just read the first part of the letter:

I think tenants of public housing have much to fear if a Liberal government is elected in South Australia on March 15<sup>th</sup>. I base this opinion on what Liberal state governments have done interstate and what the South Australian Liberals said they would do before the last state election in 2010.

Did the Housing Trust Tenants Association attempt to come and see me, attempt to phone me, email me or talk to me? No, not at all, other than just their Twitter diatribe; that is all it was about. Did they come to any of the forums I was at in Elizabeth: the disability forums, the housing forums, the numbers of forums I attended? No, but they put this letter out there. It is a disgraceful attempt to scare some of the most vulnerable people in South Australia.

The sad part about this letter going out, though, is that the member for Frome, the now minister in the Labor government, also forwarded this letter on behalf of the Housing Trust Tenants Association. He did regret that later on, but the damage was done. People were scared, people were being frightened out of their wits. Their mental health was being seriously affected by this scare campaign. It is one of the lowest things that I have ever seen a group do.

In my motion, I call on every member of this place to disassociate themselves from this campaign and to apologise to the people who are Housing Trust tenants if they had anything to do with this campaign, because I am sure they would not have wanted to have the consequences that came from this campaign, the scare, the fear that was put into people, the distress and anxiety that this campaign caused.

Not only was that letter sent out on numbers of occasions to different areas in South Australia, but DL flyers were also put out there: 'The State Liberal Party strives to support South Australians to transition to private rental.' That was 2010; it was not a 2014 policy. The Housing Trust Tenants Association did not come and talk to me about that; did not say anything to me about that; did not want to know anything about that other than running a discredited campaign, when I had said on ABC radio, on FIVEaa and on Radio Adelaide that the Liberal Party was not doing any of the things that were being done by interstate governments and that had been put in previous policies.

We were not about putting anybody's future at risk. It was about making sure that South Australians were going to get the very best future they possibly could. But no, the Housing Trust Tenants Association did not care about the mental health of the tenants in the Housing Trust.

Can I say, the first house, the first home, that my family had in South Australia was at Hogarth Road, Elizabeth South. It was a Housing Trust house, so I know the types of people who live in Housing Trust houses. My brother and my mother still live out in the northern suburbs. I go out there frequently. I know the stresses and strains out there. I have spoken to the councils. I have been out to speak to the organisations that support these people in Housing Trust today, never mind those years ago when my family moved out there.

It is not about the Liberal Party not knowing what they are talking about. We have credibility in this area. We go and talk to people. This is an atrocious campaign that is obviously backed by the Labor Party, because I have not heard anybody here come out and say, 'Well, it was nothing to do with us; we did not condone this in any way, shape or form.' I am looking forward to the responses from the other side, because it is going to be very interesting reading and listening to them.

The Housing Trust Tenants Association has gone above and beyond to scare people. We had this DL flyer warning: 'That was the SA Liberals' plan in 2010, pushing people into private rentals; don't vote Liberal in March.' Then they quote from the New South Wales Liberal government and the Queensland Liberal government and say that is what we are going to do. Despite the numbers of

times I publicly, on radio and in public forums, said that this is not what we were going to do, they kept up this campaign. They just did not care; it was all about scaring people.

We do know that the two biggest motivators in life are fear and greed. Well, they were just scaring the hell out of these people, the most vulnerable people. Most of our tenants in Housing Trust now are people who have financial strains, they have disabilities, they have mental health issues, they are out of the prison system, the mental health system. There are very vulnerable people. We should be making sure that we are not doing anything to endanger their mental health. This is what the Housing Trust Tenants Association has done.

Just a few days ago, what did they say on the Twitter feed: 'We are so glad we did.' They are still so glad they did. Go and tell that to the people. I will read some of the emails I have and I will tell you some of the stories that were given to us, various members in this place, from affected people, the people who were hit right between the eyes by this scare campaign.

The other deals that the Housing Trust Tenants Association put out were along the same lines. They were just trying to reiterate old policy: what was happening interstate, could you afford \$30 a week? And they were even reaching out to say what was happening in England, for heaven's sake! It was just a terrible, terrible campaign.

I was really alarmed, though, when I saw on the Twitter feed of the assistant secretary of the Housing Trust Tenants Association that this person had shared a National Liberty Federation photo with Adolf Hitler in it. The assistant secretary said that her site was hacked. I believe her on this, and I think that was a terrible thing to do, because I do not think any one in the Housing Trust Tenants Association would want to be associated with Hitler.

They certainly are associated with the Labor Party, because we have a picture here with a big headline banner on it—I am not allowed to display it, but I will show members afterwards—with 'South Australian Labor' written in bright red, and we have the Premier, the assistant secretary of the Housing Trust Tenants Association and the now member for Lee all smiling in this picture. I wonder if they are still glad about the way this latest campaign was run. I wonder if they are proud of what happened. Let me just read some of the letter that I actually sent out to some of the people who contacted me. A candidate sent out a very similar letter. This is to a lady at Croydon Park, Mr Speaker. It states:

Many SA Housing residents have personally contacted me about a letter they have received from the Housing Trust Tenants Association making a number of statements which are completely incorrect. Let me reassure you that the Liberal Party of SA does not support and will not support the introduction of a bedroom tax...

And then I continue on in that letter to say:

We are not going to do anything that has been associated with New South Wales, Queensland or the claims that are being impugned—

or implied—is that the correct word, Mr Speaker, I am sure you will correct me—

by the Housing Trust Tenants Association.

It was just an atrocious campaign. I encourage every member in this place to google the Housing Trust Tenants Association. Google them; see if you can find out who they are. We have this person, the assistant secretary, out there all the time. Well, who is the secretary? Who is the president? Who is the treasurer? Do they have meetings, do they have minutes, do they have financial accounts? Can I join? How do I join? If you try to phone you do not get an answer. I would like to join; in fact, the first thing you learn in politics is how to count.

Perhaps we should do the numbers on these people and get some honesty in there, some respect for the people they are representing, because we have not got that from this association which proudly professes to be run by a person who is a member of the Labor Party. Let me read just a couple of emails here about the impact of this campaign. This is from a lady who I will not identify. She says:

I am a housing trust tenant and the Housing Trust Tenants Association has sent letters to tenants to not vote Liberal because they are going to sell the house we are living in and we will all be out on our backsides and have to rent privately. Please don't let us be evicted as the Housing Trust Tenants Association is saying is going to happen.

That was just one. I do know of another case from one of our members in this place. A tenant's mother phoned the member. This particular tenant was autistic. He had threatened suicide because

he thought he was going to be thrown out of his house. This man's mother contacted one of our members to see what was going on. We had to go above and beyond to reassure this young fellow that we were not going to do anything like this, we were not going to force him out of his home. For him to be put in that situation because of this campaign, as a direct result of the Housing Trust Tenants Association campaign, is a disgrace. I have another letter here from another lady:

On the morning of 3 February I was informed I was very ill with cancer and the diagnosis hitting me with such force then came another cruel blow. That evening in hospital I was given the warning letter from the Housing Trust Tenants Association which absolutely knocked me back even further. Since 3 of February it has been such a hard battle but with this association and the political party behind them what they have caused myself and others is disgraceful and more than I can deal with.

She goes on:

Today I received a colour printed brochure from the same association with the same warnings. I can no longer cope with the distress this is causing me at a time when all my energy needs to be spent on coping with my cancer.

They are the sorts of people who have been affected by this campaign. We do not need to go this low, we do not need to go there. It is just something we do not need to do. Let's just see what the radio journalist Leon Byner was saying—and I am reading from media monitoring here—on 21 February.

Leon Byner says he has asked the South Australian government how the tenants association had the resources to data match information from local councils and sight the electoral rolls at the Australian Electoral Office. Byner says he was messaged by the office of the housing minister, the Hon. Mr Piccolo saying that the information on tenants was freely available by data matching, but this is a furphy because councils record landlords instead of tenants. Byner says someone must have leaked the tenants list to SA Labor, who has given it to the tenants association.

So that is what that very powerful radio commentator Leon Byner was saying. I do not disagree with him one bit. The next day Leon Byner was interviewing political commentator John Hepworth. John Hepworth said here about this campaign:

The Housing Trust Tenants Association pamphlet. Hepworth says he doubts the information about Housing Trust tenants is publicly available, but the SA government would have access to the information. Hepworth says the contents of the pamphlet is concerning as it was sent to vulnerable people. Hepworth says politics should not be fought in a dirty way, misrepresenting one side of politics to the vulnerable.

This is not just the Liberal Party condemning this—every person in this place should be condemning this type of campaign. If there is a genuine grievance, come and talk to me. If there is a genuine issue, come and speak to me, sit down with me, work it out so that we are not affecting the most vulnerable South Australians with dirty tricks campaigns like this. I cannot wait—in fact, I am going to wait because I am no longer on Twitter—but I bet there is a Twitter diatribe from the Housing Trust Tenants Association again, because we know—she said it just a few days ago—that she is glad she did this campaign.

**The Hon. J.M. Rankine:** Why aren't you on Twitter?

**The SPEAKER:** I thought the member was on Twitter.

**Dr McFetridge:** Not any more—I've closed my account.

**The Hon. J.M. Rankine:** Why, why?

**Dr McFetridge:** I just can't be bothered any more—just reading diatribe.

**The SPEAKER:** The Minister for Education.

**Dr McFetridge:** This'll be good!

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (11:46):** It would be nice if the member for Morphett told the house what happened to him when he was on Twitter. He was lambasting the secretary of the Housing Trust Tenants Association, but we know why Duncan's not on Twitter anymore. At least Julie did not have to go out there and pay a fine!

**Dr McFetridge:** I haven't paid a fine.

**The Hon. J.M. RANKINE:** You didn't pay a fine?

**Dr McFetridge:** No.

**The Hon. J.M. RANKINE:** Who took the photograph with a camera?

**The SPEAKER:** A point of order.

**Ms CHAPMAN:** The minister is just engaging in debate with one of the members of the parliament. She hasn't even started her address.

**The SPEAKER:** It is not question time, it's debate time.

**Ms CHAPMAN:** Debate across the chamber, Mr Speaker, is not correct.

**The SPEAKER:** I will attend to that. The minister.

**The Hon. J.M. RANKINE:** Thank you. Let us talk about the pot calling the kettle black when the finger and the arms wave across the chamber all the time. The premise of this debate is dirty tricks in election campaigns. The dirtiest trick you can play on the community in this state and in this country is not to tell them what you are going to do. The Liberal Party ran a small target campaign, they didn't want to tell people—

*Members interjecting:*

**The SPEAKER:** I call the member for Adelaide to order.

**The Hon. J.M. RANKINE:** They didn't want to tell people what they were going to do—

*Ms Sanderson interjecting:*

**The SPEAKER:** I warn the member for Adelaide for the first time.

**The Hon. J.M. RANKINE:** We just heard the member for Morphett quote the Leon Byner show. I can quote the ABC, where on at least seven occasions the member for Morphett was asked to produce the housing policy for his party. He said, 'I've held forums', but they said, 'Where's the piece of paper?' He is complaining that people are referring to the 2010 campaign, but not once did he produce a policy, not once did he produce a piece of paper, and if he did I will challenge him—

*Dr McFetridge interjecting:*

**The SPEAKER:** I call the member for Morphett to order.

**The Hon. J.M. RANKINE:** —to table that piece of paper. Table that policy. You never had one.

*Dr McFetridge interjecting:*

**The SPEAKER:** I warn the member for Morphett for the first time.

**Mr VAN HOLST PELLEKAAN:** A point of order, sir.

**The SPEAKER:** What is the point of order?

**Mr VAN HOLST PELLEKAAN:** 104.

**The SPEAKER:** What is that?

**Mr VAN HOLST PELLEKAAN:** Addressing remarks through the chair, not directly to members across the chamber.

**The SPEAKER:** Yes, I uphold the point of order. I wish to be addressed!

**The Hon. J.M. RANKINE:** The Liberal Party, sir, the member for Morphett, could not produce a policy, not one piece of paper that indicated what—

*Mr Gardner interjecting:*

**The SPEAKER:** Order! The member for Morialta is called to order.

**The Hon. J.M. RANKINE:** —they were committing to. If they were so concerned about people in housing trust properties, why didn't they—

*Dr McFetridge interjecting:*

**The SPEAKER:** Order! The member for Morphett is warned for the second and final time.

**The Hon. J.M. RANKINE:** Why didn't you come out with a policy? Why didn't you put it on your website?

**Mr PENGILLY:** Point of order.

**The Hon. J.M. RANKINE:** Because you never had one!

**The SPEAKER:** Point of order, member for Finniss.

**Mr PENGILLY:** Sir, I am well known for being hard of hearing, but I don't need to be shouted at by the minister.

**The SPEAKER:** No, shouting is permitted in here. Minister.

**The Hon. J.M. RANKINE:** Thank you, sir.

**Mr PEDERICK:** Point of order.

**The SPEAKER:** Point of order from the member for Hammond.

**Mr PEDERICK:** Point of order, Mr Speaker: I believe the minister is misleading the house because we did have a policy. I am just looking at it on my iPad at the moment, and it was on the website.

**The SPEAKER:** Are you raising a matter of privilege?

**Mr PEDERICK:** I am just—

**The SPEAKER:** Are you raising a matter of privilege?

**Mr PEDERICK:** Well, I can raise a matter of privilege—absolutely, sir—and I ask the member to withdraw, because we did have a policy and it was on our website.

**The SPEAKER:** No, no—are you raising a matter of privilege, because if you are, I will investigate it.

**Mr PEDERICK:** I am asking the minister to withdraw.

**The SPEAKER:** Well, you just disagree with the minister and accordingly I call you to order. You are out of order. You are just making an impromptu speech. Minister.

**The Hon. J.M. RANKINE:** Thank you, sir. All the Housing Trust Tenants Association and all people living in housing trust properties had to go on was the 2010 policy: the only policy I could find during the campaign and the only policy they could find. The 2010 policy, which the member for Morphett has verified, stated:

The State Liberal Party strives to support South Australians to transition into private rental and home ownership through the provision of public housing and supported accommodation.

I do not know one person—not one of my constituents who is in a public housing home has ever come to me and said, 'Will your government help me transition into private rental?' What a joke. We know in the correspondence that was put out by the Housing Trust Tenants Association that that in fact is the policy they are implementing in Queensland. So, there is form, sir.

*Ms Chapman interjecting:*

**The SPEAKER:** The deputy leader is called to order.

**The Hon. J.M. RANKINE:** Their policy goes on to say:

Blocks of flats are also likely to be valued accommodation.

Again, I have never had one constituent say to me, 'Could you take me out of my home and please put me into a flat?'

*Ms Sanderson interjecting:*

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



**The Hon. J.M. RANKINE:** In that section of the policy, it concludes with:

In addition, almost half of the current tenants in public housing have been there for 8 years or more.

So, what would that tell you, sir, if you were a public housing tenant? That we strive to support you into private rental, blocks of flats are pretty good accommodation, and many of you have been in public housing for eight years—what would that tell you? Yes, sir, I had people come to my office and say, 'We are concerned about this policy. What can you do? Can you help us?' My response is, 'I am not responsible for Liberal Party policy, and if they can't put something out that refutes this, it stands.'

If they were so concerned about this, if they thought the information put out by the Housing Trust Tenants Association was inaccurate, why didn't they lodge a complaint with the Electoral Commission? All they did was complain that a domestic violence victim—a domestic violence worker—was required to put her home address on that literature. That is what they required her to do.

**Dr McFETRIDGE:** That's not true.

**The SPEAKER:** That's a bogus point of order and the member for Morphett will leave the chamber for the next hour.

**Dr McFETRIDGE:** Just tell the truth, Jen. Just tell the truth.

**The SPEAKER:** If the member says another word, I will name him.

*The honourable member for Morphett having withdrawn from the chamber:*

**The Hon. J.M. RANKINE:** They ran a small target strategy. They did not want to put a policy out because they did not want people to know what they were going to do. On the ABC, Matthew Abraham asked the member for Morphett:

...the party does strive to support South Australians to transition to private rental and the Housing Trust Tenants Association say in plain English that means moving people out of their trust homes into private rental.

The member for Morphett says:

Matt, that was the 2010 policy; it's not our policy now.

He goes on and on, and then Bevan says:

But...you say that was the 2010 policy...have you updated and can people go to a website and see a 2014 policy?

The member for Morphett says:

I've had so many forums on everything from social housing to disability where people have [unclear] and talked to us about this.

No no no—

says Mr Bevan.

I've done media on it—

he says.

Yeah I'm sure you've done—

said Mr Bevan—

a lot of forums but is there something in black and white that people can go to as a 2014 housing trust policy?

It hasn't been announced yet—

says the member for Morphett—

but there—if people are concerned about that they're welcome to call us.

Mr Abraham:

Well maybe...rather than playing these funny small-target strategies where you're holding back your policies and eking them out, if this is such an issue to you and this has been going on for some time, these letters have been out from the Housing Trust Tenants Association maybe you ought to get your policies out there; maybe you ought to let people know what your policy is?

He did not think it was a small-target policy. Mr Abraham says:

...we're less than two weeks from election day now, don't you reckon the Housing Trust tenants deserve...

The member for Morphett says:

[we're going] on radio, we're doing newspapers

Abraham: Yeh how about you get your policy out there?

Everybody who is concerned in this can phone us, they can talk to us, this is about talking to people and we've been [something] a long time now. This is not just the last few minutes; we've been doing this for months and months...

Mr Abraham:

When are you going to—yeeees, when are you going to get your policy out?

The policy's really out there—

the member for Morphett said. Mr Abraham said, 'Okay.' The member for Morphett:

It may not be in a printed piece of paper you could hand somebody but everybody knows. The Shelter SA [knows] Community Housing [knows]...

Mr Abraham:

Well when are you going to launch...?

...the whole sector knows exactly what we're thinking—

said the member for Morphett. Mr Abraham:

Yes, I know all that but as you know, governments are held accountable; parties, when they [want to] become government, are held accountable for what is the written word. When are you going to get your Housing Trust policy out?

Matt—

says the member for Morphett—

I think if you phone Shelter SA...

It goes on and on. Mr Abraham says:

When are you going to release your Housing Trust policy Duncan McFetridge?

The member for Morphett says:

Matt it's not about putting out a piece of paper.

Mr Abraham:

Do you have one?

...[the] Housing Trust policy Duncan McFetridge?

Matt it's not about [the] piece of paper.

Abraham: Well why don't you release it?

...the message [is] out there—

he says.

Time expired.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:58):** May I first indicate that I support the motion before the house and thank the member for Morphett for bringing it. I have met Ms Julie Macdonald. In fact, I had quite a long association with her when I was opposition spokesperson for social housing. It was during the Weatherill era of ministerial position.

It was an era in which the government of the day determined that they would dismiss all advocacy groups for Housing Trust tenants, which caused some considerable outrage. It was an era in which the then minister (now Premier) announced that he was going to sell 8,000 Housing Trust houses over a period of 10 years. It was an era in which the then minister (now Premier) announced that he would impose water rates on Housing Trust tenants and dismissed, categorically, any consideration of actually putting in individual water meters so that tenants could have a water bill

commensurate with their consumption, as distinct from a sharing of all those in multiple-dwelling Housing Trust facilities.

It was an era in which Ms Macdonald, along with others, lit up the talkback radio stations with their objections to how Housing Trust tenants were being treated. It was complemented by others who complained about multiple Housing Trust properties being left vacant for months, sometimes years, while we had an ever-growing Housing Trust waiting list for people to have access.

So, yes, I have met Ms Macdonald, and in those years pre-2010 she was very active in the space of trying to ensure that tenants were given a fair go under the then scurrilous decisions of the Labor government. I was a little surprised to see during the election campaign that the one-person Housing Trust Tenants Association—that one person being Ms Julie Macdonald—penned a letter to a number of parties directly, and personally addressed to Housing Trust tenants in a number of electorates across the state, including the electorate of Frome, I note.

During the election campaign, this came to my attention. I was concerned about it. I, like other members, have expressed, and no doubt will again in this debate, the absolute despair and distress that placed tenants in when they received it. Individually, comfort and advice was given to those who contacted us but, so concerned was I about this, that I sent a letter in in March to Mr Jim Hallion, then chief executive officer of the Department of the Premier and Cabinet, asking that he cause an investigation to be undertaken as to the access of confidential South Australian Housing Trust information.

Because when the proverbial shit hit the fan over this issue post the election, there was a plaintive response by Ms Macdonald that she had obtained the information necessary for her to distribute these letters from the local council. In fact, there had been no confirmation as to how she obtained the names of the tenants in occupation of the Housing Trust addresses because, as you know, on 3 March in a radio interview she confirmed that she had sourced the Housing Trust addresses from local councils but provided no information on how she obtained the names.

You, sir, would be familiar, I am sure, with the fact that the names of the tenants are not provided by the South Australian government; indeed, they are confidential. They are not provided by local councils. They do not even know them. This information cannot be accessed by freedom of information applications, so you might be surprised to hear that, in response to my letter of concern and the request for Mr Hallion to investigate this matter as to whether there had been a breach of the provision of information by a person or persons within the South Australian government—a copy of which went to the Auditor-General and to Ms Joslene Mazel, the chief executive of the Department for Communities and Social Inclusion—the response came, firstly, that there had been an investigation, that they had found no personal evidence of breach in the department (a confirmation of the radio interview which of course only dealt with the question of addresses and not the names). and then there was a follow-up telephone call from Jan Ellis of Mr Hallion's office indicating that this matter had been referred to the Crown Solicitor's Office.

More recently, in fact only a few weeks ago, a letter arrived confirming that the matter was to be further investigated. I have, of course, caused a further letter to be sent now to Ms Sandy Pitcher, the acting CEO of the Department of the Premier and Cabinet, outlining the fact that there was no capacity to access this information from the local council—it was not available from them and it is not available via freedom of information—and that we do want this matter properly investigated and that we do want some answers. I just wish to place on the record that, yes, there has been a complaint raised about this, I would suggest at the highest level.

The Auditor-General is now obviously seized of it, at least by my correspondence and perhaps by others. The reality is that the conduct of Ms Macdonald in relation to presenting a letter which she had not either identified as being from the Liberal Party, their position on the matter and/or outlining this information, given a history of her previous advocacy for Housing Trust tenants, firstly I found surprising and now I find very concerning because of the nature of the information that was in there, which of course was denied by the Liberal Party, but secondly which had been sent to individually addressed and identified names of the tenants, the occupiers of those Housing Trust properties. We are yet to see the end of this investigation and I look forward to when it is properly investigated. It maybe the Auditor-General will have something to say about it as well.

