HOUSE OF ASSEMBLY

Wednesday, 15 October 2014

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

Parliamentary Committees

SELECT COMMITTEE ON THE ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST (MEMBERSHIP OF TRUST) AMENDMENT BILL

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) (11:02): I move:

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

Motion carried.

Motions

DOMESTIC AND FAMILY VIOLENCE

Ms HILDYARD (Reynell) (11:04): I move:

That the Social Development Committee inquire into and report on the prevention of domestic and family violence, and in particular–

(a) the effectiveness of current service structures supporting the prevention of domestic and family violence;

(b) the effectiveness of current initiatives supporting the prevention of domestic and family violence;

(c) how current services could be supported by improving collaboration, capacity building and the sourcing of alternative funding to enhance programs;

(d) how workplaces and industry can further support the prevention of domestic and family violence; and

(e) how current federal government legislation, initiatives and measures could affect the provision of domestic and family violence services and women and children escaping domestic violence.

I rise to move that the Social Development Committee recognise that the incidence of domestic and family violence is too great and propose to inquire into and report on:

- the effectiveness of current service structures in supporting the prevention of domestic and family violence;
- the effectiveness of current initiatives in supporting the prevention of domestic and family violence;
- how current service structures could be supported by improving collaboration, capacity building and the sourcing of alternative funding to enhance programs;
- how workplaces and industry can further support the prevention of domestic and family violence; and
- how current federal government legislation, initiatives and measures could affect the provision of domestic and family violence services and women and children escaping domestic violence.

The moving of this motion follows many weeks of discussion about the possibility of this inquiry at meetings of the Social Development Committee, numerous conversations over decades with dedicated workers who work at the coalface of need in domestic violence shelters and outreach services across South Australia and, unfortunately, way too many interactions with colleagues, family members, friends, community members, constituents and acquaintances who have disclosed their

own history of experiencing domestic violence and the impact it has had on their lives and the lives of those they love.

Importantly, the impetus for this motion and inquiry is driven by a number of disturbing facts about the prevalence of domestic violence across our community. These facts are:

- one in three women are now subject to violence at some time in their lives, starting from the age of 15;
- more than one woman per week in Australia is killed as a result of domestic violence;
- there is a spike in domestic violence perpetrated against women who are pregnant;
- domestic violence has a profound effect on children who witness it, and in some cases it constitutes child abuse;
- women are most at risk of violence in the home from men they know, and the most common location for physical assaults against women is in the home;
- one-third of clients seeking specialist homeless services have experienced domestic violence;
- domestic violence is now one of the leading causes of death in Australia for women under 45;
- all of these statistics are worse if you are Aboriginal, if you are young or if you have a disability;
- in 2012, around 41,600 women, or 5.5 per cent of South Australian women, experienced physical or sexual violence in the previous 12 months; and
- the statistics on the extent of domestic violence against women and their children are compelling and the growing prevalence of it is disturbing as it is growing at a time when as a nation we are making a major commitment to change this situation and the deleterious effect it has on relationships, on our children and on our community.

Each of these facts is unacceptable. Each of these facts clearly indicate to our community, and to us as representatives of our communities, that it is time for us to do whatever we can to eliminate domestic violence.

As I have said in this place before, I am deeply saddened by the generational impact that domestic violence has on our community and angered by the power inequality inherent in our community, which is fundamentally at the core of violence against women and which is our collective responsibility to address.

I am angry that research continues to show that there is a strong link between violence against women and their children and how the roles of women and men are perceived. I am angry and saddened that there is something about what our community teaches our young men that means they sometimes think it is their right to control women just because they are, or have been, in a relationship with them. These emotions and this deep knowledge that something is fundamentally not right (which I know many of you in this house share) is at the core of the impetus for my moving this motion.

It is time for us to say: enough is enough. It is time for us to do whatever we can together to end violence against women. In line with the National Plan to Reduce Violence against Women and their Children we must focus on: stopping violence before it happens; doing our best to support, care for and empower women who have experienced violence; stopping men from committing violence and teaching our young men that it is not okay to control women through violence, threats of violence or any other means; and learning and doing more about what is effective in reducing domestic violence.

Ending violence against women and children is one of the greatest challenges our generation faces. In moving this motion, I am heartened that there is so much focus and energy on our collective goal to end violence against women and so many initiatives that are helping to achieve change. I am

heartened by a number of speeches I have heard on this challenge by members on both sides in this place, and I am hopeful that it is this collective energy that will see our generation build and leave a safer, more respectful and harmonious future for our young women and young men.

As you may have noticed, given a number of the speeches I have made in this house, I have a relentless and lifelong commitment to preventing violence against women and children. When I first had the great privilege of being elected as the member for Reynell, I was deeply hesitant to speak about my childhood and deeply personal experiences of witnessing domestic violence, and sometimes I still feel a tinge of embarrassment to have revealed such personal issues in such a public way. I am sure from time to time I may feel the same tinges of embarrassment, probably after this speech today and no doubt many more to come.

Despite this, I know that even if it is uncomfortable, we must speak up and out and in doing so encourage women who are experiencing violence to speak out, men who do not know what are appropriate behaviours and responses in personal relationships to speak up and seek help, and show our daughters and our sons a different way of interacting. It is every person's responsibility, and particularly ours as leaders, to challenge stereotypes, name sexism, speak up if we hear excuses for violence, and spread the word that there is no excuse and violence is never an option.

I grew up in a household where I witnessed domestic violence and I also witnessed its aftermath. I know the impact that it has on children, relationships and families from generation to generation but I also know and hold very close what my mum taught me from a very young age. She taught me that no matter what was happening for me to look outwards into your community and see what was happening for others and to be active in your community.

I did and I learnt some very important things: that there were many people doing things really tough but when we are part of an active community pulling together, we make change and we make everybody feel as if they are a part of a bigger, safe and secure family. I certainly did and so did my brother, my mum and my two sisters. My brother is a shining example of a man whose childhood experience showed him one way to be and his community and his spirit showed him another. Despite what he saw, he is a good and loving husband and father to two beautiful boys, and experiences like these must also be shared in our conversations about breaking the cycle of violence, so I will continue to speak and I encourage you all to do the same.

I am very proud to be part of a government that has amongst its top priorities the safety of women and that has found its voice, spoken out and been relentless in developing and implementing comprehensive and proactive measures to prevent and respond to domestic violence. In moving this motion and in advocating for this inquiry, I intend for us to give the strongest possible voice to as many people, organisations, groups, advocates and leaders about this issue as we can.

As mentioned, there are many current initiatives of which we can all be proud. On 8 August this year, our Premier announced that South Australia has joined the National Foundation to Prevent Violence Against Women and has committed $79,000 to it, indexed over four years, and in doing so indicated his commitment to leading serious change to men's attitudes towards women and how they relate to the prevalence of domestic violence.

We are committed to a new multiagency protection service that brings together staff from police and other government agencies to identify patterns of harm before they escalate. A domestic violence serial offender database is being established and courts will be given the right to ensure perpetrators pay for their rehabilitation. Our A Right to Safety initiative demonstrates our commitment to eliminating violence against women, particularly through our Women's Safety Strategy which has at its core the Family Safety Framework to ensure that families at risk of violence are interacted with in a structured and systematic way, a framework which is now operating in 19 areas across South Australia.

In 2009 our government introduced the Intervention Orders (Prevention of Abuse) Act which commenced in 2011. Importantly, this legislation gave police the power to immediately issue intervention orders in circumstances where there was an immediate risk to a woman from a perpetrator of domestic violence. Our commitment to ending violence against women continues through the excellent services already in place, services which continue to be staffed by extraordinary workers and community leaders whose commitment to leading an end to violence against women is

deep and enduring, whose support and advocacy for and empowerment of women fleeing domestic violence often at the brink of despair has helped to transform the lives of thousands of women and their families.

These services include emergency and ongoing support services, crisis response, ongoing counselling and accommodation services for women who experience violence, specialist domestic and Aboriginal family violence services, and domestic violence safety packages which provide safety upgrades to houses to support women and children to stay in their own home, programs targeting men who use violence to break their cycle, and family support programs focused on families where women and children have experienced violence.