I just remain very concerned that the tactics for this type of thing is introduced in elections. Equally, I remain very concerned that some persons—at least on the face of it—appear to have

access to secret and protected information which is not only contrary to the privacy of the individual tenant—and they have certain laws to protect to them—but that information has found its way into the hands of the 'one-woman show', namely the South Australian Housing Trust Association. It has now been utilised to access and write to what appears to be thousands of people across of South Australia to put the fear of God into them during an election campaign tactic. That is bad enough and we are yet to see the investigation.

I suggest that the Minister for Public Sector Employment be alert as to what that inquiry is and that she should certainly be looking at this aspect as well because it is an important one—every minister should be. But at the very least, if the Premier has put his head in the sand, the matter has gone to other independent authorities and I expect it to be properly investigated.

**Mrs VLAHOS (Taylor) (12:06):** I would like to continue on with a transcript that was read by the minister about some of these issues recently where Matthew Abraham was questioning Duncan McFetridge. The transcript shows:

(Abraham: That's why I'm asking questions in the way I am.) [unclear] how this works, you know exactly what we'll do, you know exactly what we've been doing and I think you know exactly how we've been out there—(Bevan: Okay.)—and you ask anybody.

And then they then go on to transition and talk to Julie Macdonald about this. It is interesting that the opposition has been going on and on about unfair tactics and their concerns about the Electoral Commission. There have been various other accusations in this house—and in a very grandiose way—since the election.

*Mr Pederick interjecting:*

**The SPEAKER:** The member for Hammond is warned for the first time.

**Mrs VLAHOS:** It is interesting that the complaint that was actually made was only about the address and it was never about the content. It was never about the substance of the matter that Ms Macdonald was talking about in her letter which every South Australian housing tenant has a right to have a genuine concern—

**Mr VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** Point of order, member for Stuart.

**Mr VAN HOLST PELLEKAAN:** I would just like to read the motion for the member for Taylor.

**The SPEAKER:** No, the motion is before us, what's the point of order?

**Mr VAN HOLST PELLEKAAN:** It is 128.

**The SPEAKER:** Its relevance?

**Mr VAN HOLST PELLEKAAN:** Yes, sir.

**The SPEAKER:** That is a bogus point of order and I call the member for Stuart to order. The member for Taylor appears to me to be entirely relevant to the terms of the motion.

**Mrs VLAHOS:** The fact of the matter is that the Housing Trust Association has every right to defend its constituency and the people it represents about genuine concerns about policy that could occur in this state—

**An honourable member:** 'Could occur'—it was not our policy.

**Mrs VLAHOS:** I suggest you learn your standing orders and stop interjecting, new member.

*Members interjecting:*

**Mrs VLAHOS:** Anyway, there was no such complaint lodged and it is a snivelling attempt to confuse the matter and it shows you how the opposition does not know the Electoral Act and cannot conduct itself in an appropriate way with the Electoral Commission.

**Mr PEDERICK (Hammond) (12:08):** I wish to support the motion by the member for Morphett:

That this house—

- (a) condemns the Housing Tenants Association for their despicable scare campaign and their misleading and deceptive conduct during the March 2014 election; and
- (b) calls on any member of parliament who assisted the Housing Trust Tenants Association in this campaign in any way, to apologise to the thousands of South Australians who were caused great distress as a result of this disgraceful campaign.

I would like to ask the member for Frome what he is going to do in relation to part (b) of this motion, because he distributed these letters throughout his electorate.

He actually made comments to media outlets that denied it was a scare campaign. Well, it was an absolute scare campaign. It had absolutely nothing to do with our policy in regard to public housing. I must say that the constituents of Frome, and the constituents right across this state, need to know why this stuff can be put out and why it is promoted by people who are now ministers of the Crown peddling this absolute nonsense across the state. I will just read our policy about the Liberal commitment to our Housing Trust tenants in South Australia. It states:

The State Liberals are committed to ensuring social housing continues to be provided to those who need it most.

The State Liberals are also committed to providing affordable public housing for people in need, while reducing waiting times for all those who are eligible for housing assistance.

The State Liberals will ensure that social housing is managed better than it has been under the Weatherill Labor Government and will support residents to strengthen and build better local communities.

The State Liberal Party does not support, and never has supported, the introduction of a bedroom tax.

The State Liberals have ruled out any policies that would force the removal of tenants from their Housing Trust homes, despite the recent fear and smear campaign by members of the Labor Party claiming the contrary.

The only exception to this is those disruptive tenants who make their neighbours' lives a misery. The overwhelming majority of public housing tenants just want and deserve to have a peaceful and secure home. This is what they will get with the State Liberals.

The State Liberals will also ensure our housing assets are managed more efficiently—we will make better use of untenanted properties.

If elected, a Marshall Liberal Government will work with Housing Trust tenants to ensure their rights are upheld, their voices heard, and better outcomes for tenants are achieved.

So, there is our policy, in black and white, and it was on our website prior to the election. I think that it is an absolute disgrace that Julie Macdonald and the so-called Housing Trust Association (and it might be a group of one; I am not sure) put out this absolutely alarming letter to at least 790 homes in my electorate. I had to do what I could to work with the local councils to find out the addresses. I could not get access to the names; I could write only to the resident, which is fair. So, I have to wonder: how did the Housing Trust Tenants Association get the names of these people. I saw some of the envelopes, handwritten addresses on envelopes, written to these tenants. Did they not think that people would come to me about this issue? Well, of course they did.

I remember one lady, aged I think about 83, who came into my electorate office, and she was literally shaking. I hope that those on the other side who masterminded this dirty tricks campaign, and Julie Macdonald, are proud of that. That is only one; there were others who came into my office as well. But this one lady stood out. She was physically standing there shaking. It is beyond reproach that the Weatherill Labor Party will do anything it takes to get into power and scare the bejesus out of elderly citizens, and that is exactly what they did—our elderly and needy and people who need that housing support. Yet they are out there on the streets telling them that they are going to be kicked out of their homes. It was a disgraceful pack of lies; that is all it was. It was an absolutely disgraceful pack of lies. To see that woman in my office, and it was heartwarming, to say the least, to me that I could—

**An honourable member:** Heartbreaking.

**Mr PEDERICK:** Heartbreaking, sorry—using the wrong words. What I am trying to say is that it was—

**The SPEAKER:** Also, with 'beyond reproach', I think you meant 'beyond the pale'.

**Mr PEDERICK:** It was heartwarming that I could talk with her and work with her and convince her that there were no such plans by the Liberal Party in this state. I find it one of the most

terrible acts, apart from the other acts of the Labor party over the years—their dirty tricks campaign, Family First T-shirts, the Write to Isobel campaign, which I believe was authorised by Kyam Maher at the time, who is now a member in the other place.

**Mr Pengilly:** Don't forget what they did to Habib.

**Mr PEDERICK:** Yes, I am just getting to that—and then the bit about Can you trust Habib. That was an absolutely disgraceful campaign. The campaign by the Housing Trust Tenants Association, the Can you trust Habib campaign and all the other dirty tricks of the Labor Party in this state show how far they will go to keep power. It is no wonder we now have a select committee set up in the other place to look into electoral matters, and there is a bill to have a cross-party standing committee of parliament to look at these matters as well.

You do not wonder why the people of this state treat politicians as they do when you see what goes on. It is not just what went on during the election with all the dirty tricks but also what we have seen since. We have seen a former SAS soldier, a Liberal who has served here for 17 years, cross the floor to take his 30 pieces of silver.

Getting back to the matter in hand, I wonder what members opposite will do about all the pain and suffering that they caused people across this state who have to use public housing. As I said, the elderly, who are physically scared and mentally scarred, fear being kicked out of their homes or having to pay a bedroom tax because they might have a spare bedroom—a third room or a second room—in their housing trust accommodation that they do not vitally need to use. It goes beyond the pale, Mr Speaker, as to what lengths people will go to win elections.

I hope Julie Macdonald is proud of herself. She got the result she wanted: she got the Labor Party re-elected in South Australia. I am sure the appropriate kudos or benefits will be funnelled her way, whatever they are. They will be sorted out in back rooms full of smoke.

*Members interjecting:*

**Mr PEDERICK:** They are telling me they are healthy on the other side, now, that they are smoke free. Okay, I believe that. What I would like to say to the other side is that you need to find your hearts. You need to think about the people of this state, not just the political outcomes you look for. Think about the disgraceful things you do to mislead the people of this state about what you stand for. You have been making out that you are Family First candidates, and trying to link a candidate to a bullet-ridden place in Beirut. It is absolutely disgraceful activity.

Some people say to us on this side that we do not get on because we are the good guys. Well, I am glad I am with the good guys. I am really pleased that I am with the good guys and that I do not have to stoop to such disgraceful acts. It has happened in federal campaigns as well where there were accusations that the member for Boothby was in Fiji when, obviously, he wasn't.

**Mr Gardner:** There's a link to that.

**Mr PEDERICK:** Yes, there's a link—a link to the present member for Elder. They will stoop to all levels. There is no end to the depth that Labor will stoop to get their outcomes in this state, and it is time it was sorted out and it is time action was taken.

**The Hon. T.R. KENYON (Newland) (12:19):** It was heartwarming to come in here on Tuesday night and get the rerun of the 2010 election and now we are getting the rerun of the 2014 election. It is not my place, really, to offer advice to the Liberal Party about how they might win elections because, quite frankly, I do not really want them to, but I suspect it is a fairly basic one, and that is, do not keep re-prosecuting past elections. The next election is a different election: try to deal with that. But, keep going if you like, that's fine.

The central tenet of the argument here is that it was somehow false and misleading, that the allegations contained in these letters—which, I might add, I am told were translated also into Serbo-Croatian, Vietnamese and Greek, which I think is particularly inventive. I do not think you would ever do that, sir, but whoever did do that is taking particular care to get their message across at the right time. Anyway, that is beside the point. I would have thought that the particular issue here is that somehow this is some false and misleading campaign. If that is the case, there are provisions under the Electoral Act, section 113—Misleading advertising. Subsection (4) provides:

If the Electoral Commissioner is satisfied that an electoral advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Electoral Commissioner may request the advertiser to do one or more of the following:

There was no such complaint from the very party that is in here now complaining to this house about the content of that particular letter. If it was wrong or misleading to a material extent, why did they not complain about it? Why did they not make a complaint about the content of that letter? It is because they could not, because it was not misleading, because they would not have won that complaint. They would not have won it to any serious extent.

The Minister for Education has come in here and read out, almost in its entirety, the interview, and I suspect the member for Taylor finished it off. It was a hilarious interview. I am glad she read out the transcript, because I remember listening to it on my way down to campaign that particular morning, and the member for Morphett sounded like Elmer Fudd, I have to say—'beh, beh, beh'. That is how it was. I do not know how you are going to put that in *Hansard*; I apologise for that. Perhaps say that he sounded like Elmer Fudd, and then said, 'That's all folks!' It was an amazingly hilarious interview, because he went on to refute the assertions and could not do it. He went on to insist that the mere talk of having a policy—just putting it out there in the ether that somehow we have a policy is a policy. It is almost reminiscent of, I think it was the *Gillies Report*, when they used to take off Andrew Peacock at the time about his lack of policies.

Coming back to providing some semblance of advice to the Liberal Party, they should know by now—after having run it on any number of election campaigns—that a small target campaign does not work. To come in here talking about compassion and the importance of public housing, which I think everybody in this house would agree is an important issue—no-one disputes that. In fact, we on this side of the house think it is so important that we think there should be policies. That is why we have written policy. That is why we had a series of written policies—

**Mr Gardner:** So you are selling a third of it.

**The SPEAKER:** The member for Morialta is warned.

**The Hon. T.R. KENYON:** —outlining our position not just on this but on just about any matter that could ever be thought of in the entire history of the universe. That was very clear for everybody to see at any point during the election campaign, out very early. We did not see that from the Liberal Party. They did not think that housing policy was so important that they could put a policy out, and then everybody is left to revert back to the 2010 policy, because that is all there was. To come in here and complain about some sort of dirty tricks campaign, as if something isn't true, but not even have the gall to take it as a complaint to the Electoral Commissioner is just disgraceful. The faux outrage on that side about how they were robbed, how they were tricked—rubbish!—particularly on this matter, because what we have seen is that they could not even back their own position with a complaint to the Electoral Commissioner.

**Mr Pederick:** So you support all the other tricks, Tom?

**The SPEAKER:** The member for Hammond is warned for the second time.

**Mr GRIFFITHS (Goyder) (12:23):** There are a lot of emotions on display about this matter and it is a very difficult issue for people. I have been a member of parliament for eight years and, while there are issues that come and go to elected members' offices—sometimes very short-term ones—the longest one I have had is about the Housing Trust and the needs of the community in my electorate. So, this is an absolute dinkum issue that needs to be talked about.

I have listened to the radio interviews that were held and I have also had telephone calls from people in my constituency. I remember that I was contacted by three people, and there was one lady who I spoke to three times. She is a very strong-willed character, so she was not convinced after receiving this letter as to its validity. She wanted me to check it out. I told her immediately that, hand on my heart, I did not believe it was correct. I am lucky that I come from an area where there is only one regional paper per week on Yorke Peninsula. I contacted the newspaper and I asked them to speak to her and to get a photo of her because I wanted the information to go to all people, because I do have a lot of Housing Trust properties in my area and it scared the life out of me about what the impact of this was going to be when I knew it was not correct.

The member for Morphett has read out a lot of other facts related to comments that have been made, long-term issues and things like that. In the period before an election questions are being

asked by a community on so many different areas. In many cases there are members of our community who will not question things as much, but they will accept what is in a letter and then react accordingly. When you hear the stories the member for Morphett referred to of one person who was contemplating suicide due to this threat, it is a disgrace. The emotion that comes with that really does highlight to me the importance of not just discussing this but doing everything we possibly can to ensure that it never occurs again—it cannot be allowed to.

I am quite happy and want debate to occur about facts not fantasies, and that is my fear here where a person did research on what occurred in other states and transposed it to a South Australian situation. It just was not correct. The member for Morphett is passionate about this. It is quite possible that he debated the point a bit long with you, Mr Speaker, and that has resulted in him not being in the room at the moment, but he wants to ensure that the people of South Australia have the chance to understand the importance of it.

**Mr ODENWALDER:** Point of order, the member is reflecting on a person's absence or not in the chamber and I believe that is unparliamentary.

**Mr Pederick:** He's been chucked out.

**The SPEAKER:** I think it is a matter of public record that, under the sessional order, the member for Morphett has been required to withdraw for an hour. He will be back.

**Mr GRIFFITHS:** Member for Little Para, I was in the chamber at the time of him being removed so I know the circumstances. I am not sure if you were, and that is why I stated it because you directed that he leave the room, Mr Speaker. I must say that I have heard since—indeed, the member for Frome posted it out to people—that the member for Morphett has noted in his contribution earlier today that, upon reflection, he probably, I think the words were, 'wished that that might not have occurred'. The member for Frome is acknowledging that to me now. He did so with probably the best of intentions at the time, but unfortunately an action occurred that would have alarmed his community quite significantly, too.

I must say that in my period in parliament I have had a lot of contact with the Housing SA people—my regional office is based in Port Pirie—and they are hard workers, they really are. Those people do try to find options for people and to assist them when it comes to priorities. They try to ensure that vacant properties have tenants in them. The direct contact that I have had with them has been very satisfying because I know that they are actually focused on a positive outcome all the time. I am concerned that their officers probably would have received an enormous number of contacts post this letter coming out, which would have created a lot of stress among their staff. In the vagaries that often exist at election time, they would have been wondering what the result was going to be and whether what the housing tenants association was saying was correct.

We know now that it is not. I am pleased that a lot of effort was put into making people aware very quickly that it was not true, but that level of anxiety still occurred. Words make an enormous difference to people and no matter who you are, when you read something, especially if you were brought up at a time when you got something like that you thought it was gospel—it is like when a doctor talks to you, you have to believe what they say every time—it creates a level of concern that cannot be allowed.

I hope that we have a passionate debate about this and that we are given an assurance that no members of parliament, past or present, were involved in supplying the information. I think that it is disgraceful and we need to ensure that it does not happen again. When the notices first came out I was asked about the availability of the addresses and I was also aware of the comment made on the radio by Ms Macdonald about getting them from local government. I know from my previous experience that that level of record-keeping does not exist.

I contacted a current local government CEO and asked, 'Are you aware of this information having gone out?' especially as it related to properties within that council area. He said, 'No, we do not possess that.' I am disappointed that some basis of information suddenly becomes fact and then transposes into a policy position that scares the life out of people. I hope that all members of this chamber reflect upon the importance of this issue and vote accordingly because it is one that we cannot allow to continue, and we have to ensure that it stops now.



*Personal Explanation***HOUSING TRUST TENANTS ASSOCIATION**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:29):** I seek leave to make a personal explanation.

Leave granted.

**Ms CHAPMAN:** Earlier in the debate today on this motion before the house, I indicated that I received a letter on or around 2 May 2014 from the acting chief executive. I wish to correct the record: this was a letter dated 30 May 2014 and was received on 2 June 2014. Accordingly, my statements in respect of the telephone call from Jan Ellis in fact came prior to that letter and not after.

*Motions***HOUSING TRUST TENANTS ASSOCIATION**

Debate resumed.

**Mr WILLIAMS (MacKillop) (12:30):** I will be reasonably brief, but there are a couple of matters that I do think need to be put on the record. Last year, this house considered legislation which would put some limits on the parties' campaigning. We debated legislation which would cap the funding that parties could expend across the electorate and in individual electorates.

The campaign that was run by the Housing Trust Tenants Association highlights the problem with trying to tidy up election campaigns. I think any casual observer would know straight-up that the Housing Trust Tenants Association is basically a front for the Labor Party. How do we curtail the activities of a party in a campaign sense when they can simply get some bogus third party under some bogus name to go out and do their dirty work for them? There is no doubt that that is what has occurred here, and a number of campaigns over the years have been run in a similar fashion.

I make the point that while this parliament has sought to tidy up election campaigns—and I note the Deputy Premier introduced legislation yesterday to establish a standing committee of the parliament to look into these matters—I think it has got Buckley's. It has got Buckley's when we see member after member of the government get up and defend the actions of one Julie Macdonald; I think it is instructive of where that person and the Housing Trust Tenants Association are coming from.

The most confronting fact in this whole matter is the one of the supply of names and addresses. It is a fact that the Housing Trust Tenants Association obtained information that could only have been obtained illegally—that is an undisputable fact. I think it is important that at a committee of the parliament, whether it be the one that the Deputy Premier would have us establish or the one that is being established in the other place, people like Julie Macdonald are called before those committees so that we can establish where indeed that information came from. It goes to the very heart of accountability of government and of Public Service operatives, and it goes to corruption; it is a very important matter.

The matter of people using innuendo, half-truths and downright lies in political campaigns is something that has been with us for a long, long time. It is something, I hasten to add, that the Labor Party has been very, very adept at utilising. It is something which the Liberal Party refrains from, maybe to its own disadvantage. Like other members, I am proud that we refrain from that. I am proud that we are a party of honesty. I am proud that we put what we believe in before the people of South Australia, and I am damn proud that most of the people of South Australia agree with us.

The other reality is that it was the Liberal Party in this state that built the public housing sector we have now. It was the Liberal Party that built the Housing Trust of South Australia, it was the Liberal Party and the foresight of the Liberal Party that saw that we had such a huge stock of public housing in this state, and the Liberal Party is very proud of that record. The Liberal Party has never taken to an election a policy where we would destroy that. The Labor Party continues to try to argue that the Liberal Party does not have a heart. The reality is the Liberal Party has a huge heart, history shows that, and we are very proud of that, just as we are very proud that we play clean.

I am very concerned that a purported organisation such as the Housing Trust Tenants Association has been able to obtain the dataset that it obviously did obtain and used, and I am also concerned that having done that—and I say categorically they could have only obtained that illegally,

in my opinion—they then used that, as other members from this side have said, to scare vulnerable people. That is a very low act, and anybody associated with that act should be thoroughly ashamed of themselves.

**Ms SANDERSON (Adelaide) (12:36):** I rise to support the motion before the house and condemn the Housing Trust Tenants Association for their despicable scare campaign and misleading and deceptive conduct during the March 2014 election. Any member of parliament who assisted the Housing Trust Tenants Association in this campaign should stand up and apologise to the thousands of South Australians who may have experienced distress as a result of this disgraceful campaign.

The scare tactics used by the Housing Trust Tenants Association Assistant Secretary, Julie Macdonald, are absolutely disgraceful. I will add that both the association is affiliated with the ALP and Ms Macdonald is a declared member of the ALP. These actions have politicised an association that should be there to support Housing Trust tenants, not induce stress and fear in their own members and non-members for no warranted reason other than to assist the ALP's campaign.

Housing Trust tenants in my electorate received these letters and my office received many calls and emails from people not only within my electorate but statewide—people who were scared for their future or that of their loved ones, people who did not want to believe the horrid words expressed by the Housing Trust Tenants Association but had to be certain it was not true. Those calls then turned to anger towards the Housing Trust Tenants Association when the lies were dispelled.

People were downright outraged that Julie Macdonald and the association would stoop so low. One person even told my staff he felt he may have to take his wife to hospital as she was so stressed about the situation that she was experiencing heart pains. This was an act that affected people's health and wellbeing and induced unnecessary fear and left people confused and angered by the association's actions. I quote the words of one of my constituents: 'The association is a thoroughly discredited organisation.' These words are now most certainly true.

This was a campaign based on conjecture and fear. Julie Macdonald does not even register the harm she has caused. She merely felt it was necessary. I ask: was it necessary to instil fear in this manner? Was it necessary to cause the wider community great distress? Was it necessary to put people's health at risk? The answer should definitely be no.

The campaign against the Liberals did not stop, even when my colleague and shadow minister Duncan McFetridge spoke out against the lies and clarified the Liberals' position in South Australia, that none of the things that Julie Macdonald had stated were correct. Julie Macdonald continued her campaign through the association right up until the day of the election. What grounds did she have for these lies after it was publicly confirmed this was not the Liberals' position?

The other point that bugs me about this fear campaign are the words of Julie Macdonald quoted in the media: 'We've got the help of some members of the Labor Party.' Is this how the association accessed the names and addresses of the Housing SA tenants, some who were members and many who were not members of the association?

My office contacted each council in the electorate and was informed by staff at the Adelaide City Council that no-one had requested the list of the Housing SA properties prior to us. We were the first to contact them regarding the matter. If they did not access the tenants' details through the council's database, how did they get their details?

My constituents were outraged that an association such as this, delivering such a vile and false message, could have access to their personal information when they were not members of this association. I ask: what will they do with that information next? I condemn Julie Macdonald and the Housing Trust Tenants Association for their despicable scare campaign and call on those opposite to stand up and apologise if they played a part in this.