Whilst this excellent work continues, it does beggar belief that the federal Liberal government in their vicious attacks on our most vulnerable citizens, including women fleeing domestic violence, is coming after the funding for those services. The National Partnership Agreement on Homelessness was not included in the forward estimates and $44 million has been cut from the agreement with the commonwealth only committing to funding for the 2014-15 financial year and unlikely to provide funding for this after 2015-16, seriously putting at risk homelessness services including women's domestic violence services.

The National Affordable Housing Agreement is included in the 2014 federal budget but at a significantly reduced rate. The impact of this will be a reduction in funding to South Australia through this agreement of $1 million, despite the fact that the South Australian government contributes around 50 per cent to NAHA-funded homelessness services, significantly more than in every other state.

The inquiry I have outlined in this motion gives us an opportunity to reach out to community, various practitioners, leaders, service providers and others to thoroughly explore and measure together what initiatives to eliminate violence against women we are doing well, what we can expand, better support and grow, where we can expand particular initiatives so that domestic violence does indeed become everybody's responsibility, and what negative impending changes we can fight together. The incidence of domestic violence is too great and I hope that this inquiry enables us to work together and take another step together towards ending it.

Mr GARDNER (Morialta) (11:16): In rising to speak on the motion, I move to amend it as follows:

Paragraph (e) delete the words 'federal government legislation, initiatives and measures' and substitute 'legislation, initiatives and measures of all levels of government'

Insert new paragraph:

(f) what measures are being undertaken in other jurisdictions that might be suitable for adoption in South Australia to help prevent and support those affected by domestic and family violence.

The motion will now read:

That the Social Development Committee inquire into and report on the prevention of domestic and family violence, and in particular—

(a) the effectiveness of current service structures supporting the prevention of domestic and family violence;

(b) the effectiveness of current initiatives supporting the prevention of domestic and family violence;

(c) how current services could be supported by improving collaboration, capacity building and the sourcing of alternative funding to enhance programs;

(d) how workplaces and industry can further support the prevention of domestic and family violence;

(e) how current legislation, initiatives and measures of all levels of government could affect the provision of domestic and family violence services and women and children escaping domestic violence; and

(f) what measures are being undertaken in other jurisdictions that might be suitable for adoption in South Australia to help prevent and support those affected by domestic and family violence.

The reason for these proposed changes is that the opposition supports the inquiry that is described, and the opposition supports the intent of the inquiry that is described. As the member for Reynell

indicated, the approach to domestic violence should be a bipartisan issue, and for the most part it is. I do not think there is anything to be gained in achieving the goals that we all seek to gain by making this a partisan issue. I was disappointed that the member for Reynell phrased her speech, at least in the last section, as a partisan attack on the federal government. I do not think that that is necessary.

I think that it could have been framed in a different way, in a way that was more constructive. I know that the member for Reynell is very serious in her endeavours to combat domestic and family violence. In her speech she spoke about sometimes wondering if she is embarrassed for having revealed such personal details. Member for Reynell, can I say to you that you should never feel embarrassed. The maiden speech that you gave, that I think all of us here witnessed, was a strong and strident declamation against domestic and family violence and you are a role model and you are seen as a role model. People, I think, who are not in a position where they are able to run for parliament, or have that confidence, see the position you have taken and the confidence with which you conduct yourself would take heart and courage from it. I commend you for continuing to do so, and I know that you will.

In framing the motion, the member for Reynell identified that it has been a matter of discussion between members of both sides, members on the Social Development Committee, who have discussed the framing of such a motion and the framing of such an inquiry. The member for Reynell also indicated that such a motion was the result of long conversations with many workers in domestic violence services over many years, and that is true. I commend the member for Reynell for having those discussions. Members on this side have those discussions also.

There are a number of White Ribbon ambassadors in the opposition, and as there are in the government, and I identify particularly the Leader of the Opposition, as well as the former shadow police minister, the member for Stuart. My application is pending. There are a lot of people who wish to be a White Ribbon Ambassador, so there is something of a waiting list while our bona fides are being checked out. There are members of parliament on both sides who fulfil that role. We all do work in our various ways. This Friday night, I am organising a fundraiser for the Eastern Adelaide Domestic Violence Service, and we have over 200 people booked in to attend. Hopefully, as we did last year, we will raise over $5,000, which is our target again for that service.

Domestic violence and supporting those who are affected by domestic and family violence should never be a matter of partisanship. There are opportunities to hold governments to account, and there are opportunities to encourage governments to do more. The cuts, as described by the member for Reynell, were described by her in terms of the National Partnership Agreement on Homelessness, which she said is unlikely to proceed in the 2015-16 year, for example. I do not think that it is helpful to phrase it in such a way when we have not pointed out up until now (I do so now because it is directly relevant to this) that, under the Rudd-Gillard-Rudd federal Labor government, that funding did not exist past the 2013-14 year. It has been extended by a year by the Abbott government while that and a range of other services are reviewed.

There are definitely things that we would like the federal government to do. I urge members opposite to consider this amendment in the sense that it is meant: it is meant to ensure that the things that the member for Reynell identified as things she wishes to investigate in relation to federal government are still going to be available to be investigated under this, but we can look at the state government funding as well without any term of reference being restricted. So, the state government funding, the state government services and legislation will be investigated in the same manner—and any opportunities there are for local government funding or local government services and support measures to be considered may also be considered.

All we have done in our new reference (e) is to say that we are looking at all levels of government and the opportunities that presents, rather than just saying that we are looking at the federal government. The new reference (f) is also worthy of consideration. I encourage the government to have a look at it and think about it, because the new reference (f) identifies that, rather than just focusing on those matters that are in South Australia or those matters that are under the remit of the federal government, we also look at other jurisdiction.

The MAPS program, the multiagency program the member for Reynell described, is one we identified, having looked at the English experience. I think that having the committee look at other

jurisdictions, both in Australia and around the world, will be of significant benefit to this inquiry. The purpose of the inquiry surely is to find the best model possible for, and the best improvements possible to, the domestic violence services, the legislation and, where necessary, those matters that need to be funded.

The member for Reynell identified the Foundation to Prevent Violence against Women and their Children, which the South Australian government signed up to several weeks ago. It is another example where it is important to have a look at the whole picture because the South Australian government has committed $79,000 a year, indexed over four years, as the member for Reynell identified.

I note that the federal and Victorian governments, in establishing the foundation, have committed a joint sum of $6.5 million over two years to establish it and, in May this year, the Victorian Liberal government committed a further $3 million to providing funding to June 2017. The $79,000 funding that the state government in South Australia has committed is welcome and it is worthy, but it sits next to the $1 million a year from the Victorian government and further funds from the federal government. You cannot just take these things in isolation. You have to look at the broader picture, and I think the fairly minor amendments that the opposition has suggested to the terms of reference are worthy of the government's consideration.

I am sure that if the member for Reynell is willing to let the debate be adjourned today so that she can take it to caucus and consider the very reasonable amendments that the opposition has suggested, the caucus will see the benefits and the value in such an amendment, and we can then come back in two weeks' time and consider the matter further. I know there are one or two other members who would like to speak on the matter.

Hopefully, we can have a demonstration to all those victims of domestic and family violence in South Australia, and indeed a representation to all those perpetrators as well, that this house stands united against domestic and family violence, and that there is not a whiff of partisanship or a whiff of politics in this matter. This house should stand united against domestic and family violence; there should not be any taint of partisanship in the way that this is presented. The amendments that have been suggested deliver on that promise, on that suggestion and on that hope.

I urge government members to take this contribution in the spirit in which it is meant. We are all trying to get the best possible outcome. I think this is going to be a very important inquiry that the Social Development Committee can do. In the term of this parliament, I hope that the job of work which the Social Development Committee does on this will be seen as its shining moment and will inform the legislation, inform the services and the support, that governments of both persuasions are able to give for domestic violence services in the years ahead.

With that, I urge members of the house today to adjourn, unless the members indicate they are willing to support the amendment, so that this can be considered at the next possible opportunity.

Mr VAN HOLST PELLEKAAN (Stuart) (11:27): I rise to commend the member for Reynell for bringing forward this motion, and to indicate that I will support it as amended by the member for Morialta. This motion, in principle, is very similar to one that I brought to this house back on 22 May this year, and I support the member for Reynell in her endeavours in this effort, as I do the vast majority of people in this house who I am sure would stand on exactly the same principles.

The motion I brought forward was about the recognition of Domestic Violence Prevention Month, and condemning all forms of domestic violence. When I spoke on 22 May, I brought forward many statistics. The member for Reynell has just brought forward many facts as well, and essentially they paint a very similar picture of a completely unacceptable situation within our society; it is unacceptable in every way.