**Mr VAN HOLST PELLEKAAN (Stuart) (12:41):** I rise to support the member for Morphett's motion. I think it is a very important motion that raises many points. I would like to start by pointing out that this is a motion actually about the Housing Trust Tenants Association and is certainly not about Housing SA, and that, of course, is a very important distinction.

Our two electorate offices work very closely with Housing SA and actually get great service from them. I really would like to point out how helpful Mr Chris Kennett in Port Augusta and Ms Liz

Malcolm in Port Pirie are. Between them they cover the majority of our area. They move around a fair bit. I think Ms Malcolm is often off on other duties and Mr Kennett often covers the Port Pirie office in the Yorke and Mid North region. Nonetheless, they really do an outstanding job trying to help my constituents and their clients (if that is the right word) in Housing SA properties.

In fact, they really went above and beyond their duties by volunteering an enormous amount of their own personal time and their own professional capacity during the Bangor fire, helping with regard to the emergency response unit that was set up in Port Pirie, and a significant amount of time and effort was spent in Wirrabara as well, trying to help people who had been displaced in many ways. That might have been because their house burned down or it might have been through needing some sort of counselling. They really do an outstanding job.

That is completely different from the Housing Trust Tenants Association. I do not believe I have ever met Ms Julie Macdonald. I do not believe that I know her at all. However, the things I have been made aware of about her concern me enormously. I wonder really whether it is even fair to call it the Housing Trust Tenants Association. They probably have that name registered somewhere, but there do not seem to be an enormous number of Housing Trust tenants who have a great deal of faith in this association or what Ms Julie Macdonald is purporting to do on their behalf and seemingly doing on behalf of the South Australian Labor Party.

This motion really is about misleading and deceptive conduct, and I do not think there is much doubt that that is what happened here. I do not think there is much doubt that there are two key issues here. One is deceptive conduct potentially with regard to the Privacy Act. As many speakers before me have said, nobody really knows from where the tenants' names and addresses were sourced, but nobody really believes that they could have been used without having been sourced from a government source one way or the other. The practical reality of trying to do all be back-matching would have prevented Julie Macdonald, and even a reasonably large band of helpers, from matching them all up. I guess we will really never know whether that was the case or not, but it does seem very improbable that those documents were not sourced from somewhere inappropriate, and that is very alarming in itself.

The other thing of course that is particularly alarming is the fact that we feel we were very badly misrepresented by the information that was sent out. I can tell you that my constituents, the constituents who have raised this with me, feel that we were very badly misrepresented as well. Constituents in Port Augusta, for example, have a regular meeting at the Port Augusta senior citizens hall, many of them are Housing SA tenants and they were really worried.

The member for Hammond talked about a lady coming to his office and being physically scared and physically affected by this. There was a meeting in Port Augusta, one of their weekly meetings in the lead-up to the election, where a group of elderly people were really, really worried. They were concerned that they were going to get kicked out of their homes, and of course that was never the case. I think it would be much more helpful if the Housing Trust Tenants Association wanted to deal with some of the real issues that affect Housing SA tenants, some of the real issues like dealing with dreadfully disruptive tenants, as I know happens all over the state and as I know happens in Port Augusta a lot.

I think the Housing Trust Tenants Association should be lobbying for a much stronger stance from the government with regard to disruptive tenants. That is not because I want disruptive tenants and, presumably, bad people to be kicked out in the street and left destitute and homeless, it is not that at all. It is because they are not taking proper advantage of the privilege that public housing is—they are not taking advantage of the privilege that public housing is. When there is such a significant waiting list then why not replace disruptive, inappropriate tenants with potentially positive and good tenants for the benefit of everybody? If someone is going to miss out, if someone needs to be on the waiting list, let it be the people with a proven track record of being disruptive, unruly and, essentially, obstructing the whole privilege that is public housing.

The issue of water meters is one that the Housing Trust Tenants Association could take up on behalf of its members, if it wanted to. There are enormous numbers of constituents in my electorate who still have shared water meters. I understand the reality with regard to the cost of replacing water meters, but the impact on some of the tenants is just dreadful. There are situations where you might have two, five, 10 or 15 units sharing the same water meter.

I understand they get a 30 per cent discount on their bill but that is often overcome if you have one tenant sharing the water in their property with an enormous number, like maybe 15 or 20 people, all coming through and using the water. So then all of the other tenants, who are trying to be responsible, have to pay their share of that and they actually end up paying more than they would if they did not get the 30 per cent discount. I think as the price of water goes up and up and up the cost of replacing the meter will become more and more affordable. So, I think that is something Ms Julie Macdonald could concentrate on.

The fact that we have so many vacant Housing SA properties around the state and such a long waiting list is something that could be dealt with. I think the maintenance arrangements that are in place are something that could be dealt with. The government, a year or so ago, tried to set up a situation whereby contractors had to be preferred contractors for certain regional areas but they could not recover their travel costs in the bills they put forward for, essentially, fixed price maintenance.

So in an electorate like Stuart, where you have housing properties that are well away from regional centres where most contractors are based, that presents a very significant difficulty. It presents a significant difficulty for the contractor to try to win business and stay afloat, it makes it very significantly difficult for the good people trying to run Housing SA offices and services in the region when they cannot get contractors very willing to do the work and, of course, it is no good for the tenants either. They are trying to get their property improved, they are trying to get their property maintained, but without a good supply of building contractors.

Mr Speaker, I recommend those as just some of the issues that the Housing Trust Tenants Association should be focusing on and not, as the member for Morphett says, trying to run deceptive scare campaigns, not accessing information which seemingly has been accessed completely inappropriately—it does not seem possible that it would have come from any other source in a very practical sense; it would not have come from any legal source, in a practical sense—and not misrepresenting one political party. This association should be completely apolitical and trying only to support the tenants who live in these homes.

**Mr PICTON (Kaurana) (12:51):** I rise to support some of the comments made by the Minister for Education, the member for Taylor, the member for Little Para and others who have been commenting on this motion put forward by the opposition, which is really yet another attempt to come in here and argue against the election result. I think we are going to see more and more of these motions over the next four years. Really, when it comes down to this particular motion—

*Mr Knoll interjecting:*

**The SPEAKER:** The member for Schubert is called to order for interjecting out of his seat.

**Mr PICTON:** It is a motion where there is a proper process if you want to complain about the election material that is distributed during the campaign. It is in the Electoral Act; anyone is able to go to the Electoral Commissioner and make a complaint. From what we have heard in this debate, that did not happen in this instance with this material, so members are now using the time of parliament. We could be talking about important measures such as the cuts from Canberra to health and education services; instead we are going over this old terrain of the last election, when they did not even bother to make a complaint about this issue.

While I have been listening to members I have had a look at some of the material that the Housing Trust Tenants Association distributed, and what is apparent from that is that they are actually referring to comments made by the Liberal Party in the 2010 election. They are alerting their members, and tenants who live in Housing Trust houses, of comments made by the Liberal Party in their 'Strengthening Communities through Affordable Housing' document in 2010. You can see the beaming picture of the member for Heysen at the front of it, the member who is now accusing the Electoral Commissioner of corruption. She says, in this document, that 'The state Liberal Party strives to support South Australians to transition to private rental'.

That is really what had concerned the Housing Trust Tenants Association, because they have heard this all before. People in public housing in Queensland, in New South Wales and in the United Kingdom have been promised by conservative governments that they would not be affected by Tories coming into office. Yet what they have seen, in all those jurisdictions, is a bedroom tax that was not promised before the election but that has been brought in. Members opposite talk about the stress that has been caused to public housing tenants; let me tell you, when there is a new tax being

brought in to some of the lowest income people in our society about the houses they have been in for a significant amount of time, that really does cause some stress.

I would like to refer to a quick search of some of the commentary that has occurred in New South Wales since the minister there, Pru Goward, brought in a bedroom tax. You can see comments from people like Warren Wheeler from the Illawarra and South Coast Tenants Advice and Advocacy Service, who said to the ABC that the tax will add pressure to already struggling individuals. He said:

For some people a spare bedroom is a necessity... They can be crucial for those families and social networks. You might have grandparents who look after grandchildren when their parents go out and work, you might have adult children returning to the home after a relationship breakdown.

You also see in the UK where this has been brought in a huge outcry from those tenants in public housing, where the ABC has also reported that the measure will affect London woman Janet Cavalla, who does not agree with it at all. She said:

Because I've got a two bedroom flat and my son's left home and he's sick and has got to come back home.

She continues:

And he has to stay with me when he's sick and they're telling me I've got to pay... He's got cystic fibrosis. He has to have oxygen in a room without anyone else being in it because it will affect him so I don't believe in it.

This is the sort of stress that is being caused to people in the UK, in Queensland and in New South Wales, brought in by Liberal and Conservative governments in those states. That is what the Housing Trust Tenants Association in their material sent to Housing Trust tenants is trying to prevent happening in South Australia.

The policy document that was put out by the Liberals in 2010 has given them the impression that this is exactly what the Liberal Party would do if they were to ever form government again in South Australia. I think it is disgraceful that the Liberal Party is using the time in this chamber to criticise an association for going about the business of advocating on behalf of their members.

**Dr McFETRIDGE (Morphett) (12:55):** During my respite from the pressures of this place I have had some time to consider some of the points that have been made by the government. However, let me just start again by reading a quote from Shelter SA's press release headed Fear Factor Not Justified:

A discredited Adelaide lobby group is frightening vulnerable Housing SA tenants by writing to them and striking fear into their hearts about losing their homes, leading up to the South Australian election. Shelter SA, the peak body for housing in SA, is appalled, Executive Director Dr Alice Clark said today 'any group who is prepared to scaremonger pensioners and people with disabilities should be ashamed'.

I want to know who funded this campaign and who provided the names and addresses. I am absolutely appalled, as a member of this place, to see that members on the other side have been supporting the intent of this campaign, and that was to go out there and scare people and make them think that the Liberal Party was going to do what people in the UK and what people in the eastern states had done.

This is a desperate attempt by the Labor Party, another dirty trick. They should be ashamed. If they do not vote to support this motion they will stand condemned.

The house divided on the motion:

Ayes ..... 22

Noes ..... 21

Majority ..... 1

#### AYES

Bell, T.S.

Gardner, J.A.W.

Hamilton-Smith, M.L.J.

McFetridge, D. (teller)

Pisoni, D.G.

Speirs, D.

van Holst Pellekaan, D.C.

Brock, G.G.

Goldsworthy, R.M.

Knoll, S.K.

Pederick, A.S.

Redmond, I.M.

Tarzia, V.A.

Whetstone, T.J.

Chapman, V.A.

Griffiths, S.P.

Marshall, S.S.

Pengilly, M.R.

Sanderson, R.

Treloar, P.A.

Williams, M.R.

AYES

Wingard, C.

NOES

Bedford, F.E.  
Close, S.E.  
Hildyard, K.  
Key, S.W.  
Odenwalder, L.K.  
Rankine, J.M.  
Vlahos, L.A.

Bignell, L.W.K.  
Digance, A.F.C.  
Hughes, E.J.  
Koutsantonis, A.  
Piccolo, A.  
Rau, J.R.  
Weatherill, J.W.

Caica, P.  
Gee, J.P.  
Kenyon, T.R. (teller)  
Mullighan, S.C.  
Picton, C.J.  
Snelling, J.J.  
Wortley, D.

Majority of 1 for the ayes.

Motion thus carried.

[Sitting suspended from 13:04 to 14:00]

*Condolence*

**BANFIELD, HON. D.H.L.**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:00):** On indulgence, I inform the house that Donald Hubert Louis Banfield passed away last night. Mr Banfield was 97 years of age. He was a much respected member of the Dunstan government. Mr Banfield served in a range of portfolios, most notably as minister for health in 1973-79. Once I have had the opportunity to speak to family members, former colleagues and friends, I propose to return to the house and move a condolence motion to acknowledge more fully the outstanding contribution Mr Banfield made to the life of the parliament and the people of South Australia.

*Ministerial Statement*

**RODNEY CLAVELL**

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:01):** I seek leave to make a brief ministerial statement.

Leave granted.

**The Hon. A. PICCOLO:** I advise that the statement will be circulated in a moment. I have just been advised by the police commissioner that Mr Rodney Clavell, who was the subject of a police action, has been found deceased in the building where the matter occurred today. The police will be holding a full media conference a bit later to provide further details.

*Parliamentary Procedure*

**PAPERS**

The following papers were laid on the table:

By the Treasurer (Hon. A. Koutsantonis)—

Third Party Premiums Committee Determination

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

Port Augusta Scheduled Airline Route—Award of Route Service Licence on Adelaide

*Question Time***CARBON TAX**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:02):** My question is to the Minister for Trade and Investment. Does the minister support the abolition of the carbon tax?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:02):** The position of this government, which is the same position that our party has actually promoted in the national parliament, is that we do support the abolition of the carbon tax.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Listen carefully.

*The Hon. A. Koutsantonis interjecting:*

**The Hon. J.W. WEATHERILL:** That's right. That was the position that both major parties took to the last federal election.

**CARBON TAX**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:02):** Supplementary, sir. Does the Premier agree with the CEO of ESCOSA when he said on 4 October 2012, and I quote:

When the carbon tax came in, each state regulator increased the price of electricity between 4½ and 8 per cent.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:03):** What the Leader of the Opposition didn't mention was the compensation package that was in place also alongside the introduction of a price on carbon. It is also clear that it was a policy of both major political parties of the last federal election in September 2013 to abolish the carbon tax.

**CARBON TAX**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:03):** Supplementary, sir.

**The SPEAKER:** Further supplementary.

**Mr MARSHALL:** What likely decrease in electricity prices could South Australian consumers enjoy if the federal opposition removed their opposition to removing the carbon tax at the federal level?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:03):** Point one is that I'm not sure what will occur in the Australian Senate when that measure—

*An honourable member interjecting:*

**The Hon. A. KOUTSANTONIS:** I don't think anyone knows, no. I don't know what will occur, so I am not sure what pricing mechanism will be in place, so I consider the question to be probably hypothetical because I'm not sure that anyone can make a determination on what the effect will be on power prices on the basis of a tax being removed.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I know you are quick to judge before you have any evidence, but just let me finish.

**The SPEAKER:** Judge not—

**The Hon. A. KOUTSANTONIS:** Lest ye be judged, sir. That's how I live my life.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** According to the Scriptures, sir.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** That's why I'm often keen to find the splinter in my brother's eye. It's a very large splinter. I do not know what the Australian Senate or the commonwealth parliament will give us in terms of a price on carbon, if any. Given that the commonwealth government has said that the compensation package will stay in place, I think it is very difficult to make a balanced judgement on what the impact on power prices will be in South Australia. It is fair to say that every time people meddle with a market-based system there are impacts, sometimes positive, sometimes negative, and it's very difficult to see—

*The Hon. J.J. Snelling interjecting:*

**The Hon. A. KOUTSANTONIS:** Exactly. Often, when people make investments or underinvestments in capital, that has a net effect on what happens in the NEM and that rolls through to power prices. We've taken some steps to be sure that South Australians can get competitive pricing in the electricity market. We've deregulated retail pricing, and I note that members opposite heralded that occasion by saying we should have done it earlier, even though they've never called on us to do it before.

I do say this: I will be very keen to see what comes out of the Senate after 1 July in terms of a pricing mechanism on carbon, whether or not the Senate will allow that. If they don't, I suspect things will remain as they are. If there is a change, there may be a compromise position that we don't know about yet, so I can't answer the member's question and give an accurate response to the parliament because I do not know what the Senate will do. I think it is clear to say that given the uncertainty—

*Ms Redmond interjecting:*

**The Hon. A. KOUTSANTONIS:** Hang on, Isobel. You have to listen to the evidence first.

**Ms Redmond:** You can't call me Isobel. I'm the member for Heysen.

**The Hon. A. KOUTSANTONIS:** Oh, you respect the institution of the parliament now, do you? I will wait and see what the Independents dish up to the government and what the opposition does. I think it's too early to say what the impacts will be, but we will be watching it very closely.

#### **CARBON TAX**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07):** I have a supplementary question. If the Treasurer is correct and he doesn't know what the outcome of the Senate vote is going to be, why has the state government budget factored in an \$11 million a year saving from 1 July?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:07):** I know you're having a bad week. I do worry about it.

*Members interjecting:*

**The SPEAKER:** The Treasurer is called to order.

**The Hon. A. KOUTSANTONIS:** I don't mean to injure the Leader of the Opposition. I know he's bleeding enough.

**The SPEAKER:** The Treasurer is warned a first time.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** You'd miss me. Government policy is factored in to budget considerations. It was the policy of both major political parties to remove the price on carbon. What I have told the parliament is that the election gave up a very difficult result in the Australian Senate, so we do not know what the outcome of those policies will be now, because there are members of the Australian Senate who do not support a repeal of the carbon price without a corresponding change in other policies to reflect a mechanism to reduce carbon emissions. We don't know what the impacts are, but we are basing it on government policies.



**HOMESTART FINANCE**

**The Hon. I.F. EVANS (Davenport) (14:09):** My question is to the Treasurer. How does the Treasurer expect the house to believe he had no knowledge of the work being undertaken to scope HomeStart Finance for sale, as he told the house yesterday, when at the time the government scoped HomeStart Finance for sale he was the minister responsible for it?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:09):** I was not Treasurer at the moment in time that the member for Davenport is talking about, and if I refer him to the *Hansard* yesterday, he said my own agency was concerned with the FOI that he had received. The FOI was from the Department of Treasury and Finance. It is a longstanding practice in this place that we do not discuss cabinet deliberations, but I will say this, sir: departments and agencies offer up advice on all sorts of matters on a continual basis. I say to the opposition to judge us on what we do, judge us on the decisions that we make and the announcements that we make. I point out to the opposition that HomeStart Finance has not been privatised.

**HOMESTART FINANCE**

**The Hon. I.F. EVANS (Davenport) (14:10):** My supplementary question again to the Treasurer. Treasurer, yesterday you told the house, 'I've not seen anything that would suggest that we have' in regard to the scoping of HomeStart Finance. Is it the Treasurer's position that the then treasurer, now Premier, scoped HomeStart Finance and did not tell the minister as to the responsibilities about the scoping and he did not receive the cabinet papers for cabinet meetings of 18 June 2013, or that if he did receive those cabinet papers he simply didn't read them?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:10):** Mr Speaker, first and foremost, he is making a lot of presumptions in his question, that there was a cabinet—

*Mr Goldsworthy interjecting:*

**The SPEAKER:** The member for Kavel is called to order.

**The Hon. A. KOUTSANTONIS:** He makes presumptions about what a particular cabinet meeting may or may not have considered on the basis of an FOI request, or denial. It has been a longstanding practice in this place that we do not discuss cabinet deliberations. I say again to the opposition: judge the government on what it has done. I point out to the parliament and to the public that HomeStart Finance is sitting safely in government hands.

**HOMESTART FINANCE**

**The Hon. I.F. EVANS (Davenport) (14:11):** Further supplementary; my question is again to the Treasurer. Without revealing the contents of the cabinet submissions of the meeting of 18 June, I simply want to know, Treasurer, did you read the cabinet submissions that went to the cabinet meeting on 18 June 2013?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:12):** Same question, sir, with different words thrown in. The part of the *Hansard* that the member for Davenport is not quoting to the house is that 'I will go back and check'. The question yesterday was: does the Treasurer know what Project A is? (or thereabouts). So, the member for Davenport presumes to know what Project A is, and asks it in the hope that I may somehow mislead the parliament into saying something and he can set a trap.

**Mr Marshall:** We don't think like that over here.

**The Hon. A. KOUTSANTONIS:** What? You don't think strategically? Yes, I've noticed.

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is called to order, and not just for disruption.

**An honourable member:** Thanks for the idea.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Yes; it is true; I do sit in fear thinking that you may campaign badly against us again at the next election. Then he presumes that a FOI request, which was denied to him, that listed a series of headings, was considered on a certain cabinet date. Then he presumes to assume that the cabinet made a series of decisions, and then he presumes to say that if I say one thing or another about those cabinet deliberations that I—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** It is a longstanding tradition of this parliament that the executive does not discuss publicly cabinet deliberations, and I do not intend to break that convention. I do not intend to break that convention, but I do say this—

*Mr Tarzia interjecting:*

**The SPEAKER:** The member for Hartley is called to order.

**The Hon. A. KOUTSANTONIS:** —agencies regularly do work for the government. That does not mean it becomes government policy. I also say judge us on what we have done. HomeStart Finance sits safely in public hands.

*Members interjecting:*

**The SPEAKER:** The member for Adelaide, from private members' time, is on two warnings. The member for Davenport.

#### HOMESTART FINANCE

**The Hon. I.F. EVANS (Davenport) (14:14):** My question is to the Treasurer. As Project A, undertaken by the Department of Treasury, was the scoping of HomeStart Finance for sale, what was Project B, undertaken by the Department of Treasury?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:14):** I haven't confirmed what Project A is yet, and I told the house yesterday—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I've had all night.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Well, there are more letters in the alphabet. We can go all day: Project A1, Project A1-007 could also be an option—

**An honourable member:** Project X.

**The Hon. A. KOUTSANTONIS:** Project X. Wait until you get to Project X—that's exciting. I am not going to presume that what the member for Davenport says is accurate. I am not saying it is inaccurate, but I am not going to presume that it is. I said to the house yesterday—I made it very clear—I would go away and check and come back to the house, but I make this very important point: the executive retains the right not to make public cabinet deliberations. I do say this: judge us on what we have done. HomeStart remains in public hands.

**The SPEAKER:** Before the third supplementary, I warn the deputy leader and the leader for the first time, I call the member for Davenport to order, and the member for Morphett is back on a clean slate and therefore is merely called to order. The member for Davenport.

#### HOMESTART FINANCE

**The Hon. I.F. EVANS (Davenport) (14:15):** My supplementary to the Treasurer is: other than the work associated with the scoping of HomeStart Finance for sale, what other work was undertaken by Deloitte in the consultancy undertaken for the market projects unit of Treasury in 2012-13, and was it the scoping of the Motor Accident Commission?

*Members interjecting:*

**The SPEAKER:** The member for Hartley is warned for the first time.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:16):** We were talking splinters and logs in each others' eyes previously, and I look at the member for Davenport with interest and wonder who he was meeting before the election, which companies he had discussions with about the Motor Accident Commission before the election.

*Mr Goldsworthy interjecting:*

**The Hon. A. KOUTSANTONIS:** I know they probably don't brief you on everything, Goldy, but perhaps there were some plans for government.