I support the member for Morialta in his amendment and his words, because all he is aiming to do is take the politics out of this motion. Deputy Speaker, you might remember that one component of the motion that I brought forward in May was that I called on the government to do more to prevent domestic violence. The government chose to amend that motion to say 'noted' or 'recognised', or gave some sort of acclaim to the government for the work that it does do.

I found that particularly distasteful, because I think every single one of us could do more: every single institution, every political party and every government could do more. There was not any politics from my perspective, but I thought that for the government to turn that around and rather than accept responsibility for the fact that they could always do more, try to give themselves some credit for what they were doing, that was political.

I find it even more concerning that the member for Reynell has, in her contribution, attacked the federal government for not doing enough. I support the member for Morialta trying to take the politics out of this. There should not be any politics in this issue, other than to call on every single one of us in whatever capacity we have to do more to contribute to solving this problem that is not going away.

Domestic violence is completely unacceptable in principle. It is overwhelmingly undertaken by men against women and children. It is cruel, it is mean and it is bullying. The fact that it is violent includes the very obvious physical aspect, which includes the fact that typically men are physically more capable than women, so it is without any dispute a dreadful bullying behaviour.

We can all understand fighting for something we believe in. We can all understand passion and anger and in a nonviolent way doing everything we possibly can to achieve a means. Many of us—men and women—who have participated actively in sport (as I know the member for Reynell has) can understand that, when there is a physical component, your blood is really boiling in terms of trying to achieve something, but that has absolutely nothing to do with domestic violence. Domestic violence is a bullying, self-serving behaviour that seeks to put people down and seeks in a very perverse way to raise the perpetrator's own self-esteem in some sick way. It is completely unacceptable.

As did the member for Morialta, I commend the member for Reynell for sharing some personal experience which, no doubt, would not have been easy. I commend her for sharing that personal experience that gives her an insight into this issue I do not have. I think it was brave and admirable of her to do that, and it is a personal decision. There might be another person in this house who for whatever reason has had similar experiences, but they choose not to do that, and that is 100 per cent acceptable as well. It is a very personal decision.

I am incredibly fortunate that there was never a hint of domestic violence in my home. There was, unfortunately, in my mother's home when she was a child, and I am sure that contributed enormously to her choice with regard to who she married. My father is a very firm, very strong and very gentle person, and I can tell you that there was never a hint of it in our home.

I am fortunate to have that embedded in me, both with regard to the examples and also, very importantly, with regard to the lessons that were given to me. It was not something that was glossed over, it was not something that was just assumed to be that way and it was not something that was never considered because it was not part of our personal experience in my immediate family. It was actually something that was discussed from time to time.

Both my parents thought it was very important that their two sons understood what was important in this regard and that they did not just head off into the wide world without ever thinking about it because it was never part of their home. My parents also thought it was exceptionally important that their daughter understood all her rights and everything that she had to expect as a girl, as an adolescent and as a woman in future life. So, it was something that we discussed, and I am incredibly fortunate that my parents focused on this issue from time to time and made sure that, to the best of their ability, their children understood what they wanted them to know about it.

That is one of the reasons why I regularly speak on this, support motions such as this and support the member for Morialta doing everything he can to take politics out of this. I am a White Ribbon Ambassador. I am very proud to be a White Ribbon Ambassador, as are members from both sides of this chamber and both sides of politics in all states and across the nation too.

Whether somebody is or is not a White Ribbon Ambassador, we all have a role to play. We all have a role to play at the smallest level, just with regard to our actions—the way we live our life, the things that we do and, importantly, the things we do not do, all the way through to us as members of parliament trying to take this issue, promote it, improve it and lead by example. Then, of course,

there are professional people who actually work in this field as well and lead not only by example but with their professional participation.

I support the member for Reynell and commend her for bringing this forward again. I suspect that we will both be speaking on this issue many more times throughout our careers—and we will be very pleased to do so. I also support the member for Morialta and his amendment which purely takes the politics out of it. It does not attack any government, it does not lay blame on any government or any political party, but it essentially recognises the fact that all of us should do more to address this issue.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:35): I rise to indicate my support for the motion as amended by the member for Morialta. I thank the member for Reynell for bringing this matter to the attention of the parliament because it is appropriate that there be regular reviews. The Social Development Committee is the standing committee that should be dealing with this matter and continuing to identify in our community, and within the services that are provided and the circumstances that surround domestic and family violence, what we have, what is working, what we should be doing more of, what we could perhaps leave aside and what other initiatives from other jurisdictions or from members' ideas may assist the situation.

The member for Morialta moves an amendment that is primarily based on depoliticising this issue and making sure that we concentrate on the primary issue. Can I add another issue in relation to the legal aspect. I raise two matters in respect of the paragraph (e) of the motion, which refers to current federal government legislation initiatives and measures, etc.

First, the federal government does not make legislation; the federal parliament does. If it is the purpose of this part of the motion to deal with federal legislation, that, it seems to me, needs to be remedied. Secondly, the Social Development Committee has a certain charter to deal with matters that it recommends to this parliament for implementation, either in legislation or to the state government, of course, for implementation and certainly for favourable consideration if that is the way they choose to progress.

They are not responsible for federal government actions, and therefore I think there may be a question raised as to whether it is an area of investigation which should be properly looked at by this committee—that is, in the sense of leaving aside the legislation and looking at what initiatives another government has. It may not be terribly useful in any event for many of the reasons that have been raised by the member for Morialta. However, to ask what programs are out there offered by any level of government or the non-government sector currently is important.

When this motion ultimately passes, with or without amendment, I would also like the committee to consider this, and I think it would be caught under (b), but it needs to be spelt out. At present we collate data and statistics, largely through the Office of Crime Statistics and Research (OCSR), provided through the Attorney-General's Department. That is a helpful indicator to us to identify areas of criminal activity, which, of course, some of this conduct culminates in.

Sadly, it is often reflected in murders, and some statistics have been referred to by the mover in this debate and, sadly, they include a high number of people who are victims in a domestic circumstance where there may be domestic or family violence—and they are also perpetrators. If members were to visit the Women's Prison in South Australia, they would see a number of women who were sentenced to life imprisonment usually because they had committed a murder against a partner or husband—again, in tragic circumstances. So, we do need to have up-to-date data.

It concerns me that the OCSR statistics have fallen into shameful neglect in the availability of information. The latest data is now four years old. The late Hon. Bob Such was a great champion of this cause. I remember him bringing it first to my attention to look at and make sure that you have access to contemporary data to know what we are talking about, to be able to identify at least some patterns and concerns for the purpose of assisting us when we look at what we should be targeting at the highest level, both in initiatives, legislation and, of course, funding programs that will have an influence and an impact. In looking at current initiatives I would hope that, ultimately, a subsequent committee will look at the aspects that surround that.

There is also a very considerable contribution made by a number of groups providing domestic violence services. Yarrow Place springs to mind as, I think, one of the exemplary services

in South Australia which caught our attention in a policy way, from the South Australian opposition's point of view, when we made certain announcements during the last state election of continuing support. Where you find a good service that is operating well, let us work in a bipartisan way to ensure that we promote that.

One other area that was being presented by groups and persons who are leaders in this area was to record data through the coronial inquiries and how they register with respect to deaths and serious injuries, but deaths, obviously, in a coronial sense, to ensure that we have some collated data with respect to the circumstances surrounding the death of a person in a circumstance where there has been domestic violence. We can only learn from others' mistakes and from conduct that we wish to curb or to protect against. We have to learn from the tragedies that we have.

I can openly say that in the council area of Burnside, which covers a large part of my electorate, although of course I cover two other councils, we have one to two murders a year, on average. Let me tell you, they do not arise out of bank robberies, they arise out of circumstances where there has been conflict in a family. Sadly, sometimes it is a young boy killing their mother or a partnership between adults that are the consequence. So, I am very interested not just as the representative of an area, and we all have circumstances of violence perpetrated, sadly some culminating in death, but as a longstanding passion.

I commend the motion from the member for Reynell and her heartfelt contribution. I hope that she will see as a positive initiative the member for Morialta's amendment to it. I look forward to, one day, receiving not only the committee's report but, indeed, that someone out there is willing to actually act on the recommendations of it.