**The SPEAKER:** The Treasurer will refer to the member for Kavel as such.

**The Hon. A. KOUTSANTONIS:** I will, sir. He is the only man we fear on that side. I am not going to detail to the house what work may or may not have been done by any consultant for a cabinet process. If there was a consultancy done for a cabinet process and cabinet deliberations, they are the right of the executive to maintain a level of confidentiality, otherwise—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I have maintained that, and I also say to the opposition that if they have an accusation to make, make it. So, again, judge us on what we do, and I say again, I am not going to be making budget announcements before the budget and I am not going to rule things in or out, but HomeStart Finance sits safely in public hands.

**The SPEAKER:** A supplementary?

#### MOTOR ACCIDENT COMMISSION

**The Hon. I.F. EVANS (Davenport) (14:17):** Thank you, Mr Speaker. My supplementary to the Treasurer is: has the government scoped Motor Accident Commission for sale?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:18):** The government goes about its work to deliver good government for the people of South Australia, and what may or may not be in the budget is not going to be announced today in question time.

**The SPEAKER:** The member for Davenport on a second supplementary.

#### MOTOR ACCIDENT COMMISSION

**The Hon. I.F. EVANS (Davenport) (14:18):** Thank you, Mr Speaker. Has the government had meetings with private sector advisers advising that the Motor Accident Commission could have up to \$500 million in excess capital available to government?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:18):** Whenever the Motor Accident Commission feel that they need to provide any excess capital to the government, they have approached government and made offerings to government. I am not going to pre-empt anything that may or may not be in the budget about any excess capital within the Motor Accident Commission.

I also point out to those interested parties about logs in each others eyes, that perhaps the member for Davenport had done some work before the election in meeting some other private sector organisations about the potential of the Motor Accident Commission and is simply on a fishing exercise to see if the government will adopt the same things he had planned for the Motor Accident Commission had we had the misfortune of him being the treasurer of South Australia. I have said it once and I have said it many times: the government will not enter into speculation about what is or is not in the budget. I will be in here on budget day, and I will tell you everything.

#### FEDERAL BUDGET

**Ms BEDFORD (Florey) (14:19):** My question is to the Minister for Education and Child Development. Can the minister provide further advice on federal funding to education?

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:20):** Day by day, we are clawing more and more information about the Abbott government's budget and its implication for schools in South Australia and, quite frankly, the situation gets worse day by day. Late last night in the Senate estimates, commonwealth officials finally confirmed that the federal budget papers assume that the commonwealth funding will be indexed at CPI at only 2.5 per cent—almost half the agreed 4.7 per cent—and they have also gutted the additional funding to bring South Australia's schools towards the school resourcing standard.

It seems to me that minister Pyne hasn't been able to make up his mind on indexation. For the HECS-HELP loans, he wants students to pay real interest rates up to 6 per cent—well above CPI—but when it comes to his education funding, funding for our schools, CPI is good enough for him.

With CPI at 2.5 per cent, this means \$335 million will be ripped out of years five and six of the Gonski agreement—\$15 million more than we were led to believe only three weeks ago. That's the equivalent of 170 student support officers we won't have, or 130 additional teachers we won't have to teach our children. Over the decade, \$1.7 billion of South Australian school funding has gone. That \$1.7 billion is 70 per cent of what we are spending on public schools this year. It is \$200 million less than we knew three weeks ago—that's the equivalent of 1,800 teachers we won't have. The cuts to years five and six equate to an average of \$1,280 per student.

Let me give you some perspective on this. On current enrolments, that's indicative of Port Lincoln High School, in the member for Flinders' electorate, losing around \$900,000 of funding supports and resources in two years; for Mount Gambier High School, a loss of \$1.2 million in a two-year period. Kadina Memorial School, in the member for Goyder's electorate, would lose around \$1.3 million of funding resources or support.

These cuts to education by Christopher Pyne will hurt, particularly in regional and remote areas. Members should take note. It was good, however, to see the member for Morphett join the government in his public criticism of the Abbott/Hockey budget. At least he had the courage to speak up. The real question is: will the rest of the Liberal members in this place stand up for their schools?

#### CAPITAL WORKS

**The Hon. I.F. EVANS (Davenport) (14:23):** My question is to the Treasurer. When the government accelerated \$34.75 million worth of capital work projects in DPTI and SA Water in January, were the works openly tendered?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:23):** I will go back and check and get a detailed answer to the house for the member.

#### CAPITAL WORKS

**The Hon. I.F. EVANS (Davenport) (14:23):** Supplementary, Mr Speaker

**The SPEAKER:** Supplementary.

**The Hon. I.F. EVANS:** In relation to the accelerated capital works I referred to in the earlier question, isn't it true that the capital works were done through invitations to tender based on the companies with the greatest need?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:24):** This goes to an ideological argument that we have had with the opposition. We believe we spend money on productive infrastructure in our economy to create and sustain jobs. The government makes no apologies for building productive infrastructure, upgrading infrastructure that helps grow our economy and upgrading infrastructure that needs to be upgraded that may have been decaying, so I point that out to the opposition.

Again, I have said I will go back and check to see what the policy was for those tenders and get a more fulsome answer to the member. But I will say this, Mr Speaker: we were providing a stimulus and we said so, and that stimulus for the construction industry—whether it be road maintenance, road construction, bridge construction—whatever the infrastructure was—was to keep South Australians working, because the Premier said time and time again that we didn't want to see

people queuing around unemployment centres for benefits. We wanted them queuing up for work and that meant investing in infrastructure.

We did harm to our budget, deliberately, because we wanted to keep on building South Australia, and we wanted to keep investing in South Australia. People are now seeing the benefits of that investment. They are seeing the investments we did on South Road for the Superway; they are seeing it through the duplicating of the Southern Expressway.

**The Hon. A. KOUTSANTONIS:** Mr Speaker, you are also going to see it in your electorate with the construction of the Torrens-to-Torrens project—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** —a project that members opposite promised to cancel if they were elected, and I welcome the investment of the commonwealth government into Darlington and maintaining the investment in the Torrens-to-Torrens project. Investing in infrastructure is the right thing to do for South Australia. We do it prudently and we make sure that we keep South Australians working and we keep building infrastructure that will be productive and will create more jobs and help our economy.

**The SPEAKER:** The members for Chaffey and Heysen are called to order. Is this a supplementary, member for Davenport?

**The Hon. I.F. EVANS:** Yes sir.

#### CAPITAL WORKS

**The Hon. I.F. EVANS (Davenport) (14:26):** Treasurer, I have a cabinet subcommittee minute signed by you as Minister for Transport and Infrastructure and Mr Ian Hunter from another place as Minister for Water and the River Murray which states in relation to the process used for the \$34.75 million that it would include '...invitations to tender, as appropriate, to pre-qualified companies with the greatest need'. How did the government establish which companies had the 'greatest need'?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:27):** Our agencies are in regular contact with construction firms across the state. Despite what the member opposite is trying to imply, our agencies—

*Mr Marshall interjecting:*

**The Hon. A. KOUTSANTONIS:** Just calm down princess, I'll get there. Mr Speaker, agencies are in regular contact with companies and they know where the stress points are.

**Mr Marshall:** How do they know?

**The Hon. A. KOUTSANTONIS:** Remember, Mr Speaker, cabinet is entitled to make deliberations and act on those deliberations. There is no question of any impropriety here, and I hope the member opposite is not making that suggestion. I have said to the house I will come back to the house with a more detailed answer on the criteria. But I do say this—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is warned for the second and final time.

**The Hon. A. KOUTSANTONIS:** I am not the one who holds the tender process—that is done by the agencies. I will get a fulsome answer for the members, but I will say this: the government makes no apology for using taxpayers' funds as a stimulus package to keep South Australians working, because it is the right thing to do.

**The Hon. I.F. EVANS:** Supplementary sir.

**The SPEAKER:** Is this a further supplementary or another question?

**The Hon. I.F. EVANS:** Further supplementary.

**The SPEAKER:** Further supplementary.

### CAPITAL WORKS

**The Hon. I.F. EVANS (Davenport) (14:28):** My question is to the Treasurer: can the Treasurer name any other procurement process or any other procurement policy where the government allocates work on the basis of the company's need and not best value for taxpayers?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:29):** Well sir, the irony: I remember there was a case last year where the opposition were talking about local South Australian stationery suppliers who were missing out on contracts because of wanting best value for money. Here they are now saying—

*Members interjecting:*

**Mr Pisoni:** Is that the best value for money?

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

**The Hon. A. KOUTSANTONIS:** On one aspect, 'That's okay'; on the other aspect, 'How dare you!' When it comes to splinters and logs in each other's eyes—

**Mr Pisoni:** It wasn't best value for money.

**The SPEAKER:** The member for Unley is warned for the first time.

**The Hon. A. KOUTSANTONIS:** And school buses in the country, so how about the hypocrisy? Happily, hypocrisy is a Greek word, so I know what it means and I can say that members opposite fit the bill nicely.

*Members interjecting:*

**The SPEAKER:** The members for Chaffey and Stuart are warned for the first time. The member for Davenport.

### WORKCOVER

**The Hon. I.F. EVANS (Davenport) (14:30):** My question is to the Treasurer. Is the Treasurer aware that the predicted savings under the government's proposed WorkCover reforms were based on actuarial advice undertaken in just 10 days by Finity Consulting?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:30):** As Minister for Industrial Relations, this is a matter that is appropriate for me to answer. The investigations that have been going on in relation to WorkCover matters have been going on for the greater part of the whole of last calendar year. In fact, if I recall correctly, the Premier asked me to take over the management of that matter in January or February of last year.

Members would be aware that there was a bill brought to this place in the middle part of last year in relation to the governing body of WorkCover, which was a part of that work. There was also a discussion with various parties about amendments to the WorkCover legislation, which ultimately did not result in any movement at that time. There was also—

*Ms Redmond interjecting:*

**The SPEAKER:** The member for Heysen is warned.

**The Hon. J.R. RAU:** —a new charter, which the Premier (as then treasurer) and I signed into effect, and I think that came into effect, from memory, in about September of last year. There have been ongoing discussions with various people, including actuaries, over the course of most of last year, in particular towards the end of last year and, I have to say, those conversations have continued since. So, there is no secret that we have been talking to actuaries in relation to WorkCover—no secret whatsoever—and so we should.

Can I make the point that the reason we spoke to actuaries about WorkCover is that we wanted to be in a position to be able to tell this parliament that we had actuarial evidence to support propositions we wish to advance about law reform. What a contrast with the resolutions that have been moved here in relation to other matters touching on WorkCover where no attention whatsoever has been paid by the opposition to the actuaries' reports, one of which was dated 30 September and

provided to those opposite, indicating a cost of something in the order of \$90-odd million across the forward estimates to the WorkCover scheme.

*The Hon. I.F. Evans interjecting:*

**The Hon. J.R. RAU:** Absolutely. We have spoken to actuaries and we will continue to do so.

**The SPEAKER:** Supplementary.

#### WORKCOVER

**The Hon. I.F. EVANS (Davenport) (14:33):** The Attorney-General just mentioned the cost of \$90 million to the WorkCover scheme. Isn't it true that the \$90 million cost is not a cost to the WorkCover scheme but a cost to the self-funding arrangements of the government agencies?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:33):** Yes, cost to government.

*Members interjecting:*

**The Hon. J.R. RAU:** No, quite right.

*Members interjecting:*

**The Hon. J.R. RAU:** No, the member for Davenport makes a good point. The terminology I used was incorrect. Yes, it is to the government. Let me put it another way. Another way of putting it is that, last year, those opposite wanted to add either \$90 million in additional taxes or have \$90 million taken out of our budget for police, schools and hospitals in order to support an unfunded amendment to the WorkCover scheme. Yes, that is true.

#### WORKCOVER

**The Hon. I.F. EVANS (Davenport) (14:34):** Supplementary: in relation to my first question, which was to do with the actuarial work being undertaken in just 10 days for the government to substantiate its savings that it announced prior to the election, is the Attorney aware of Finity Consulting, which undertook the actuarial advice, suggesting that there were risks to the accuracy of the savings estimates due to the short time frame for the advice to be provided?

**Ms Chapman:** Uh-oh.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:34):** Was that an 'Uh-oh'? I'm not worried about this at all. Finity have been providing advice. Look, can we please get this clear: Finity have been the actuaries that have advised WorkCover for a considerable period of time, I believe, and they are one of, if not the premier actuaries in Australia.

**Ms Chapman:** So did they say that it's a risk?

**The SPEAKER:** The deputy leader is warned for the second and final time.

**The Hon. P. Caica:** Beauty. Do it once more, Vicki; come on, for the team.

**The SPEAKER:** The member for Colton is called to order.

**The Hon. P. Caica:** Sorry, sir.

**The Hon. J.R. RAU:** Mr Speaker, I don't know how many members of the parliament have had the privilege of diving into actuarial reports regularly in the past, but I would like to share a couple of the frequently recurrent themes in actuarial reports. The actuary's reports generally start off with something like, 'Please don't take any notice of anything we've said here, and don't sue us for anything we might say.' That is the opening paragraph. Then it goes, 'Hello, we are the actuaries; you have asked us to comment on these things. We assume what you have told us is true, that the world is round, that the sun will come up in the morning, and a whole bunch of other things that we can't tell you and you can't tell us and therefore we are not going to be held to this.' That is the first paragraph. If the question that is being asked of me by the honourable member is, 'Do actuaries

embed, in every single sentence contained in every single paragraph, caveats?' the answer is: yes, they do.

**The Hon. I.F. Evans:** That's not the question!

**The Hon. J.R. RAU:** Yes, they do—and if they cannot think of one, they will add one. They are very creative folks when it comes to caveats. The point is, I have never seen an actuarial report that is not riddled with caveats, and—

**Mr Marshall:** It is a very specific caveat.

**The Hon. J.R. RAU:** I don't know to which report in particular the honourable member is referring, and—

**The Hon. I.F. Evans:** The one that went to cabinet.

**The Hon. J.R. RAU:** —based on past—

**Mr Marshall:** The one you based your election promises on.

**The SPEAKER:** Leader.

**The Hon. J.R. RAU:** Based on past experience, I hope the parliament will indulge me in not assuming that everything contained in a question coming from the other side is actually factual, but can I cut to the chase: the government made a promise at the beginning of this year—

**Ms Redmond:** The government makes lots of promises it doesn't keep.

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

**The Hon. J.R. RAU:** The government actually did something the opposition refused to do: the government published a policy about WorkCover before the election and, when our friends in the media asked the opposition what they would do, they said, 'We'll think about it after the election.' In our policy, if you read the document—I think it is on the internet somewhere; it is that thing on the computer—it says that we would provide a bill to the parliament which would deliver a scheme with a break-even premium rate of between 1.5 and 2 per cent break-even average premium, and we said that, if we delivered the outer end of that promise, which was 2 per cent, it would turn into approximately \$180 million less expense across South Australia of business on WorkCover levies. That is what we promised, and that is what we are going to do.

#### STATE EXPORT FIGURES

**Mr ODENWALDER (Little Para) (14:38):** My question is to the Minister for Investment and Trade. Can the minister inform the house about the current export figures for South Australia?

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:38):** I thank the member for Little Para for his question, because I know that jobs and small business in his electorate hinge very much on what happens with our export performance, and for that reason I am thrilled to inform the house that figures released by the Australian Bureau of Statistics today reveal that SA's exports have reached a record high.

*Members interjecting:*

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

**The Hon. M.L.J. HAMILTON-SMITH:** For the 12 months to April, South Australia's exports were valued at \$12.3 billion. That is \$12.3 billion worth of jobs, activity and enterprise here in this state. The figures also showed that South Australia had a 15 per cent increase on the year compared with the year to April 2013. This growth is the highest of any state in the country. This result is the dividend for the hard work—

*Mr Whetstone interjecting:*

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

**The Hon. M.L.J. HAMILTON-SMITH:** —by South Australian exporters, farmers and small businesses across the state, from the West Coast to the South-East. As I advised the house yesterday, the government has had a strong focus on China as a destination for South Australia's



exports. China is responsible for more than a quarter of all this state's exports, much of it in the premium food sector.

In the past year, exports to China have grown by nearly 50 per cent. Our ongoing focus on China will continue to pay dividends for our exporters and for small business. The South Australian government has also demonstrated a strong bipartisan approach to trade for some time, and for that reason it is hoped that all in the house fully welcome this result and do all they can to support it. A united approach to assisting South Australian businesses to connect with new markets and opportunities is vital if that success is to continue. To build on the current results, the South Australian government—

*Mr Knoll interjecting:*

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

**The Hon. M.L.J. HAMILTON-SMITH:** —is committed to developing a stronger approach to key South-East Asian countries. Our approach is to get South Australian businesses and overseas businesses around the table doing deals together, not just swapping business cards.

There are also further opportunities with some of our established trading partners. While exports to India have not been as strong in the last year as we would have liked compared to previous years, the recently elected government has made clear that it is much more trade oriented. South Australia is well positioned to benefit from a positive approach to trade with India. There are significant opportunities to connect with key government ministers in India through the rest of 2014.

These figures are a great result for South Australia, they are a great result for our food producers, a wonderful result for our small businesses and for enterprises across the state. I look forward to working with those businesses as a whole of government to help see further growth in exports throughout targeted trade strategies.

#### FREEDOM OF INFORMATION

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:42):** My question is to the Premier. Given the Premier supports an independent freedom of information process, what action will the Premier take to ensure FOI officers are not interfered with by ministers and/or their staff?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:42):** I think we canvassed this yesterday. It is certainly the case under the existing legislation that FOI officers are independent officers and they are entitled to go about their business in an independent fashion. Any FOI officer who is confronted with improper pressure or behaviour by other people, whoever they might be, is entitled to make a complaint under the provisions relating to the Public Service—

**Mr Bell:** Is that what Rod Hook did?

**The SPEAKER:** The member for Mount Gambier is called to order.

**Mr Pisoni:** What did Rod Hook complain about?

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

**The Hon. J.R. RAU:** Mr Speaker, those opposite are playing an interesting game, where you say people's names at random and eventually they are funny. I just don't get it. Anyway, the point is that a person who is aggrieved, who is an FOI officer, or any other public servant for that matter, is entitled to make a complaint under the relevant provisions of the legislation governing the Public Service—number one. Number two, if they believe what has occurred to them constitutes either maladministration or something more serious, there are provisions under a certain piece of legislation which enables them to go to a place in Currie Street and say whatever they want down there. Those are the appropriate avenues for these people to pursue.

#### FREEDOM OF INFORMATION

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:44):** A supplementary to the Premier: given the Attorney's answer, and again confirmed yesterday, that the FOI officers need to 'stand up for themselves' against the ministerial interference as identified and that the

Ombudsman's report tabled yesterday does not detail the names of those, will the Premier act in any way to ensure that they are protected and supported in those circumstances?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:44):** I say again, the government does not condone anybody attempting to influence an independent FOI officer to conduct themselves in any way other than in accordance with the act, and we do not approve of that if such behaviour is occurring, or occurs.

Can I just put this in context—I have had a chance to have a little bit of a look at this in the report, and the Ombudsman does not attribute this to anyone in particular. I do not know in what context this occurred, and this is not like evidence in a court where somebody has been able to, say, test the evidence by cross-examination or some of other form of interrogation. This is a bald, unattributed statement to an unknown individual in an unknown department at an unknown point in time in relation to some minister unknown and unnamed. It is a Donald Rumsfeld thing again.

So, I don't know anything about this. All I can say is we do not approve of it and we have no particulars upon which we can take any action. If the mystery person who is referred to in that paragraph in the report from the Ombudsman continues to have a grievance, I would encourage them either to take whatever steps are required under the relevant public service legislation or they have another alternative to which I have already referred.

### **SOUTH ROAD UPGRADES**

**Ms DIGANCE (Elder) (14:46):** My question is to the Minister for Transport and Infrastructure. Can the minister inform the house how the government is providing local workers and businesses opportunities to participate in the \$1.5 billion upgrade to South Road?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:46):** I thank the member for Elder for her question. This government is committed to assisting South Australian businesses so they can reap the benefits of these major infrastructure projects. The \$1.5 billion upgrade to the Torrens to Torrens and Darlington sections of the north-south corridor will provide significant opportunities for local employers and workers.

Today I have announced the government will be holding an industry briefing later this month on the two projects for all companies interested in tendering for this work. The industry briefing will provide an opportunity for local firms to understand the scope and nature of the projects, the proposed procurement and tendering processes, as well as potential construction contract packages. Importantly, the South Australian Industry Participation Advocate, Mr Ian Nightingale, will attend the briefing to discuss opportunities for local participation.

This government works hard to maximise opportunities for South Australian workers and businesses in major construction projects. In the Southern Expressway project, 86 per cent of all subcontracts went to local contractors and suppliers. For the South Road Superway project, two-thirds of subcontracts went to local contractors.

It is estimated the Torrens to Torrens and Darlington upgrades will support over 850 jobs a year during the construction phase, and this government will work to provide local workers the best chance to access these jobs. In line with the government's policy, we will have a target of 20 per cent of total labour hours to be carried out by apprentices and trainees, Indigenous workers, people with barriers to employment and workers upskilling themselves through their employment in the project.

Our tender evaluation process will also dedicate a minimum of 10 per cent weighting to respondents with local industry participation plans. This weighting underscores the importance the government places on capturing benefits for the local economy from these projects. We know how important these two projects are for creating jobs and easing the congestion along the north-south corridor. By engaging with business and industry from the outset, we can work to maximise the benefit to firms and workers.

The industry briefing will be held at 77 Grenfell Street, Adelaide on Thursday 26 June from 10am. The announcement of these projects has already created a lot of interest from industry locally, and I look forward to a strong response from local firms at the briefing.

**BUILDING INDUSTRY**

**Mr GEE (Napier) (14:49):** My question is to the Minister for Housing and Urban Development. Can the minister inform the house about outcomes of the recent Building Ministers' Forum and how these will support the building industry in South Australia?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:49):** The building industry provides vital employment to the state, and the government will continue to work to support this sector. The recent Building Ministers' Forum in Sydney saw states, territories and the commonwealth agree to deregulation reforms that have the potential to unlock an additional \$1.1 billion in economic benefits per year to business and consumers.

Key to reforms agreed was that from 2015 onwards, the National Construction Code will be available free and online. The reform will see the code more widely used, with up to 200,000 practitioners rather than just the 1,200 who until now have had to purchase it for almost \$400. This is as much as a 16-fold increase.

The National Construction Code provides model regulation, and making the code easier to use will help ensure that Australia continues to maintain high standards in the building and construction industry. The meeting was also another opportunity for me to raise issues further to our vibrant city agenda. Reuse of existing buildings is a key priority of this government, highlighted by our election commitment to commit \$100,000 annually to Renewal SA over the next four years.