Mr KNOLL (Schubert) (11:43): Domestic violence is a complex issue and one that has been pointed out by previous speakers. This goes some way to explaining why it is such an effort to tackle and educate men in particular about this issue. Domestic violence has had a national level conversation for more than three decades. Successive federal, state and local governments have had task forces, parliamentary committees and councils. Unfortunately, for all the good work that has occurred on domestic violence it still occurs and it still occurs too often. That is not to take away from the hard work that has preceded us but rather shows the extent and the enormity of the hard work that is before us.

Australia has already led the world in addressing other public health issues, such as smoking, road safety and the spread of HIV and AIDS, and this clearly demonstrates that we can effect social change in our community and that it is indeed possible. Action on this issue is needed and it is needed urgently. Without action to address violence against women and their children, an estimated three-quarters of a million Australian women will experience and report violence in the 2021-22 period, costing the Australian economy an estimated $15.6 billion, with domestic violence accounting for 9.9 per cent of this figure.

Really, what I wanted to talk about today is a conversation I had with a couple of workers from the Northern Domestic Violence Service a couple of months ago, who approached me as a new MP to help to increase my understanding of this issue, because I must admit my experience with domestic violence is extremely limited. I have grown up in a household with three brothers and a mother and father, and there was never any incidence of domestic violence in our household. Certainly there were brothers mucking around with each other and being rough, but there is such a respect for women in my household, and I think it does come from the example that my father set. The idea of domestic violence to me is one that is quite foreign and quite unfathomable.

In my previous life as an employer I saw firsthand the results of domestic violence amongst some of our employees, and as an employer it is difficult to know how to reach out in those circumstances, but reach out we did in a couple of circumstances and not always to best effect. I must admit that our attempts to try to help individuals to work through the situations that they were dealing with were not always successful, but our intentions were always genuine and heartfelt. From that aspect, I can understand the enormity of the task and the enormity of a decision of a woman to take her children with her and leave a violent relationship.

Sitting down with Julie and Elaine from the Northern Domestic Violence Service was a real eye-opener for me. Something that is a real slur on the Barossa in particular—given that the Barossa

LSA has the lowest crime stats and is one of the safest places in South Australia—is that incidences of domestic violence still do occur. I was told that referrals have been growing by between 5 and 20 per cent a year over the past number of years. That really surprised me, given that I thought that, as we progressed as a more modern society, incidences of domestic violence would be decreasing. Unfortunately, that is not the case.

Normally, the NDVS get referrals from families and friends, but they also get referrals from police. They have an emergency facility at Willaston that offers nine emergency beds, although I understand that there is a great demand for that, and there are potentially new centres opening up just to the south of my electorate that may be able to help deal with more cases and give women more opportunity.

The biggest stat that really upset me through our conversation was the fact that the NDVS worked with 1,000 families over the past years and, of those 1,000 families, 15 per cent were from the Barossa. To compute that there are 150 families in the Barossa who are victims of domestic violence is something that does not sit comfortably with me. We, with all our electorates, come into this place and brag and boast about how our electorates are the best in the state. This is one measure where I think the Barossa community needs to put their hand up and say that they need to do better. The idea that 150 families in my community are suffering under what should be something that is gone and wiped from a modern, prosperous society really astounds me. On that measure alone, I support wholeheartedly the member for Reynell's motion.

The brief of the NDVS is to look after the wellbeing and safety of the children and the mother. In fact, they were telling me that they really do not interact with the man—and in over 90 per cent of cases it is the men who are the perpetrators. I tried to drill into whether or not there is hope, so whether or not they do see incidences of men reforming their behaviour. The answer I got back was not necessarily that positive. There still is a belief that men can get away with what they are doing and that programs to reform malbehaviour are never fully evaluated. Indeed, they said to me that what quite often is the case is where women decide to stay in the relationship—whether or not that is a true decision we can debate—some of the time the physical violence stops, but it degenerates into emotional abuse and that continues.

The other thing they talked about is that it is not something that is inherent in past generations; it is not the silent generation or baby boomers who are doing this. They say that a lot of the new cases that present themselves are young men, and that upsets me because I would have thought that our generation has moved on. I am really quite embarrassed for the men of my generation where this continues to happen, and it seems that it is on the increase rather than on the decrease.