As the representative for South Australia, I raised at the highest level the issue of impediments to building renovation in the National Construction Code. The Australian Building Codes Board will now investigate the matter and provide all states and territories with advice on how this problem could be resolved at a national level. I heard in Sydney that as much as 1.2 million square metres of office space sits idle due significantly to these impediments alone. That is significant.

*An honourable member interjecting:*

**The Hon. J.R. RAU:** In Sydney; 1.2 million square metres.

**Mrs Vlahos:** Because of regulation?

**The Hon. J.R. RAU:** Because of regulation.

**Mrs Vlahos:** Regulation or speculation?

**The Hon. J.R. RAU:** Regulation. This is a national problem, and South Australia is pleased to be leading the nation in progressing reform. This government will continue to work with industry to stimulate the economy to support key jobs and drive economic growth.

**FREEDOM OF INFORMATION**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51):** My question is to the Attorney-General. Given the Attorney-General's statement yesterday and again today in relation to FOI officers—yesterday's statement was, 'We defend their right to be an independent officer and we condemn anybody who would attempt to interfere with that'—and his indication today that they could take action themselves if they want, why won't the minister at least investigate the claims made in the Ombudsman's report that ministerial officers have attempted to interfere with them?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:52):** As I said, I have had a chance to have a look at the report, although I haven't read every single word. I have read this bit. I looked at the footnote attached to this bit, and it said, 'See transcript'—which is not available. I do not know who this person is, and more particularly, if you read the footnote and you read the passage that everyone is getting very excited about, there is not one scintilla of evidence to suggest the person involved was in any way affected by the alleged conversation with the unknown person about an unknown topic.

I come back to the point. If there are FOI officers who are being asked to do things they know they shouldn't be asked to do by people who shouldn't be asking them to do that, they should

complain and if they do so they will have the support of the government because they are doing the right thing.

### FREEDOM OF INFORMATION

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53):** I have a supplementary question. Will the Attorney-General at least meet with the Ombudsman to discuss the claims of multiple witnesses whom he has reported on in this report yesterday to ascertain the detail of their claims? At least then the Attorney can ask each of his ministers of the nine agencies that have reported in the Ombudsman's audit.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:54):** I am not, in my capacity as Attorney-General, in a position to go around conducting what amounts to an investigation.

**Ms Chapman:** You are charged with the Freedom of Information Act.

**The SPEAKER:** The deputy leader will withdraw from the chamber for the next half hour.

*The honourable member for Bragg having withdrawn from the chamber:*

**The Hon. J.R. RAU:** As I was saying, as Attorney-General I am not in a position to conduct an investigation. I do not have the power as Attorney-General to compel witnesses. I do not as Attorney-General have the power to compel evidence. I do not as Attorney-General have power to compel the production of documents. In fact, I don't have the power to do anything of that nature. But—

*Mr Pisoni interjecting:*

**The SPEAKER:** The member for Unley will withdraw from the chamber for the next half hour.

*The honourable member for Unley having withdrawn from the chamber:*

**The Hon. J.R. RAU:** But, Mr Speaker, I do know somebody who has all of those powers; in fact, I know somebody who has all the powers of a royal commissioner, and his name is the Ombudsman. And, guess what? The Ombudsman is already in possession of all of this material. So, as far as I am concerned, the Ombudsman is perfectly able to take this matter forward, and let the cards fall where they will. There is another agency that could take this matter forward if somebody wished to draw it to their attention and if they thought it warranted any further investigation. Let the cards go where they may. I am not in a position to conduct an investigation.

### FREEDOM OF INFORMATION

**The Hon. I.F. EVANS (Davenport) (14:55):** Supplementary question: is the Attorney-General in charge of the government's investigations unit, and can't the Attorney-General refer matters to the government's investigation unit for investigation?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:55):** I thank the honourable member for his question. Alas, I think the government investigation unit was the victim of either the former treasurer or his predecessor some time ago. And, if I am wrong about that, I think it's fair to say that the government investigation unit was certainly not an agency capable of compelling evidence, and it was at best, I think you could say, in a position something like a police officer would be if they were denuded of all of their powers under the Police Act.

### FREEDOM OF INFORMATION

**The Hon. I.F. EVANS (Davenport) (14:56):** Supplementary question: is the Attorney-General prepared to write to the Ombudsman and ask the Ombudsman to conduct an inquiry into the allegations raised specifically in his report about political interference through ministerial offices or their staff of FOI offices to conduct a stand-alone, separate inquiry into that terms of reference?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for**

**Industrial Relations) (14:57):** I don't recall seeing the words 'political interference' when I read the Ombudsman's report. Perhaps I had a different—

*Members interjecting:*

**The Hon. J.R. RAU:** Perhaps my copy—

**The Hon. I.F. Evans:** What are you doing to help the Adelaide Crows, mate?

**The SPEAKER:** The member for Davenport is warned for the first time.

**The Hon. J.R. RAU:** They do need a bit of help, Mr Speaker.

*The Hon. J.M. Rankine interjecting:*

**The SPEAKER:** The Minister for Education is called to order.

**The Hon. J.R. RAU:** So—

*The Hon. J.M. Rankine interjecting:*

**The SPEAKER:** The Minister for Education is warned for the first time.

**The Hon. J.R. RAU:** As I said—

*The Hon. J.M. Rankine interjecting:*

**The SPEAKER:** The Minister for Education is warned for the second and final time.

**The Hon. J.R. RAU:** Don't tempt him.

*Members interjecting:*

**The SPEAKER:** No, she was genuinely amused. Deputy Premier, are you finished?

**The Hon. J.R. RAU:** I can be, but I'm enjoying this as much as you.

*Mr Tarzia interjecting:*

**The SPEAKER:** Amazingly, the member for Hartley has survived to this point in question time, through my indulgence. The member for Hartley.

#### GLYNDE SUBSTATION

**Mr TARZIA (Hartley) (14:58):** My question is to the Treasurer. Given that yesterday the Treasurer said in question time that he couldn't rule out a substation been built on the proposed site in residential Glynde and couldn't guarantee an alternative industrial site could be found, why then did the former member for Hartley, in a letter four days before the 2014 election, say, and I quote: 'We commit to making government land available to ensure that a suitable alternative site for the substation is found'?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:58):** That letter and what I said yesterday are entirely consistent.

#### DOWNER EDI PORT AUGUSTA

**Mr VAN HOLST PELLEKAAN (Stuart) (14:59):** My question is for the Minister for Regional Development. What will the minister do to support the 20 employees, their families and the broader Port Augusta community who will lose their jobs at the Downer EDI rail yards?

**The SPEAKER:** Minister for Regional Development.

**The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:59):** Thank you, Mr Speaker—

**An honourable member:** That's north of Port Pirie.

**The Hon. G.G. BROCK:** I understand where it is, thank you, member for Stuart. I wasn't aware of the 20 employees being terminated, but certainly I will make an inquiry into that. Certainly as part of the settlement with the Premier, we have the \$39 million this year for grants to get job creation opportunities out there and another \$29 million each year for the three years after that. What

we need to do is to look at training people to get more employment out there and use this money that we have achieved to create the best opportunities. But certainly to the member for Stuart, I will have a talk to you later on and get some more information.

**The SPEAKER:** Supplementary, member for Stuart.

#### **DOWNER EDI PORT AUGUSTA**

**Mr VAN HOLST PELLEKAAN (Stuart) (15:00):** Given that the minister said he wasn't aware of the loss of the 20 jobs, why did the minister ask me to write to him to seek help with this issue, and then why did he respond to my correspondence of 28 May, stating that the loss of jobs in Port Augusta is not part of his portfolio area?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00):** I would like to thank the honourable member for his question. I represent the Minister for Employment in this chamber and I will raise the member's concerns with her and will get a response for him.

**Mr VAN HOLST PELLEKAAN:** Supplementary, sir.

**The SPEAKER:** Supplementary, member for Stuart.

#### **REGIONAL DEVELOPMENT PORTFOLIO**

**Mr VAN HOLST PELLEKAAN (Stuart) (15:00):** If employment in regional areas is not part of the minister's regional development portfolio, what is?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:00):** I know that those opposite have been warned by the Leader of the Opposition to desist from the full frontal attacks, but these passive aggressive attacks on new members—

**The SPEAKER:** Point of order.

**Mr GARDNER:** We have got 50 seconds left. Under 98, the Premier should really get back to the question at some point.

**The SPEAKER:** I don't uphold the point of order.

**The Hon. J.W. WEATHERILL:** It is an important point to make, because the Minister for Regional Development has, I think, exercised an enormous degree of forbearance in essentially gathering up any of the inquiries or questions that have been asked of him that span over a whole range of portfolio areas where there are specific portfolio ministers who are better placed to answer those questions. He has done that in good faith, to be a common point of reference so that he can gather that information and take an overview from the point of view of the regions.

That is a proper thing for him to do, but it is completely inappropriate for him to be held to account for every last detail within each of those portfolio areas, because the truth is there are schools in regions, there are hospitals in the regions, there is employment in regions, there is trade and investment in regions, and indeed there are justice issues, just as there are issues concerning transport and infrastructure. It is an absurd proposition to expect that every single portfolio area should be funnelled through one minister, the Minister for Regional Development.

Notwithstanding that, the Minister for Regional Development has taken it upon himself to be a point of contact and has, I think rather generously, accepted the responsibility of communicating with members opposite when they do have specific issues that relate to regions. He could equally have just said, 'It's not in my portfolio, ask the right minister,' but he has attempted to be helpful, and I think that those opposite are playing on his good graces, which I think is inappropriate.

*Personal Explanation*

#### **ELECTORAL COMMISSIONER**

**Ms REDMOND (Heysen) (15:03):** I seek leave to make a personal explanation.

Leave granted.

**Ms REDMOND:** Regarding the matter of the Electoral Commissioner and my statement to the house in the course of my Address in Reply, in which I described the Electoral Commissioner as

being, in my view, utterly corrupt, and my further statement to the house on Tuesday evening this week, in which I explained at least in part, in the absence of my notes, some of the very serious matters concerning the commissioner upon which that opinion was based (as well as my view that the term 'corrupt' has a colloquial as well as a legal meaning), I have nevertheless formed the view that it is in the best interest of the house and indeed in my very own best interests that I unconditionally withdraw the words 'utterly corrupt' and apologise for any offence they may have caused.

**The SPEAKER:** Apropos of that, does the Deputy Premier wish to withdraw his point of privilege?

**The Hon. J.R. RAU:** Yes, Mr Speaker, and can I say we would not have had to have gone this far if that had been forthcoming earlier, but it has been forthcoming and I think it is important that the Electoral Commissioner has the satisfaction of that matter being now on the public record.

#### *Grievance Debate*

### **HOMESTART FINANCE**

**The Hon. I.F. EVANS (Davenport) (15:05):** Over the past two days in question time, I have raised questions about the government's work being undertaken in scoping HomeStart Finance for sale. Yesterday, I asked the Treasurer a supplementary question, and that was: 'was Project A the scoping of the sale of HomeStart Finance, and has the government scoped HomeStart Finance for sale?' In response to that question, the minister answered, 'Sir, I have not seen anything that would suggest that we have...' So, the Treasurer—

**The Hon. A. Koutsantonis:** And I will go back and check.

**The Hon. I.F. EVANS:** —and he will go back and check. We have had 24 hours for the Treasurer to go back and check, and it is not hard to go back and check. The freedom of information document that was released to the opposition, not only two days before the election but again yesterday by the Department of Treasury, makes it crystal clear that there was a cabinet document going to cabinet on 18 June 2013.

There was a covering minute to the Treasurer: 'HomeStart Finance: review of the loan book—cabinet submission'. Included in that were the Deloitte valuation report, the Deloitte preliminary scoping report, a cabinet costing document and speaking notes prepared to the minister to address parliament.

They were not scoping it to run a raffle. What other purpose would you be scoping HomeStart Finance for if not looking at sale? This is not a question today of whether or not the minister told the house they were going to sell it: this is a matter of the minister telling the house he had no knowledge.

This was the minister who just happened to be, on 18 June 2013, the very minister in charge of HomeStart Finance. One would have thought it is a reasonable assumption that, if HomeStart Finance is being scoped for whatever purpose—scoped for sale, in my view—the minister responsible would have been aware of that. Is the now Treasurer saying that the then treasurer (now Premier) scoped HomeStart Finance and just did not tell the minister responsible? I don't think so.

Maybe the divisions in the government are so bad that did happen. Maybe the left wing of the Labor Party and the right wing of the Labor Party are so divided the Premier and the Treasurer did not talk about the scoping of HomeStart Finance; let him come in and say that. The other version of events might be that he just did not receive that set of cabinet documents. Of all the cabinet documents that are sent through to the minister's office, he just did not receive those on 18 June that referred to the scoping study undertaken by Deloitte.

There is another reason, and this was used by the government before. The Hon. John Hill used this in an answer, when we had him on a privilege matter. There is another answer; that is, he received the documents but just did not read them. That is actually a defence used by the former minister for the environment, John Hill: that he received the document but just did not actually read it.

There is a very simple answer to this. The Treasurer can come in and tell the house: did he have the document, did he read it and therefore have knowledge? I do not believe for one second that a cabinet submission can go to every cabinet minister about scoping of HomeStart Finance, the

minister for HomeStart sits there and looks at the cabinet agenda and says, 'Oh, look at that. They are scoping HomeStart Finance. I won't read that.' I just do not accept that as an argument. I think it is crystal clear that the Treasurer does have knowledge of it through his involvement in the former ministry.

The other issue I want to touch on is the Ombudsman's report into the Freedom of Information issue, and this goes to the politicisation of the Public Service. The Ombudsman has identified that FOI officers have identified that they are put under pressure not to release documents that are embarrassing to the government, and the government is going to sit there and say that they are not going to investigate it. Why? It is to the government's political advantage.

Can you imagine if the Ombudsman reported that the FOI office was releasing more documents than necessary because they were an advantage to the opposition? You would have people swarming through the agencies making sure they applied to the act. There is a responsible action to be taken by the government here. They can set up any independent inquiry they want with any powers they want.

Time expired.

### NATIONAL RECONCILIATION WEEK

**Ms BEDFORD (Florey) (15:10):** I acknowledge we meet on Kurna land, particularly so as my contribution today is about events in Reconciliation Week, a national celebration of Indigenous people and achievements starting with National Sorry Day on 26 May and ending this week with Mabo Day on 3 June.

With Governor Kevin Scarce and Mrs Scarce and a large number of community leaders and an enthusiastic audience, I attended the 2014 Lowitja O'Donoghue Oration at the University of Adelaide sponsored by the Don Dunstan Foundation, Reconciliation SA and the Adelaide and Flinders universities. This year's eminent speaker was Patrick Dodson—a man who needs no introduction throughout Australia. His speech (which I have obtained from the Don Dunstan Foundation) was entitled 'Rights, Recognition and Reconciliation'. The following quotes will bring you some of the flavour of his thinking as he began his speech. He said that when he was writing his speech, he was in his homeland where the seasons were changing and flowers were blooming. He continues:

...the long grass was beginning to dry and die off, signalling the salmon were running, and the set of tasks and obligations for our people in managing country ticked over into the next part of the cycle, the season of Wirralburu.

Such management of country is guided by a deep knowledge of the land that has sustained civilisation in the harshest continent on earth over millennia—by sophisticated and clever design, rather than any imagined fluke or coincidence. And yet regrettably many Australians remain less than familiar with stories like this of our nation's origins, and of the remarkable achievements of the first Australians. I suggest that one of the underlying reasons this unfamiliarity persists is in part because modern Australia's founding document, the Constitution of Australia, continues to remain silent about this history of occupation.

So tonight I want to speak to you about the constitutional recognition of Aboriginal and Torres Strait Islander peoples, and the once in a generation opportunity that we have to address this silence.

I want to talk a little about the recommendations of the Expert Panel and urge our political leaders and the committees charged with deliberating further on the model of recognition and assessing public readiness to be bold, and to have courage and confidence in the Australian people. I ask that they do not give us cause to walk away from this moment of promise.

I also want to put the struggle for rights and recognition into some perspective and acknowledge the dedication, leadership and resilience of my fellow Aboriginal and Torres Strait Islander Australians, whose determination has brought us this opportunity at long last.

I want to speak briefly to the handful of doubters who seek to bring fear where there is need for none. And I want to recognise the growing movement of mainstream Australians who understand the rareness of the opportunity before us, and who are working together for this chance to make Australia a better place for all of us. One that will improve our international standing and respect if we get it right. No doubt our derision if we don't.

He went on to say a bit further in his speech:

It is also heartening to watch the passion and commitment of the next generations of young campaigners for this recognition referendum—younger leaders like Tanya Hosch and Jason Glanville and Shannan Dodson along with Charlee-Sue Frail and Pete Dawson and all of their many contemporaries who are helping to build the movement of recognition.



In summing up he said:

I return to where I began—to the task of finding our common ground ever more firmly as a nation.

If the country can come together around our Indigenous heritage, and our ongoing place in the heart of the national identity—no longer forced to live constitutionally outside the Common Gate—we can then responsibly look to building a better society.

It will be an honouring of those Australians who sought constitutional change for the better in the past. A service to ourselves and each other as an act of unity and reconciliation. A service to future generations of Australians. An opportunity to repudiate terra nullius and co-create a new narrative for the modern Australian-nation-state; and a moment of truth for all of us to celebrate with great pride.

The other thing I want to mention today which was of use was the Aboriginal Veterans Commemorative Service that I went to on Friday, 30 May at the Torrens Parade Ground, which was by that wonderful memorial dedicated last year on 10 November. The history behind that wonderful site—which is the first national memorial to Australian and Torres Strait Island servicemen and women in the country—is well known.

There was a great number of people present, all paying homage to people such as Private Gordon Naley, Captain Timothy Hughes MBE MM, Leading Aircraftsman George Tongerie, Private Frank Clarke (who gave a marvellous address to the gathering), Marine Engineer Lewis O'Brien—a senior Kurna man who is well-known throughout Adelaide who gave us a welcome to country before the event—and WRAN Marjorie Tripp who unfortunately was unwell and unable to be with us at the ceremony and we do hope she is feeling better. MC David Rathman introduced Karl Telfer for a traditional smoking, chaplain David Harding was there and the Marion City Band provided music.

A large number of Aboriginal and Torres Strait Islander participants in the defence program were in attendance. This was aimed at boosting Aboriginal membership in our defence forces. We wish them well in their career and look forward to hearing of their future endeavours. At the end of the event a DVD called—

Time expired.

#### **HARRINGTON, JIMMY**

**Mr WINGARD (Mitchell) (15:15):** I rise today to speak of a young man from the Reynella region by the name of Jimmy (James) Harrington, who has just got back from completing a walk around Australia. Jimmy started on the trek on 19 May 2013 and has covered 18,000 kilometres, raising money for Brainchild Foundation. He has raised, at latest count, just over \$220,000, which is a stellar job. As I said, it has taken over 12 months for this feat to be achieved and he is just 21 years of age. The foundation that he was raising money for, as I mentioned, was the Brainchild Foundation, based in Queensland and established in 2010. Their aim is to help children affected by brain and spinal cord tumours, and their families.

Jimmy was inspired by a young girl named Emily Crook, who battled cancer three times. He met her back in 2010 while he was working in a café and she was battling cancer for the second time. She inspired Jimmy, as he had always seen a smile on her face no matter what condition she was in. Emily battled cancer for the second round and then, unfortunately, succumbed to a third cancer battle, this time brain cancer. She lost her life back in August 2011.

Whilst Jimmy actually never spoke to this girl, the smile on her face and the inspiration she gave him made him decide, as a very young man, to do something for those less fortunate, and he chose this foundation in memory of Emily Crook. He wanted to help out and that was when he started his walk, as I said, back on 19 May 2013. It was a great achievement and Jimmy should be well and truly recognised. Amongst other things, in 2012, there was a World's Greatest Shave where they raised more money. He is also a Camp Quality volunteer and he has been involved in numerous other foundations.

The great support that Jimmy received from the Reynella community must be noted here as well. Jimmy went to the Reynella Primary School. I was there on the weekend when Jimmy returned from his great walk and the number of community people who came out to support him was overwhelming. He has had constant support, as I said, from the primary school and people involved. Only recently, they held a casual day and raised \$2,000. Normally, they would raise about \$600 but, talking of Jimmy's achievements and the local community being aware of Jimmy's achievements, they dug deep and raised \$2,000, which is absolutely outstanding. I mentioned his welcome home

event and it was exceptional. They had live music, kids' activities, *Star Wars* characters, cake stalls and sausage sizzles raising more money, which was outstanding.

I spoke to Jimmy not long after he returned and he told a really great story about when he was setting off and trekking across the Nullarbor. Word got to Jimmy that Shane Crawford was coming up behind him, who was doing one of his great charity rides across the Nullarbor, going to Perth on this occasion. He also passed Samuel Johnson, the actor, who was unicycling around Australia and did a marvellous job raising funds. In fact, Samuel Johnson was so helpful that he came and emceed the welcome home for Jimmy, which he must be commended for as well. It was marvellous to have someone of such high profile there supporting Jimmy.

I mentioned the primary school that was supportive but, of course, you cannot do this as a young man without great support from your father, and Jimmy's mother, Debbie, and father, Chris, were very heavily involved. In fact, Chris is worthy of mention in a grievance of his own because he does so much work for the Reynella Scouts and he really is an outstanding citizen, as are his family. Jimmy has six other siblings—seven children in the family of Debbie and Chris, and they work very hard for all of their children. One of the brothers, Ryan, tagged along with Jimmy the whole way and I heard countless stories of nights where he just slept in the back of the van and supported his brother right the way around the journey. Emily's grandfather, Geoff, also was involved early on walking with Jimmy to get things going.

I think it is a marvellous achievement for such a young man to do such a great thing at a relatively young age, and to be so aware of helping others in the community. Here is a guy who is working to help the community and do everything he can, not taking but giving. I think on this occasion it is great to commend Jimmy and really acknowledge the outstanding work that he has done. While I have a little bit more time, it would be remiss of me not to mention the football. The people on the other side might laugh, but after last night—

*Members interjecting:*

**Mr WINGARD:** I could not find any calisthenics people who were inducted into the Australian Football Hall of Fame, I do apologise, Deputy Speaker, but I will find some that get into the Australian hall of fame. I must acknowledge the great effort of Andrew McLeod and also Warren Tredrea, who were honoured last night in the Australian Football Hall of Fame; it is an outstanding achievement. Andrew McLeod of course is a three-time Best and Fairest winner and a two-time Norm Smith Medallist in the premiership years of the Adelaide Crows in 1997 and 1998.

Andrew McLeod played 340 games, five times All-Australian, and was captain of the All-Australian team in 2007. He is also a member of the Indigenous Team of the Century, and is a great Indigenous member of the community, doing wonderful things there. Warren Tredrea is a four-time Best and Fairest winner, eight-time leading goal kicker, premiership player and four-time All-Australian; again, another great South Australian. I congratulate them both immensely.

**The DEPUTY SPEAKER:** Your time has expired. I do look forward to the day when you come in to report the Australian Women's Cricket Team's accolades, because there are plenty of them.

#### **TAYLOR ELECTORATE**

**Mrs VLAHOS (Taylor) (15:21):** I would like to continue my remarks about my recent visits to the primary and secondary schools in the electorate of Taylor. I was speaking about the St Columba College at Andrews Farm the other day, and how I had visited principal Madeline Brennan. I was talking about the fantastic SACE completion rate of 99 per cent of year 12 students at the school, and the fantastic percentage of students who are going to get an ATAR. Principal Madeline Brennan was particularly chuffed to tell me of a past student who has recently been accepted into Harvard, which is a fantastic achievement for a northern suburbs school.

We were also talking about the African liaison officer who started through their connection to the Anglican and Catholic Diocese that supports St Columba, Reverend David Amol. It was lovely to meet David and begin talking to him about how we can work together to help the local African families who are in the Peachey Belt, Davoren Park and Andrews Farm section of the electorate of Napier and Taylor.

There is also another new principal in our area, Peter McKay, who has been around the state in various roles for a while, but has replaced the good Di Garwood at Paralowie R-12. It is in the member for Ramsay's electorate, but is across the road from the seat of Taylor. I do not have the good fortune at this point of having a public high school within the area of Taylor. I have been working towards that for the past four years and will continue to champion the establishment at the Riverlea or Buckland Park Virginia zone of my electorate to meet the growing needs of young families in the area.

Paralowie R-12, under Peter McKay's leadership, is certainly looking forward to a principal with a lot of energy and great vision, and improving the connection to SACE results and ATAR scores and VET, and getting those kids in the northern suburbs into the jobs and the futures that they look forward to and deserve. Again, I had the pleasure of visiting Salisbury High School and met with principal Ann Prime, who has been there I think for five years now. Ann has always had a high quality focus in the outcomes for all of her students. In fact, when she walks into a classroom, she asks them their future occupation and says, 'How is my marine biologist?' 'How is my defence technologist?' and 'How is my pure maths student today?'

There is no such thing as failure within that school. Failure is not an option for these students at Salisbury high, and I praise Ann and her whole team, who are constantly improving the outcomes and working with the Orion network of preschools and primary schools in the northern suburbs, and a leadership framework. They are doing a wonderful job, and I am deeply pleased and privileged to work alongside her in the north.

**Mr Pisoni:** They have been doing that for a long time, delivering good students, at Salisbury High School.

**Mrs VLAHOS:** They have; they have got a fantastic record. I am not going to mention the previous member who passes out awards there from time to time, the same as I do. Bethany Christian School and Temple Christian College (Bethany Campus) at Paralowie, with Rod Klimionok and Wendy Matear in the primary school and the secondary school, provide a fantastic option for many students. Many of their families are struggling, but indeed make the effort and pay the extra money for their children to go to that Christian school, and what a fantastic Christian school it is.

Last year, one of their students was a young lady who was not only particularly gifted with her sporting achievements but went on to go into the RAAF Academy after doing cadet work. It was a fantastic thing for an aviation geek and an enthusiast like myself to see a young woman doing that; I wish I was her age and embarking on that journey in life. It was fantastic to see that. Bethany Christian School does fantastic work with NAMIG and I look forward to seeing them contribute to the Concept2Creation program with NAMIG again this year.

## THE SOUTH EAST JUNCTION

**Mr BELL (Mount Gambier) (15:25):** I would like to talk about a couple of issues, the first being the Junction. The South East Junction is a mental health activity and resource centre in Mount Gambier. The Junction had previously received funding through Country Health SA mental health, but that funding expired in December 2011 and no further funding agreement has been extended.

This reduction in funding has had a serious impact on the Junction, and it is probably prudent to go into some of the services that the Junction provides. The Junction is a facility where people who have suffered, or are suffering, from mental health issues come together on a social, informal level. It is a network of people assisting each other through some pretty dark times that they are experiencing.

Previous to December 2011, the Junction was able to employ a coordinator to organise activities and services and facilitate that coming together. Since December 2011 and the loss of that funding, the coordinator has actually stayed on in a voluntary capacity. Unfortunately, we are getting to the time where the coordinator is moving on, I suppose, in terms of employment, and the hours that she can dedicate to the Junction are severely limited, which of course has an impact on the number of hours that the Junction can remain open.

The Junction at present has over 110 people on the books who receive a service from the Junction. It would be a tragedy for our community to lose that type of facility, where those who

experience severe or mild mental health issues come together. So we are trying to progress in a range of areas to seek further funding for the Junction. They all have my full support and my full endeavours to assist them wherever I can because it is, quite frankly, too valuable a service in my region to have the doors shut once and for all. In fact, I would like to see a reversal in the number of times that it is open.

Currently it is only operational for two days (two mornings) a week, and that is down considering the service was previously open five days a week. It just so happens that those two mornings are the mornings that Nel Jans, who is the coordinator, does not work in paid work. So her commitment needs to be recognised and applauded. I will be doing everything I can to support the Junction and the 110 people in my region who are using that service to support or come to grips with mental health issues that they are experiencing.

The second point I would like to make is around bike lanes. I stand here certainly not as an opponent to bike lanes, because I fully value their benefit to our community, but I am concerned about the rate at which they are being implemented in the South-East. Businesses are having very little consultation. Businesses are coming to me saying that they are losing car-parking space because bike lanes have taken them over.

The point I am trying to get at is that, with better consultation and a longer time frame, I think we can get the best of both worlds, where bike lanes can slowly be implemented in the region and businesses can adjust to the loss of car-parking space. The other point I would like to make is that I know of no small business that is doing better now than they were a couple of years ago. Things are getting tougher and tighter and we need to work with our business community in finding ways forward for things like bike lanes.

#### **NATIONAL RECONCILIATION WEEK**

**Ms WORTLEY (Torrens) (15:30):** As Australians we have just observed national Reconciliation Week, a week in which we celebrate the relationship between Aboriginal and Torres Strait Islanders and all other Australians. It is observed each year between the same dates, 27 May to 3 June, and each of these dates commemorates a very significant event in Australia's history.

A federal referendum was held on 27 May 1967 which included a question as to whether to remove two references in the Australian constitution which discriminated against Aboriginal people. The passing of this referendum gave the commonwealth the power to make laws for Aboriginal and Torres Strait Islander people just as it could since Federation for every other Australian. The referendum also meant that they would be recognised in the national census for the first time.

The second significant date, 3 June, is the date in 1992 when the High Court of Australia delivered its landmark Mabo decision, legally recognising that the Aboriginal and Torres Strait Island peoples have a special relationship to the land. The Mabo decision, as we know, paved the way for the Native Title Act in 1993 and overturned Terra Nullius.

Reconciliation Week, which follows immediately after the national recognition of Sorry Day on 26 May, is a time during which Australians of all backgrounds can come together to acknowledge past mistakes and commit to our shared future. It is important, however, that we do not just turn our thoughts, words and deeds to advancing the cause of harmony, the restoration of relationships and the reparation for injustice for only one week a year. Genuine reconciliation should be something we as community members and representatives strive to promote and achieve and as those involved with shaping and enacting the laws of this state, we have a responsibility and an opportunity to effect and foster change for the better.

The theme for Reconciliation Week this year was, 'Let's walk the talk!' focusing on turning past conversations into actions. As we know there is still so much to do. As with many things, it seems our school children can set a great example to the rest of the community to follow. Today I would like to highlight some of the contributions being made towards achieving reconciliation at several of the schools in my electorate of Torrens.

Last week I attended a special Reconciliation Week assembly at Dernancourt R-7 School, expertly hosted by the school's Aboriginal students and their 'buddies'. This was followed by a flag-raising ceremony and the planting of decorated hand shapes made by the students at the entrances to the school. Dreaming stories were also read in the classrooms throughout the week.

Located next to Gilles Plains Primary School, the Maringga Turtpandi Aboriginal Health Care Centre, extended an invitation to the school's students and teachers to be part of a campus celebration of reconciliation. Students from pre-school to year 7, along with little ones from North East Community child care and the onsite children's centre united to also decorate hand shapes. Their artwork formed a colourful sea of hands and will become a mural acknowledging the message of reconciliation.

At Hillcrest Primary School a special assembly was held in the Indigenous garden on Sorry Day, with Aboriginal students performing the Welcome to Country. Last Friday, an Indigenous performer visited the school with his didgeridoo and explained the customs surrounding the use of that instrument. Hampstead Primary School tied reconciliation observations throughout its school year, with each of its classes working on Acknowledgement to Country recognition and learning about the importance of the land to Aboriginal people.

On visiting Klemzig Primary School, I saw the results of older children working with younger children to make red, black and yellow loom bands. Also on display were their colourful 'sorry' posters with flags created from hand prints. At Northfield Primary School I heard about students participating in classroom-based reconciliation-centred activities, with the theme 'Let's walk the talk!' and I look forward to attending their assembly tomorrow at which classes will show their reconciliation work. I congratulate all of the school students and teachers who have worked together and demonstrated their commitment to reconciliation and who are indeed 'walking the talk' in our communities.

**The Hon. T.R. KENYON:** Mr Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

#### *Motions*

### **INDUSTRIAL RELATIONS COMMISSION**

Adjourned debate on motion of Hon. J.R. Rau:

That pursuant to section 30 of the Fair Work Act 1994, the nominee of this house to the panel to consult with the Minister for Industrial Relations regarding the appointment to the position of Deputy Commissioner to the Industrial Relations Commission of South Australia be the member for Little Para.

which Mr Gardner has moved to amend by deleting the words 'Little Para' and replacing with 'Davenport'.

(Continued from 4 June 2014.)

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (15:38):** There was some conversation yesterday about the culture of nominating people from different places, and I had a chat with the member for Davenport about this. My understanding is that his observation yesterday was entirely correct and therefore I take great pleasure in being happy to agree to his request to amend the motion in this place, on the understanding that he has likewise conveyed certain information to another man in another place and something else will happen over there. There we are; it is happily resolved.

**The Hon. I.F. EVANS (Davenport) (15:39):** I thank the Attorney for agreeing to the member for Morialta's amendment. I can confirm that the other member in another place that will move the motion about a different member in the same place is in place. So that is all confirmed.

I look forward to the government nominating Leonie Farrell to this position (the Hon. Don Farrell's sister, I understand). I understand that the nomination is coming forward very quickly. The secret is out; the government cannot even hold a secret as to who they are going to nominate for this position. I look forward to being on the committee and being consulted about this particular matter. The government, as I understand it, has basically decided who it will be; but at least the opposition will now be consulted about what we think of that.

Amendment carried; motion as amended carried.

*Bills***CRIMINAL LAW (SENTENCING) (CHARACTER EVIDENCE) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 7 May 2014.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:40):** I rise to speak on the Criminal Law (Sentencing) (Character Evidence) Amendment Bill 2014. The opposition is of the view completely that this legislation is common sense and deserves some support. Our greatest concern in relation to the introduction of the bill is that it has taken 12 years for one of South Australia's highest profile cases to be dealt with, finally, in the Supreme Court, that being the last issue relating to the offence, namely, the appeal against sentence. There were some other ancillary matters relating to the case of R v Liddy which related to who was responsible for and had ownership of a set of guns, whether the property of the defendant in the Barossa Valley should be sold and various other ancillary matters relating to the cost of those proceedings.

We do not need to consider those today, but certainly, this is a very famous South Australian case, not the least of which is because the defendant had been a long serving member of the magistracy in South Australia, that there were multiple victims of child sexual abuse and molestation, and that there were multiple offences over a sustained period. It was a shocking case on all levels, not the least of which was the breach of trust by someone who was in a position of high standing in the community toward minors, children. It was the gravest act of abuse towards children by someone who was had one of the highest offices and stature within the community. It will long live in our memories.

It is that case that really, I think, is claimed to have sparked the attention of the government. Other jurisdictions, including in New South Wales, have been mindful of the ill in relation to our criminal law sentencing law that needed to be cured, namely, the person relying on good character in their antecedents. New South Wales considered this and their jurisdiction. They legislated to cure this ill some five years ago. It is concerning to note that the government seems to taken so long to act.

During the course of consultation on this matter—and we thank the government for ultimately providing the final briefing on it—it does appear to be at least suggested—I am not sure what investigative work is being done to identify this—that the government is of the view that there have not been cases since the Liddy case in which someone has obtained some unfair advantage by the use of evidence of their good character in enabling them to get a reduced sentence. That is, it had not been an issue; I think it is probably too far to say that it was suggested that there would be no instances of utilising or taking that opportunity, but it seems as though there were no judgements or cases in which the judgement traversed the question of the legitimacy of relying on character evidence of the accused in the manner which is to be cured.

I certainly hope that is the case, because it would be surely a gross act of negligence on the part of any government or Attorney (and I appreciate that the current Attorney has not been there for the entire time since 2002) if there was a failure to act on something which would produce such a gross inequity in dealing with these cases, and in particular some affront, I think, to the victims and their families, if they were to find that someone had received some unfair benefit in sentencing as a result of having access to good behaviour submissions.

Another thing that is curious to the opposition is that, whilst this legislation has merit and we will support it, when the Attorney-General presented this for our consideration in the parliament, having given notice prior to the election that they intended to introduce legislation to deal with this matter, at the time of introducing this into the parliament, the government gave credit to the work of Ms Nicole Stevens (I do not know her correct title so I will not attempt to identify it), who is a researcher at the University of South Australia. She authored a study outlining the reasons why South Australia should adopt the 2009 New South Wales amendments which I referred to earlier and which only allow, in their instance, for paedophiles to use examples of their past good character as mitigation if they had not used that 'good character' to fool victims into feeling safe or to get them away from parents.

She submitted at the time of publishing her work that there were instances where the use of good character within child sexual abuse sentencing provided some contradictions and had found in her research that paedophiles in these circumstances were commonly allowed to use their community service and high standing. These were in circumstances, usually of employment or voluntary contributions, as priests, court officials (as we know, we have had the very famous case of *R v Liddy*), youth workers, teachers and carers, to achieve, she claimed in her academic study, some influence on the reduction of sentences.

I have not read Ms Stevens' report, but it has been reported upon, and when the government announced that they would introduce legislation to deal with this matter (which they now have done), they did it without giving Ms Stevens any credit in the Attorney's second reading explanation. I am disappointed to note that because some people give a lot in their professional and sometimes voluntary capacities. People who have undertaken considerable research, for example, at an academic level should be recognised and acknowledged when they have to deal with such unsavoury topics as these, particularly. They have used up their research time and their intellect to contribute to that, and I think that should be acknowledged.

It is true that, at the time the government announced they would do this, prior to the election and subsequent to the publication of Ms Stevens' report, that people such as Dr Freda Briggs—I think she is now an associate professor. Again, I have known Ms Briggs for many years. She has provided advice and support in the child abuse area over decades, so I would want to give her correct title now. In any event, I know that she holds a chair in relation to children's matters with the University of South Australia. If I were to describe her as professor, I hope I am not diminishing her title.

Professor Briggs, at the time, came out to say that this was an announcement of the government that was welcomed. She, too, has worked extensively in the area of child protection. According to her statements that were published at the time, she said:

So often a principal will come into court and say 'this is the best teacher we have ever had' or 'he volunteers to take sport' or 'he volunteers to go on camps'...

If she is right; that is, to her knowledge, she is indicating that she is aware that it is 'so often'—not just once in 12 years but 'so often'—why is it that these matters have taken so long? Why has it taken 12 years?

The other person who was notable in making a statement at the time of the government's announcement was the Commissioner for Victims' Rights, Mr Michael O'Connell. Mr O'Connell had been appointed mid-2000s, I think, from memory. It was a commission that was established by the Rann government as being important for the protection of victims' rights, particularly when they were in need of consideration in sentencing, in compensation, in the opportunities to be part of the rehabilitative process, restorative justice—all of the important things to say when recognising that victims needed to be part of the criminal process. They needed recognition, they needed status and we needed to have a commissioner to do that.

I think that was actually quite an important initiative of the government and, at the time, fairly newly-elected into the parliament, I thought, 'We have got to give this a go; this will be very important.' I was disappointed to note last year that the Commissioner for Victims' Rights had not actually lodged an annual report for, I think, three or four years. It was brought to the attention of the Attorney, and there was an indication, I think, at that stage, that they were going to get together a composite report from the commissioner so that he could not only comply with his statutory obligations but we were going to get a sort of lump sum report to remedy that deficiency or, in fact, breach of the law, in not having filed his annual reports.

One of the most important aspects of having a commissioner, a guardian or a person who is appointed to protect the interests of children, or in this case victims generally—adults and children—is that they correspondingly have an obligation to report to this parliament, usually annually, usually in an annual report which is delivered to the minister in question, who must then have statutory obligations to, within a certain time limit, table it here in the parliament.

The benefit of these is that we in the parliament get to read about the experiences they have had in supervising this important area, be knowledgeable about what is happening in this arena and be able to give recommendations to the parliament. This is so that we might activate either in government (if it requires funding) or in the legislation (if it requires amendment) to ensure that we

are actually doing what we are there to do: support victims of crime, protect children, keep the public safe—whether it is Commissioner of Police, whether it is a guardian for children, or whether it is victims of crime.

I was not surprised to see that the Commissioner for Victims' Rights, Michael O'Connell, came out to publicly endorse and in fact welcome the government's announcement, but what did surprise me was that he too felt that this was something that needed to be done and that it was a good start and he went on to say that he welcomed the changes. As was reported at the time, he said the following:

To be blunt, if a child sex offender has offended by means of their good character or unblemished reputation, the courts should be forbidden from discounting the offender's sentence.

He further said:

Offenders who have preyed on children and other vulnerable people are not 'good'. Some might have done some good deeds, sometimes of enormous benefit to the public, but their claim to be of 'good character' does not exculpate their responsibility for their crimes, nor should it mitigate their punishment.

The quote goes on:

Given the courts hold differing views on the relevance of 'good character' in sentencing adult child sex offenders, there should be a clear unequivocal statement in law that reputation of good character is irrelevant.

Paedophiles should be left in no doubt that their reputation and deeds of good character are not a safety mask to protect them from exposure to punishment that befits their crimes and the harm done.

He went on to say—and this is particularly important:

With the benefit of hindsight, it is evident that known sex offenders were once looked upon as role models who were rarely suspected by authorities but once suspected were, too often, not proactively pursued, so they continued offending with impunity.

This is Mr O'Connell's statement about the importance of the legislation—that it was welcomed—and the ill that it was to cure. I say this: perhaps if he had put this in his annual reports we might have had some indication of the need for this. Perhaps he might have been alerted to it remembering, of course, that he was in his position during the time of the investigation—indeed, the royal commission by the late Ted Mullighan into the institutional sexual abuse of children—and a period in which there were reports of the disgraceful circumstances that were alleged to exist on the APY lands in relation to the failure to protect children in relation to child sexual abuse.

He was there throughout the time there were discussions about compensation for children who were victims of child sexual abuse, particularly post the royal commission reports, and indeed when questions were raised about whether the level of compensation of the relevant period of the \$50,000 cap should be lifted.

Here is a person who was not only appointed to be the Commissioner for Victims' Rights but who has been there during a period when child sexual abuse, it would have to be said, has featured in our legislation, in our media and in the courts at a high level. I am just disappointed to note that it apparently took him all this time to coincide with the government's decision to actually make a statement on this issue. Having done so, and being supported by Professor Briggs and of course the author of the report, the research from Ms Stevens, the government indicated that they would act. It is important to note that clearly it has taken several months to come in because an election had been called.

In the time I have been in the parliament, the government seems to get up in November. I think once they sat early in December to get through the BHP proposal in respect of Roxby Downs. If I am correct, we went into December to do that. However, largely, they get up in November and, in election years, we do not seem to get back here until at least May after elections. So, we are some six months without an opportunity to deal with legislation.

Each time we come up to an election, the opposition has expressed the view that we are ready and willing to continue to sit or, indeed, to come back at the end of January to have some opportunity to deal with legislation. This is the sort of thing that is important to be dealt with, but it does not get any opportunity because the government decides that they are not going to sit. Clearly, they are not going to be available for the scrutiny of the parliament immediately prior to the March elections, so we miss out on that opportunity.



Nevertheless, we are here. What specifically are we remedying? The bill currently identifies an amendment to the law which applies, which is currently set out in the Criminal Law (Sentencing) Act 1988 in section 10(1), which provides:

In determining the sentence for an offence, the court must have regard to such of the following factors and principles as may be relevant:

Amongst other things:

the character, antecedents, age, means and physical or mental condition of the defendant;

That is the statutory embodiment of what has been the common law. There have been two famous cases, one of which drew the attention of the Law Society, in their submission to the Attorney, a copy of which I think is still available on their website. They gave consideration to perhaps the most famous case, the case of *Ryan v The Queen*, a High Court decision which touched on this issue, but on which the High Court were divided as to whether good character was a mitigating fact in the case of a former priest who had been convicted of serious sexual offences against 12 young boys over a period of 20 years—obviously a heinous crime.

When the justices considered the case, they were very much split. The decisions and perhaps the statements by Justice Kirby and—I don't think it was Justice McHugh, but I will correct that in this contribution if I find it separately. What was highlighted by the Law Society was Justice Kirby's statement. Justice Kirby was in the category of the divided judges who thought that it still should be allowed to be on the table for consideration. He said:

Courts must uphold the law, which treats sexual offences against children and young persons as extremely serious crimes, particularly where (as is often the case) such offences involve breaches of trust and responsibility on the part of those who had such young persons in their care. However, there are three considerations that may be relevant to sentencing such offenders:

- 1) the need to avoid the actuality or appearance of punishing them because they are paedophiles, as distinct from punishing them for their offences;
- 2) the need to keep in mind, in a general way, the fact that the publicity and special opprobrium common to such convictions may add significantly to the actual punishment suffered by the prisoner in respects that should be given weight in fixing the judicial punishment that is required in the case; and
- 3) the need to consider the common elements of the offences, if any, that are proved and whether these help to explain (although not to justify) the conduct of the prisoner in the multiple instances proved.

Yes, I was incorrect; it was Justice Callinan with Justice Kirby who thought that evidence of previous good character was relevant in mitigation when sentencing. Hayne J disagreed, Gummow J did not comment, and McHugh J said he was inclined to disagree. So, there was not any majority position on this issue. It is hard to imagine—there was a higher level of trust and a higher level of offences; it was a horrible case.

When we come to South Australia and we see the sentencing of Mr Liddy in *R v Liddy*, members may be aware that there was an appeal against a sentence. He was given 25 years' imprisonment, he appealed against that sentence, and one of his grounds of appeal was the failure to take into account—or, if it was taken into account, sufficient weight was not given in the account—of evidence of previous good character. There was some split in the views that were expressed by the judges hearing that appeal. The late Justice Mullighan said:

The appellant used his otherwise good character and his position of trust and prominence in the community to gain the confidence of the parents of the boys, and indeed the boys themselves, which is a matter of aggravation. The fact that he had otherwise lived his life without offending and had made positive contributions to the community is a matter in his favour but, in all circumstances, does not justify a reduction in the sentence.

Interestingly, he is saying, yes, it can be taken into account, but in that particular case it was not sufficient to obviously diminish the sentence that he had been given. Justice Gray also said in relation to that case:

I am of the opinion that the matter needs to be cleared up, that there needs to be a statement that the law does not regard previous good character to be mitigating in certain cases, and that the operative principles should be one that Mullighan and Gray JJ agree about, that there is no mitigation where the offender has used his good character or good works as a mask or tool by which to access or control his victims. It does the law no credit to say that, even where the offender has used his good name as the means by which to commit his crimes, that fact is mitigating. In my view, it is at best neutral, at worst, an aggravating factor.

Even in the Liddy case, there was a diversity of views. What is interesting is that the Law Society, in considering these cases, suggests that probably—I think the most persuasive aspect in their argument is that they say, 'You don't need to do this in the statute, judges already have the discretion to be able to deal with this, to give it weight or no weight in the circumstances, and therefore you don't need to remove the discretion of the sentencing judge.'

It is commonly their argument that, if you have a fixed situation like that, it will actually lead to further inconsistencies by controlling one of the factors to be considered at a statutory level and it would lead to more inconsistency in decision-making. The consequence of that, in theory, then translates to people getting different sentences for similar types of crime.

In this instance, the Liberal opposition does not agree with the Law Society. We consider that this is a matter which is outside of the cases that they have considered, on which there have been a range of views from eminent judges.

It is a matter that deserves to be incorporated in the statute. If Ms Stevens, in her research at the University of South Australia, is right that there has in fact been a considerable number of cases in which this has been used by defendants to win them some extra reprieve on their sentence, that then does demonstrate that it needs to be dealt with at the statute level. So it is the opposition's view that we need to clean that up.

For the completeness of detailing the remedy of what is in this bill, for anyone who might read these contributions, the bill itself seeks to amend section 10 (to which I have referred) to exclude from the sentencing considerations of the court:

- (ba) the good character or lack of previous convictions of the defendant if—
  - (i) the offence is a class 1 or class 2 offence within the meaning of the Child Sex Offenders Registration Act 2006; and
  - (ii) the court is satisfied that the defendant's alleged good character or lack of previous convictions was of assistance to the defendant in the commission of the offence;

If I were to use the case of Mr Liddy—because obviously the circumstances are well published—I do not think there is any doubt that he, by being a serving magistrate holding significant status in the community and being a senior representative in a surf life saving club of which he was a member, he was able to have captive (I suppose) in his social sphere young boys. Ultimately some were identified as being victims of multiple offences. In those circumstances I think anybody of sound mind out in the community would require that there be a complete exclusion of the opportunity for Mr Liddy to use that for his benefit. He needs to be sentenced without any reliance on alleged other good behaviour.

I have always thought it was rather curious in sentencing to claim that someone has been of good character just because of a lack of convictions in the past. It does raise the question, of course, about whether they had a long history of bad or criminal or inappropriate behaviour but just had not been caught. I have always thought it was a rather curious submission to make.

Often submissions are put on the basis of there being no previous convictions, as has been identified for the consideration in the negative. However, to present an argument that there has been a lack of convictions, particularly in cases where there has been a sustained child sexual abuse over a number of years, I would have thought, would not be a very smart thing to submit or attempt to get away with. I am pleased to say that Justice Mullighan and others obviously did not give a lot of weight to that because they clearly felt that it should not be used to in any way diminish the sentence, and Mr Liddy is paying the price, sitting at Her Majesty's pleasure.

So we are, as I say, supportive of the bill. I note that there has also been some tidying up of legislation to deal with now redundant sections on suspended sentences and firearms offences. I have read through the Attorney's contribution in that regard and one would hope that that has not actually been utilised in the interim. It appears to have been a complete oversight and therefore it needed to be remedied. We consent to the same.

**Mr TARZIA (Hartley) (16:15):** I would like to echo the words of our deputy leader. Recently I also met with Professor Briggs in relation to this bill and others and can also attest to her support for the bill. I commend the Attorney-General for his efforts in instigating this bill, and I truly believe

through conversations that I have had extensively in the community that it certainly captures the community sentiment on this issue.

I rise today to speak also in support of the bill. I certainly will not monopolise the house's valuable time with a long speech, but I do believe that resolving the ambiguity that exists in character evidence in South Australian sentencing laws is certainly a sensible amendment to section 10(1). It is important to state that this act only applies to sentencing and, of course, guilt has already been determined by a jury or by plea at this stage.

I note, as the deputy leader also pointed out, that the Law Society has taken a view on the issue. Every now and then politicians will disagree with the Law Society. I learnt that a long time ago, and I believe that this is also the case today. I certainly believe that this bill is necessary to resolve the inconsistency in the way that section 10 of the Criminal Law Sentencing Act has been applied by courts, and by appeal courts especially.

Evidence of supposed good character has been used in the past where persons have been convicted or have pleaded guilty to indictable offences involving sexual offences as a mitigating factor to reduce their sentence, and it has been an argument on appeal in several prominent South Australian cases that the deputy leader alluded to. Some members will certainly recall the case of *R v Liddy*, where Peter Liddy, a former magistrate, was convicted of numerous child sexual offences against young boys. In that case, he submitted on appeal using his previous good standing and involvement in the community as a magistrate and as a volunteer in local surf lifesaving—I am led to believe—and other organisations as well, as evidence of this good character that should have, in his view, been taken into account.

What is even more disgraceful is that Mr Liddy actually used these organisations, his office, and his position in these organisations to solicit countless children for sex. His argument was rejected by a majority of the quorum in the Court of Criminal Appeal but, as the deputy leader pointed out, there was not a unanimous rejection of the argument. There are similar other cases, which I am sure the Attorney-General and the deputy leader are aware of, that I will not mention today, but while this argument and others have not been routinely successful when originally sentenced, there does not appear to be a consensus of opinion in the Court of Criminal Appeal.

This amendment to section 10 will certainly bring us into line with other states, for example, New South Wales, where the act there prevents the use of character evidence in circumstances where they have used community service as a vehicle for offending. While this is by no means a serious problem in most instances of sentencing in our courts, we certainly must be careful to, I believe, remove any ambiguity to ensure that offenders are properly punished. I cannot emphasise enough that this is certainly a current community sentiment that I hear out in the electorate and, as parliamentarians, we are here to put in laws representative of the views of the people. That is why this amendment is an appropriate addition to section 10.

I want to speak a little bit about the case of *R v Liddy*, where the late Justice Mullighan speaks about this exact issue. He discusses this issue to the extent that there are a number of subjective factors that the court will consider in sentencing. He touches on, and I quote, 'disparate elements'. He goes on to refer to a past judgement and says:

The art of the advocate may be to place those features in one light rather than another.

He goes on:

There will be many competing strands of information which are available to be taken into account.

So he touches on this exact subjectivity that exists, and I believe that any law which goes to the heart of this, which assists the court in being more consistent in its judgements on this issue, is a good thing. Speaking to the other amendment, the amendment of section 20AAC(2)(a), it is really just a tightening of the existing provision.

Nevertheless, I certainly support that proposal as well, and it is important that both sides of the house, regardless of who holds government, assert that anyone who is guilty of either a serious firearms charge or a serious child sex charge of this nature will go to gaol, unless the most unusual circumstances arise. General and personal deterrents in our system, I believe, should certainly be primary factors for deciding the appropriate sentence in such offences.

I also note with pride that gun crime and accessibility of firearms in Australia have substantially been reduced across all states. I think we can thank in large part the Howard government's gun buyback in 1996 as the start of that. But in getting back to the overall bill, I completely agree with the thrust of this and the common-sense approach to this bill, and I hereby support the bill.

**Mr PISONI (Unley) (16:21):** Obviously I am rising to support the bill. I would also particularly like to thank Professor Freda Briggs for her continued work over decades in making improvements for children in regard to their protection, whether that be in schools, in state care, or in their homes. Professor Briggs has been tireless in her efforts to keep that issue alive, to keep that issue being debated in public and to work towards improvements in child protection here in South Australia.

As the deputy leader mentioned earlier, it has only taken this government 12 years to act on this legislation. We have seen many child sex offenders convicted since then, and many child sex offenders using the fact that they are 'of good character' to minimise their sentencing. I do not know the details—I am purely speculating here—but I was very curious when I found out that Mark Christopher Harvey, who was the rapist at the western suburbs school, got only a two-year suspended sentence for his conviction back in February 2012, for an event that happened in December 2010.

If you look at Mr Harvey's background, he had worked in numerous schools, both government and non-government. He was very popular among parents. He had 20 years in Scouts. It is exactly the sort of defence that you would expect a savvy defence lawyer to put towards a judge to say, 'Please consider the good character of my client in your sentencing.'

If you spoke to parents who were involved at that particular school, they would tell you that he was the favourite. Everybody loved Mark Christopher Harvey. The kids loved him, and he was friendly to the parents. Of course he was; that is the predatory behaviour that paedophiles have. He went on then to offend even after he was charged. He was convicted again; there have been five convictions so far of Mark Christopher Harvey for child sex offences. He was convicted again of an offence that occurred towards the end of 2011. That was after he was charged with and before he was convicted of the event of December 2010.

It has been a terrible time for those parents in that situation. They were all told, those who knew about what had happened, the governing council of the school, that they were not able to tell the parents. The department told parents that they could not discuss the matter. Even as late as August 2012, parents were being written to by the government. The former member for Hartley, as the minister, wrote to parents explaining that the details could not be shared with the parents for legal reasons and because the police had advised them of that information. Of course, she went on to tell the parliament that that was the reason as well, but she never came in to correct that wrong statement, a statement that was found to be wrong, by Mr DeBelle in his inquiry.

To my knowledge, the only effort that the government made to inquire as to why the nonparole period was so short for Mark Christopher Harvey was after Mr DeBelle handed down his inquiry, when the then chief of staff of the premier, Simon Blewitt, made inquiries with the Parole Board to find out what could be done to extend the nonparole period for Mr Harvey—not when he was convicted or sentenced, but only in the lead-up to a state of election, of course, only six months or so before the nonparole period was due.

On this side of the house we are very pleased that the government is now taking a more serious attitude to child protection. By God, they were casual. By God, they were casual, if you read Mr DeBelle's inquiry about the way that they dealt with matters, particularly in our schools and dealing with children. There are still cases going through the courts, where parents are claiming compensation from this government for its lack of duty of care, for the position that this government has put their children in, for not taking action on child protection, for not dealing with concerns or issues that were raised with parents, or victims, whether they are victims of student on student rapes, or whether they are sexual assaults by older students against younger students.

There was a case in a southern suburbs school back in 2010, where a year 8 student was sexually assaulted by a year 12 student who was 18 at the time, I understand. That is going through the courts now. At the time, the department dismissed it as just rough-and-tumble. It was not until the parents went to the media that police charges were laid, and it is now in the courts. The government in South Australia has a very poor record on child protection and looking after victims.

Despite the rhetoric, dozens of victims have been lining up to tell their stories. These are very brave people who feel they were at their wits end. They have come to members of parliament and the media to tell their stories. It is only because those stories were being told in the media that we are now seeing some action on child protection.

Let me take you back to the student at Naracoorte whose internet account was broken into by a teacher. It ruined his education. He left school at year 10 instead of going on to complete high school and university. He is a very bright young man who is now in his early 20s, and he is quite an entrepreneur. The government's solution in 2012 was to offer him \$30,000 to keep his mouth shut. That was the government's solution.

**Mr Gardner:** At least that was more than the \$5 they originally gave him.

**Mr PISONI:** As the member for Morialta said, at the time (back in 2004 I think it was) when they found that it was not the student who was accessing the pornography but his teacher, they compensated him by replacing the \$5 of credit that the teacher had used while he was looking at porn through his computer at the school. It was after hours, incidentally. You need a key to get into the school after hours, but the school still blamed the student and ruined the student's life, and there was no support for that student.

Another brave person who came forward to tell their story forced this government to be focused on child protection and make sure that offenders know that they will be caught, and when they are caught there will be no leniency—no leniency at all. The challenge, of course, for the government is to make sure that victims are fully supported and fully compensated once the court process is completed.

I would not like to see a situation here in South Australia where there is no effort by this government to recover compensation payments that have been negotiated through the Crown Solicitor's Office for victims and the Attorney-General decides that he is not going to go after the perpetrator to reimburse the taxpayer for that compensation that was paid. I support the amendments to the bill, the Criminal Law (Sentencing) (Character Evidence) Amendment Bill 2014, and look forward to its swift passage.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:31):** Can I thank all of the members who have contributed. For the new members of the house who are possibly seeing this little piece of theatre playing itself out for the first time, the member for Bragg usually starts off by chastising me, then points out the people I have not thought about and the errors I have made. Sometimes that takes a long time; today it was not as long as usual, and I thank the member for Bragg for not being as harsh with me as she sometimes—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** You see what I mean?

**Mr Gardner:** She was nice to you in her first minute today.

**The Hon. J.R. RAU:** She said she agreed—

**The DEPUTY SPEAKER:** Order! We are still being nice to each other, aren't we?

**The Hon. J.R. RAU:** We are.

**The DEPUTY SPEAKER:** Okay, let's continue being nice.

**The Hon. J.R. RAU:** I am paying the member for Bragg a compliment, in that in the beginning she said that she agreed with the government bill and then for the next—

**Ms Chapman:** Common sense, I think I said.

**The Hon. J.R. RAU:** Common sense, indeed—and then for the next 25 or so minutes went on to criticise me roundly for various other things. But anyway, I do thank you for your support. Thank you, member for Bragg. I thank the other members who spoke and I note the member for Hartley made the point that the Law Society has got a whinge about this.

Again, particularly for the people who have not been here for a long time, particularly of recent times the Law Society has taken to opposing pretty well anything anyone wants to do about

anything, so one should not be surprised that happens. True to form, they have opposed this as well on the basis that it is actually tough on paedophiles—there you are. Just for the new people here, so they do not get too carried away when they get a letter from the Law Society: do not assume that everything you hear from the Law Society is gospel or, indeed, even vaguely correct.

I do genuinely appreciate the support of the opposition. This is an important measure. As the member for Bragg and others have said, it is absolutely ludicrous that somebody like Mr Liddy, who was a magistrate and a keen participant in the Surf Lifesaving movement, if I recall correctly, and various other people who have been scoutmasters—

**Mr Pisoni:** I don't think he surfed much.

**The Hon. J.R. RAU:** No, he didn't do a lot of surfing—that's correct—but he did have a great interest in the nippers. Similar things have happened with people involved in the scouting movement, historically, and people involved in churches and various other things of that nature. What an absurdity that somebody can point to that and say, 'While I was grooming those kids, you should give me credit for grooming the kids.' What an absurdity that is. I am very pleased that people are supportive of this, and I wish the bill a speedy passage through both parts of this parliament.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:34):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CHILD SEX OFFENDERS REGISTRATION (CONTROL ORDERS AND OTHER MEASURES)  
AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 8 May 2014.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:35):** I rise to speak on the Child Sex Offenders Registration (Control Orders and Other Measures) Amendment Bill 2014, and indicate that the opposition has considered this bill, which is to provide for an enhancement, I think is the best way to describe it, of the protection of children from sex offenders, which we consider is a sensible addition. There are a number of matters, though, that I wish to place on the record.

Let me start with the Law Society. The Law Society put in a submission in this matter, as a legitimate stakeholder in relation to any changes of the law, particularly criminal law. Unusually, I think, their submission on this occasion was to not have anything to say about it. In fact, from memory, their letter was about a sentence long, saying that they did not have any comment to make at all. To quote them correctly, it says, by letter of 2 June 2014:

The society appreciates the opportunity to consider this matter; however, on this occasion, we will not provide any comment.

That is what they gave to us. I am assuming it is consistent with what they gave the government. I was a little concerned as to why that may be, because they certainly had a lot to say, as I recall, in respect of the Child Sex Offenders Registration Bill when it originally went through the parliament to become, really, the bible on registration arrangements for sex offenders. Not all members were present, but that was legislation that was passed in the Child Sex Offenders Registration Act in 2006. That introduced a new regime of registration of persons who had committed sexual offences.

It was a new model of how the offenders would be monitored. This whole registration process was one designed, particularly, to be able to keep an eye on them. It is a model which provides for the Commissioner of Police to be the keeper of the registration. That process, as I say, was set up to ensure that certain offenders had to be registered, had to report and had to comply with certain directions. Under the principal act—the Child Sex Offenders Registration Act—they were precluded from engaging in any child-related work, and there were some other limitations placed on them.

My recollection was that, when the bill was debated to establish this registration procedure, the Law Society had quite a bit to say about it. It is fair to say that not everyone agrees that registration procedures and then what you do with that information is necessarily a good thing. But I think it is fair to say that at the time of passing that legislation it was obviously at a time where the community were well aware of the concerns that the community had generally about sexual assault and sexual abuse of children. There were a number of different reasons for that, but it was commonly reported and it was an issue of public discussion. I do not want to demean it by saying that it is now what we call in political terms a 'barbecue stopper', but it was the sort of issue during the last decade that did cause a lot of discussion—not just academic interest—but I think amongst the general public.

The public were concerned that their own children and other children would be protected and that we should do everything we possibly could—including in here at the legislative level—to set up an umbrella upon which we could hang a monitoring system or a mechanism as an effective tool in preventing child abuse and offences against children.

So, this was one which came in with a number of people at the individual rights libertarian approach, including some comments that were made by those in the legal profession at the time, to say that this was unnecessary along with if it is going to be implemented, there needs to be a lot of protective action on those who are going to be in control of it. It was largely the Commissioner of Police and his or her senior officers who were going to be responsible for the compliance with this registration process and the publication of material, if there was noncompliance.

Probably the most controversial question at the time was if a person who was obliged to be registered either failed to register or having registered and then not complied with the reporting mechanisms, could ultimately have their details published on a website, and that that publication was seen as really unnecessary. It is not so much a 'name and shame', it is a recognition of the fact that website publication is comprehensive. It is not like putting a poster up or even putting a notice in the newspaper.

Once things go on a website, there is the opportunity to publish that—perhaps unreasonably—or to have use of that information by others who may have some deep-seated hatred towards someone who has offended, and there could be some unreasonable use and abuse of that process.

So at the time there were concerns raised about the need to have such a structure. It was always one where we had to consider the cost of running these registers because police personnel, including at the higher level, are obliged to keep these registers current and the reporting obligations take up police officers' time and obviously it costs money.

The legislation we passed was very prescriptive: ultimately there had to be an initial report that had to be quite detailed. There had to be obligations when there was any change in those details—address, partner, work, employment and those types of things—and there had to be annual reporting. There was some change to this legislation in the last session of the parliament as I recall, to try and deal with, and make it a little more streamlined and easier to comply with the registration action where the offender is in a remote area in South Australia and to easily facilitate the compliance.

I suppose that really highlighted to us the attempt to protect children measured against the practical application that meant that hardworking officers, for example, in remote areas were having to undertake duties that were either oppressive or very time consuming in follow-ups, so there were some changes at that time.

Even back in the 2005-06 period of debating whether we would have a registration procedure at all, ultimately there were reporting obligations: to identify where things had to be reported; how they had to be reported; the right to privacy of certain information; the power of the police to take fingerprints, finger scans and photographs; all of the powers associated with enforcement (reasonable use of force, for example); the retention of material; and all of the circumstances of the exceptions, when there would be an exemption from reporting.

There was some judicial oversight. That was another aspect of the debate that took up the time of the parliament. Essentially, the registration procedure is something that is under the responsibility of the Commissioner of Police and his or her officers. It does not have magistrate or court oversight, but the act made provision for the Supreme Court to be able to intervene in the

registration process and grant exemptions. That was really as a sort of appeal mechanism to get some relief in certain circumstances, but it was really to be administered by the police force.

Obviously, when you have a registration process it requires information to be able to flow from the police to the courts and the courts to the police. Again, there is a transfer of information. Sometimes members of the public think, 'Well, somebody has been convicted, they go on a list and that that is really the end of it,' but when you have annual reporting processes and obligations to really report, with stringent penalties if they do not—even such minor changes in detail—you can just imagine the paperwork that flows from that and the considerable amount of work to be done. The offences are quite severe for failing to comply with reporting obligations and notifications when someone is on the list, so obviously there has to be significant compliance.

There were obviously special rules that we had to ultimately determine about who could get access to the register, because it was not going to be a situation, we felt at the time of those debates, where it should be a public register. So, in the last session we came back to amend this legislation to enable there to be publication of information—largely, when there had been a failure to comply, that is, someone fails to report—so the highest level of those could then be put on the website. The police commissioner had some discretion in that regard. In fact, there had to be some gatekeeper in that regard.

We had quite a long debate again about loosening up the use or publication of this information, so we then had to tidy that up to allow for the publication, which we did, via the police commissioner. We insisted that the police commissioner had to take into account certain matters in granting that. I cannot remember offhand exactly what they were, so I will refer to the act.

The matters for consideration included things such as: interfering with the investigation of other offences by police officers of that person or of other offences with the person's compliance with the reporting obligations; whether the publication of identifying information about the person might identify a victim of the offence or a school attended by the victim—all logical things; the effect of the publication on identifying information about the person may have on the victim; whether statements made by the victim to the commission of the publication of the identifying information about the person had been supported or opposed by a victim of the offence committed by the person; and whether the publication of identifying information about the person would increase the risk of a person committing offences.

These are all considerable features of matters to be taken into account by the police commissioner and which, in a practical way, obviously impose an obligation on the commissioner, but I think members would appreciate it sets out a number of things that at least have to be investigated presumably by serving police officers, who then provide a report on these types of things for the commissioner for their consideration. No-one is suggesting the police commissioner has to go out and investigate all these things themselves, but somebody has to do it, and it is a time-consuming exercise. Specifically, the act provided:

(3) Before publishing identifying information—

so, a photograph with a name—

the Commissioner must take reasonable steps to consult with any persons that the Commissioner believes may be adversely affected by publication of the information.

That places on them a statutory obligation to do quite a bit of work. I think it was fair to say that during the course of those debates, the Attorney had indicated—and I think that I am paraphrasing his position correctly; I am sure he will correct me if I did not—that there was an expectation that a photograph, name, address or details of an offender, particularly a photograph, would not be published unless it was a very serious offence, which is provided for, but also that there had actually been a breach—a failure to report—so, some attempt had been made to locate that person, they are at large and were considered to be in the category where a further offence could occur. So, there needed to be pretty serious circumstances surrounding that.

I note that we are coming up to make some amendments to this bill, apart from the introduction of control orders, which I will get to shortly, and that is why I particularly raise it. Whilst we had set out a fairly comprehensive amount of legislation—I think we put in a number of protections to ensure that the most serious were the ones captured, and that there was a minimal interference to the workload as much as we could—one of the things that we are being asked to consider today



in the bill is the amendment to section 66F which sets out the details of registerable offenders that can be published.

The bill proposes to allow the Commissioner of Police to publish certain details about missing registerable offenders on a website. The section at present does not specifically state the Commissioner of Police can publish the fact that a person is a registerable offender under the act, although it is clearly implied. The government are asking us, in this bill, to make that explicit. We do not object to that, but they are wanting to make it abundantly clear.

I have not seen anything in any second reading or briefings that suggests that is necessary. We are not going to oppose it, but I do recall in the debates that we were conscious of the fact that once you put something on a website it does have comprehensive coverage, and we do not want that to be abused by those who might cause some mischief with it.

One of the situations—which I think was a criticism—in Western Australia, where they have publication laws, including on the website, was this question of almost inciting fear in the community as a result of there being a website disclosure, and unnecessarily frightening the public and/or using it to further cause people to be frightened in a location if they thought someone who had been a registrable offender was living in their street or living near a school or the like.

You have to balance these things. You cannot just introduce something because you think it looks good and then realise later that it is a problem. However, in any event, today we are being asked to consent to the commissioner having the capacity to put the details of a registrable offender on the website. My understanding of that is that it will include a photograph with the details, such as the name and the like.

I have not had any information provided to me, and I do not think our shadow attorney has, as to what publications there have been since we actually brought in the act and allowed for further commissioner-approved publications a year or so ago and how that has played out and whether in fact it has been used very often or at all and, if it has, how effective that has been. In any event, we are being asked to make absolutely clear the intention and we will give that consent.

Just in relation to that, section 66J makes provision for the Attorney-General to be able to give a person consent to republish identifying information published by the Commissioner of Police on the website. I think even the Attorney acknowledges that some of this information can be very sensitive and republication at the moment, without consent, would be an offence.

Again we are being asked by the Attorney-General to give himself the power to give consent to republish. I assume that to be the police commissioner who publishes—he has certain powers to do that—and then it can go on to someone else, and that might be a newspaper, a television group or someone who is publishing a newsletter, but I think we have to accept that there are some circumstances where it might be necessary.

No-one has suggested, for example, after the shocking events of today where someone ultimately died after a long police chase, that he had anything to do with child sex offences or was on a register. However, I make the point that there are certain circumstances in which the public need to be protected, and we were reminded of that during today's very extreme events which ended with Mr Rodney Clavell's death.

[Sitting extended beyond 17:00 on motion of Hon. J.R. Rau]

**Ms CHAPMAN:** The events of today culminating in the death of Mr Clavell are just a reminder to us that there are certain extreme circumstances where someone is at large and they do need to be apprehended in the interest of protecting the public, and that needs to be attended to with all the support that can be given to the police. There are some exceptional circumstances, I can imagine, in which the Attorney-General would need to have at least the power to be able to give consent to republish identifying information.

The Attorney has indicated to us that he acknowledges that that consent to republish should only be given in circumstances where he himself has taken into account the same matters that the commissioner has to take into account, and I referred to a number of those on the decision to publish and, where the commissioner makes the decision to publish the personal information on the website, the commissioner is protected from any civil or criminal liability. The Attorney-General who gives consent on the information to be republished should also be afforded the same protection.

I did not actually think that the Attorney needed to do that because he is the Attorney-General, but I suppose we will put him in there for safety's sake in case somebody does try to sue him for publishing information and has been found to have either failed to take into account the things that actually he is supposed to, or just done it in some reckless manner that should attract some civil or criminal prosecution. I suppose, in this instance, I do not want him to be unfairly burdened with the threat of that, and that he should be given some protection. I might be sorry for saying this but I have to assume that he is going to act responsibly and to ensure that he would not do such a thing to cause a decision to be made in any reckless manner.

I can remember saying the same thing about the power that we gave to the Attorney-General in respect of the determination that they could enable the remains of someone who had been exhumed to be re-buried without a death certificate. This is some time ago under the amendments we had to do to the Cremation Act. It arose out of the circumstance where the bones identified two, possibly three persons, from a crypt in Glen Osmond (in my electorate, in fact). There had been some proposed development work and the bones were disturbed and, because they had been identified as persons who had been buried some time in the 1800s, it was very difficult, and they could not ultimately find death certificates or any identifying material as to how they died and therefore we had to change the law.

The Attorney-General gave himself in those amendments the power to be able to certify that in certain circumstances you could bury somebody, or allow a cremation in that instance at their discretion. Sometimes we have to trust people in high office to do that, and that they are responsible people, and I think most often they are. We, of course, have to make decisions in this place assuming the lowest common denominator, and just to be absolutely kind to the Attorney today, I do not put him in that character category. He might be close sometimes but he is not in that category.

The other amendment that we are being asked to consider, in the minor amendments as they have been described, is the tightening of the timeframes of section 18(1). The provisions under the current act provide that there are certain obligations for a registerable offender to notify parents or guardians of children in whose household they might go of the fact that they are a registered offender.

This is basically to cover the situation where a child visits a household, or stays overnight in a household, perhaps to stay with their friend's family; they go home there after school, stay with them overnight, go back to school the next day, stay for a week or whatever. In those circumstances, if there is an adult in that household who is a registered offender, they are obliged, before allowing that child to come into their household to stay overnight and the like, or indeed generally reside in that household, to tell the parent or guardian that they are a registrable offender.

There are some quite serious penalties. I think the current provision is a \$25,000 fine or imprisonment for five years. What the government is proposing in this bill is to ensure that notice is not just given to one of the parents, or one of the guardians, but has to be given to all the people who are responsible for the child in that household. Accordingly, amendments are there to provide that each parent or guardian who resides with the child is informed. The penalty is still the same, that is, the maximums that are determined.

To some degree this, I think, comes out of some debate that we had. Our side of politics raised concern about legislation which was going to require advice to be given to the parents of children who were going to come into the house of the registrable offender. In other jurisdictions they had set about to have reporting obligations, but only when there had been more than three days, or some other sustained period, which seemed a bit absurd to us.

If it is safe enough to let someone into a household for a day, half a day, or two hours in the knowledge that there is a registrable offender there and that there is some risk, what is the point in only requiring them to tell the parents of a child who might potentially be exposed to that risk if they are there for three or four days? It just beggars belief that somebody had not realised that you could abuse a child in minutes. If there had to be some seduction process for the opportunity to do that, surely anybody with any wit would understand that you did not need three days to do that and children would be exposed in that time.

We welcome some tightening of that. Whether there is actually compliance or whether these penalties are going to be enough, I do not know. I suspect what will happen in the real world is that children will not be invited. The person who is a registered offender will not want to tell the parents

of the friends of the other children who live in their household that they will not be having a party at their house or that their child will not be invited over, because they do not want to tell them that they are on a registered list. What will happen is that children just will not be invited.

They might say, 'Why don't your mum and dad let me come over and stay for the weekend?' or, 'Why aren't you having a party at your house?' That is just one of the complications you get with it. That is what I think will happen in the real world, that children just will not be welcomed into those households. And if that protects them in some circumstances, that is good thing, but I suspect it will mean that other children who are living in a household with a registered offender, for example, with a step-parent or so on, will actually be deprived of the opportunity to mix with other children, sometimes in circumstances which I think are a bit unfortunate. Nevertheless, we are here to try to save one even if a number are inconvenienced.

The third area that we are asked to consider is the question of excluding taxi drivers and hire car drivers from the list of definitions of what is in child-related work. This is an area of concern, I think. We raised this at the time. The general import of the legislation provides that if you are a registered offender you are prohibited from undertaking particular work. Post penalties, post the offence and the conviction, you are not allowed to engage in certain work. Some of them are obvious. You would say, of course, that you would not let somebody who had crossed the line, committed a criminal offence, be involved in certain things. I just want to list them because it is important to the issue I want to refer to.

What is prohibited is having contact with children in connection with a preschool or kindergarten; childcare centres; educational institutions for children; child protection services; juvenile detention centres; refuges or other residential facilities used by children; foster care of children; hospital wards or outpatient services, public or private, in which children are ordinary patients; overnight camps; clubs, associations and movements, including cultural, recreational and sporting, with significant child membership or involvement; programs or events for children provided by any institution, agency or organisation; religious or spiritual organisations; counselling or other support services for children; commercial babysitting or child-minding services; commercial tuition services for children; services for transport of children; and, last of all, taxi services and hire car services.

In terms of services for transport of children, I think it was very clear that, when we learned of the shocking case of disabled children who were transported on a bus were the victims serious sexual offences some years ago, it offended everybody. It was completely unacceptable for all of the reasons of the vulnerability of those children. That is unsurprisingly in the list.

But all that these have in common here, except taxi drivers and hire car services, I think speak for themselves. They are a program or an activity in which children are the predominant participant and they are in a circumstance where a person who has some wont to cause harm to a child in this way would have access to them, and it could be exclusive, and they could be on their own, and obviously they are placed in a vulnerable position. And, more than likely, in any of those situations they would be in attendance without a parent or guardian.

They are obvious, and I do not have any issue with them. At the time, when they added in taxi drivers and hire car drivers, I personally thought they were going a bit far. It seems that the government has realised that is going a bit far, and that this is not their principal activity, that taxi drivers do carry children, but most often with adults or with the permission of adults to put them into a vehicle.

Certainly, in terms of 14 or 16 year olds getting into a cab it would be hard for a taxi driver to know how old they are, but the reality is that children, vulnerable young children, are not likely to even be in these circumstances on their own or without the consent of a parent. I am pleased that the government has realised that this is something that should not be in there.

What has concerned me even more is the situation where there might be other circumstances of there being a definition of child-related work. One came to my attention recently, because, whilst there is a definition in here about what child-related work means within the prohibition parts of this act, it should also be known that a member of the senior force can actually determine if a certain activity is child-related work.

The circumstance I can think of recently that came to my attention was, in short, where an animal park tourism facility was deemed to be child-related work. That meant that an employee at the facility came into this category; in this instance it was somebody who was a registered offender for a relationship some 20 years before with a younger woman, obviously underage. It was a prohibited relationship that was clearly against the law—he is captured by this. It was somebody who had married, had other children and then was captured by this because the place of employment that he was in was deemed to be child-related work.

Here is the problem: not that this particular person is on the register—that is given and nobody takes issue with that—but if it is going to be the practice of the police to define child-related work as broadly as that, then it does raise the question of whether we need to tighten the definitions further, because otherwise we will have a situation where it relates to someone involved in any tourism activity which children might attend, even if they are likely to attend with a parent, teacher or be in an organised group.

A child could be wandering at large in a hotel, or they could go into a shop or a retail outlet on their own to buy a bag of lollies or whatever; a 10 year old or a six year old could go in there unescorted, unchaperoned by anybody. Are we going to be saying that that is child-related work, that a person cannot be a shop assistant in a general store because of the fact that an unattended child may be at risk in that circumstance?

So, we have to be practical about how this is going to affect activity and normal commerce and normal business legitimately able to be done, and if we are going to have a definition that is going to be that broad, to cast the net so wide, then surely we have to start looking at other types of exceptions to enabling work to be done by these people, whether it is under supervision or not to be with a child without another adult being present—these are the sorts of things that we could put in place. There are ways around it, but it just came to my attention recently.

I understood that we were going to be having some legislation to try and deal with this issue and tighten it up. I cannot see it in the bill, and I would hope that when we go into committee the Attorney will identify if I am wrong in that regard, but it does seem to me that, sure, we agree that taxi drivers and hire car drivers should be taken out, but we need to tighten up this issue as to how we are going to manage that for the future, because at the moment the only remedy someone has to challenge the determination (because we are dealing with all this administratively) is via an administrative appeal process by the decision of a senior police officer or the like.

People should not be put through that process. We should have something clearer to ensure that we encourage employment and recognise in cases where there is some lower level of risk, if it is relation to a previous relationship with a known party, as distinct from some predatory behaviour by someone towards children who might be vulnerable or on a scout camp. I hate to say that, because really I do not want to be anti-scout, but I think members will appreciate what I am saying. In all the ones that the legislation has already covered, we understand why they are there and we respect it and we support it, but we are going to cause a lot of problems if we do not deal with this properly. We can come back here, like we are now, and take out the taxi drivers and the hire car drivers because, clearly, they should not have been in it in the first place, but it can inadvertently capture people and put them to great inconvenience, cost and distress if we do not do it properly in the first place.

The Attorney-General may take the view that I have not spent much time on the control orders that are the nub of the reform in this bill; that is, to introduce a control order procedure. I would hate to say that I thought this would happen eventually, that this would be coming in and we would have control orders. I would not have been very happy with that if, in fact, we had had a control order process now introduced as a sort of second stage.

'We will get the first part of the bill in—Chapman will not disagree with that—and then we will come in with control orders in a year or so, and we might slip it past her.' I will tell you what the Attorney has done: he has learnt one thing. He has learnt that, when there is court oversight of something, he will not get much argument from me, because people have to have the protection of knowing that this is not just an administrative decision.

No reflection on those who might have been given the job, but if a control order is one which can be introduced—which provides for restrictions and the like, which we have talked about—but is done by a court, then applications can be made and are likely to be mostly made by the South

Australia Police, I expect, but others can apply and magistrates can introduce that restriction. I do not have an objection to that. Our party does not have an objection to it generally. It is an application which we would hope will be part of a process to provide children with greater protection in that situation.

I cannot see it being used a lot, to be honest. I think there are other ways that we can deal with this, but it may be necessary so, if it is, and a court makes it, the Attorney will have no argument from me. I understand there will be an amendment coming in to deal with a matter. I have a brief bit to say about that, but it may be that the Attorney gives a comprehensive explanation of why we are having the amendment and he will not even get a question from me, but that would be unusual. Nevertheless, we will wait and see. I support the bill.

**Mr PISONI (Unley) (17:22):** I just wanted to make some quick comments on this bill. I am a simple man; I just want to use simple language to explain what the bill hopes to achieve. It will require child sex offenders to register with the Commissioner of Police. Registrable offenders will be required to make reports to SAPOL and will be prevented from undertaking work with children.

The act was designed as a monitoring tool where, while preventing engaging in work with children, other restrictions were limited. Under the new bill, SAPOL will be able to apply to the Magistrates Court for a new control order against a registrable offender. A control order may prohibit or restrict a registrable offender for a variety of elements of their behaviour with regard to their intention with children, their proximity to premises used by children and the type of employment and access to computers and the internet a registrable offender can have.

These orders are in addition to paedophile restraining orders that can be placed against people who have not been convicted. Importantly, SAPOL can apply to the Magistrates Court to make a court order against any adult registrable offender if that court is satisfied that the offender poses a probable threat to a child or children. The ability to make an order for a maximum of up to five years will add to the safety measures, as will the fact that the breach of a control order will be a criminal offence with a maximum penalty of five years' imprisonment.

I would like to make special note of the changed provisions of section 66L which were a direct result of an opposition proposed amendment in the 2013 bill which requires information to be provided to parents or guardians in advance of an offender staying overnight or, more generally, residing in the same house as the child. The Attorney, as far as I am aware, has made no acknowledgement of the opposition's role in highlighting this important issue, so I am doing that now.

The Liberal opposition welcomes this bill as a practical improvement to the protection of children from sex offenders, an issue that has been pushed hard to have remedied in the wake of the numerous high-profile systemic failings with regard to child protection under this Labor government.

**Mr TARZIA (Hartley) (17:25):** I also speak in support of the bill. As we have heard, in every state and territory of Australia, legislation to some extent similar to this has been enacted which requires people who have been found guilty of certain offences against children to be entered on a register of offenders.

The Child Sex Offenders Registration Act 2006 requires child sex offenders to register with the Commissioner of Police. Under that act, registrable offenders (as defined in the act) are required to make reports to police and they are precluded from undertaking child-related work, and they should be. They should be precluded because, as we all know, these offenders certainly pose a real risk to children. In fact, we do not want them anywhere near our children.

The act was originally designed, I will note, as a kind of monitoring tool and while, under the act, the registrable offender is stopped from engaging in child-related work, there are a few other limitations placed upon them. I will note that these limitations in the circumstances here are certainly quite fair. The bill aims to insert a new part into the act such that SAPOL will be able to apply to the Magistrates Court for a new type of order, called a control order, to be made against any registrable offender. I believe that this is necessary to protect families from potential child sex offenders who reoffend. It is something that the community must work at together to ensure children are protected from such offenders.

Any bill which allows that protection or which facilitates that protection is certainly good. The orders are in addition to the paedophile restraining orders that are currently available under the

Summary Procedure Act 1921 where orders can be placed against people who may not have been convicted. The proposed control orders, however, can only be placed on convicted and registrable offenders. Obviously, convicted and registrable offenders have a proven risk and therefore it is more appropriate that these strict measures are in place.

In making the control order, the court must take into account many circumstances—the seriousness of each offence in relation to which the person is a registrable offender, the circumstances of the offender and the impact of the order relative to the risk. The court will be able to make interim control orders, vary or revoke a control order. I will point out that it is important that this flexibility is there as provided for in this bill. I will also say that it is very important that the Magistrates Court can make an order without being satisfied of the matters otherwise required if the police and the registrable offender consent to the making of the order and if it is in the interest of justice to make that order.

I note that a breach of a control order is a criminal offence under the bill with a maximum penalty of five years' imprisonment. I believe that five years' imprisonment is a sufficient and appropriate deterrent under the bill. I would also like to allude to the prior words of the member for Unley in highlighting the important role the opposition has played in facilitating and bringing to a head such a bill. I am in favour of this bill.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (17:29):** I thank all members who have contributed to the debate. What I intend to do is say a few words now, because the member for Bragg offered me the tantalising opportunity of satisfying her in my concluding remarks and, if I did satisfy her, she said she may not require us to spend a lot of time in committee. It is pursuant to that incredibly tantalising invitation that I now proceed to say a few words.

The first thing is that the Law Society website, apparently, has written opposing prescribed drug offenders—sorry, that is a different matter. I will come back to that. We will deal with that later. I was going to give you just a taste or prelude of what we might be able to talk about. For the newer members here, that was like a little advertorial about what we are going to be talking about in a week or two's time, so you can just settle down now, it is okay. That was just a little bit of—

**Mr Picton:** Tell us why.

**The Hon. J.R. RAU:** I am not going to tell you why. You will have to wait. You will have to come back in a fortnight. Anyway, back to this one. I have an amendment on file, which I believe the honourable member for Bragg has seen, which is an amendment under the name of Amendment No. 1, clause 10, page 8, after line 14. I am going to briefly explain to the house why it is that I will be moving that amendment.

The explanation is this: section 66L of the Child Sex Offenders Registration Act 2006 is being amended by this bill to provide that a registrable offender who is to either generally reside in the same household as that in which a child generally resides, or stay overnight in a household in which a child is also staying overnight must, before doing so, tell each parent or guardian of the child who generally resides in the same household as the child that he or she is a registrable offender under the act and what the offence or offences were that resulted in him or her becoming an offender. The maximum penalty for a breach of this provision is \$25,000 or five years imprisonment. The amendment clarifies that the report must be made prior to spending the night with a child in the house.

SAPOL have also requested that this section be expanded to address their concern about parents or guardians not being aware when a child has a 'reportable contact' with a serious registrable offender. The amendment filed is in response to that SAPOL request. Under the amendment, a serious registrable offender who has, or intends to have, reportable contact with a child must, as soon as practicable after the contact, or after forming the intention to have contact, tell an 'available responsible adult' that he or she is a serious registrable offender under the act and what the offence or offences were that resulted in him or her becoming a serious registrable offender. The same penalty will apply, that is, \$25,000 or imprisonment for five years.

An available adult person in this respect means a parent or guardian of the child that is known to the serious registrable offender or an adult person apparently responsible for the supervision of

the child at the time of the contact or when the serious registrable offender forms the intention to have the contact. I know this sounds a bit funny when I am reading it out at speed, but in *Hansard* it is going to look great.

A serious registrable offender is defined under the act as a registrable repeat offender or a registrable offender who has been declared by the Commissioner of Police to be a serious registrable offender. A registrable repeat offender is a registrable offender who has committed on at least three separate occasions a class 1 or class 2 offence, or on at least two occasions a class 1 or class 2 offence, provided that on each occasion the victim was under the age of 14 years. I can see that the Acting Clerk is keeping up very well with this and he is following through this matrix very well.

Under the act, at the moment, these offenders have to report details of any 'reportable contact' with a child to SAPOL. Under this amendment, when such a report is made by a serious registrable offender in circumstances such that the offender should have informed the parents or guardians of their status as a registrable offender, SAPOL will be able to follow up with the parents and ensure that this has happened, thereby confirming that the parents are aware of the offender's criminal history as a child sex offender, as aforesaid.

This measure and those provisions contained within the bill further enhance the protection of children from child sex offenders. This reporting requirement should also act as a deterrent to help prevent grooming: grooming of a child and also grooming of a family in order to gain access to a child.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 9 passed.

Clause 10.

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

Page 8, after line 14—After subclause (4) insert:

- (5) Section 66L—after its present contents (now to be designated as subsection (1)) insert:
    - (2) A serious registrable offender who has, or intends to have, reportable contact with a child must, as soon as practicable after the contact, or after forming the intention to have contact, tell an available responsible adult—
      - (a) that he or she is a serious registrable offender under this Act; and
      - (b) what the offence or offences were that resulted in him or her becoming a serious registrable offender.
- Maximum penalty: \$25,000 or imprisonment for 5 years.
- (3) In this section—
    - available responsible adult*, in relation to a serious registrable offender's contact with a child, means—
      - (a) a parent or guardian of the child that is known to the serious registrable offender; or
      - (b) an adult person apparently responsible for the supervision of the child at the time of the contact or when the serious registrable offender forms the intention to have the contact.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (17:36):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**WORKERS REHABILITATION AND COMPENSATION (SACFS) AMENDMENT BILL**

*Introduction and First Reading*

Received from the Legislative Council and read a first time.

**TRAVEL AGENTS REPEAL BILL**

*Introduction and First Reading*

Received from the Legislative Council and read a first time.

At 17:38 the house adjourned until Tuesday 17 June 2014 at 11:00.