They talked to me about the fact that they can give information and help support the decisions that women undertake but, of course, it is always a question of the women wanting to make the decision. They told me that in 30 per cent of cases women simply do not want to leave the relationship, for whatever reason. We need to do more to make sure that there is true choice and a true decision to be made by women so that if they decide to leave the relationship there is as much support as we can offer to enable them to do that.

In closing, I wholeheartedly support the member for Reynell's motion. I wholeheartedly support the member for Morialta's amendment in trying to make this more about the core and the crux of the issue, as opposed to making this one of a partisan nature. There are a number of issues in this place that are bipartisan, and this one is very worthy to be part of it.

For the people who live in Schubert and for the good work that the Northern Domestic Violence Service does I support and commend this motion to the house. In the future I look forward to having better ways of helping victims of domestic violence and working towards a future where we no longer have these debates.

Ms HILDYARD (Reynell) (11:51): I would like to start by very much thanking and acknowledging those members opposite for their absolutely sincere words of encouragement. They were very kind words, and I want to let them know that I hear them and I appreciate them. I also want to say that they give me great encouragement. I think we really are in a position where we have a fantastic opportunity before us to work together to end domestic violence against women and

children, and the words I have heard today give me great hope in that regard. So, I very much look forward to doing that together with members opposite and those on this side of the house.

I have a couple of comments about the proposed amendment I wish to make, and I want to let members know that we had a very good discussion in the Social Development Committee about the proposed terms of reference for the inquiry. Whilst I have been absolutely disparaging of the federal government's indication to reduce NAHA and NPAH funding, which will impact domestic violence services here and across Australia, I have done that because having talked with workers right across the sector I hear day in and day out about their worries in relation to those cuts.

Having said that, when we look at the terms of the original motion that sentiment certainly is not in those terms. There is very much an open statement in paragraph (e), I think—I do not have my notes in front of me anymore—about exploring federal initiatives, etc. Despite my disparaging comments about the federal government cuts in this regard, which is my great worry, and where they will lead, the terms of the motion certainly do not contain that sentiment within them.

I think the original terms of reference can take us forward in a very positive way. I think they will allow us to work together on this huge challenge for our generation, and I think also that the first points in the terms of reference will allow us to fully explore measures both here and in other jurisdictions as well.

I will proceed with the original motion, and I do not support the amendment. In saying that, I wholeheartedly believe that we will be able to work together in good faith and do whatever we can to eliminate domestic violence here in our community, and I look forward to doing that with everybody in this house.

Amendment negatived; motion carried.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: PORT LINCOLN, ADELAIDE WOMEN'S, MOUNT GAMBIER PRISON EXPANSIONS

Ms DIGANCE (Elder) (11:55): I move:

That the 506th report of the committee, entitled Proposal to Expand Three Prisons: Port Lincoln Prison, Adelaide Women's Prison and Mount Gambier Prison, be noted.

The committee heard from officers from the Department for Correctional Services on Thursday 9 October regarding a project that can immediately increase the capacity of the state's prison system and help address the recent unprecedented rise in prison numbers. The project will see the construction of additional accommodation to cater for an extra 76 beds to the system where—

Mr PENGILLY: Point of order.

The DEPUTY SPEAKER: I can't hear what she is saying, and I hope that is what you are about to say.

Mr PENGILLY: No, it is not that. It is just that the member has been speaking for over a minute and the clock has not been reset.

The DEPUTY SPEAKER: Thank you, member for Finniss.

Ms DIGANCE: Thank you. Would you like me to continue from where I am?

The DEPUTY SPEAKER: Well, nobody heard you, so you may as well start from the beginning.

Ms DIGANCE: Did you hear?

Members interjecting:

The DEPUTY SPEAKER: Order!

Ms DIGANCE: Deputy Chair, with your direction.

The DEPUTY SPEAKER: Okay.

Ms DIGANCE: The project will see the construction of additional accommodation to cater for an extra 76 beds to the system, with 32 low-security beds being established in Port Lincoln Prison, 20 medium to low-security beds in the Adelaide Women's Prison and 24 medium to low-security beds at the Mount Gambier Prison. In addition to the extra capacity, it will also see the construction of some important support facilities, such as an industry shed at the Port Lincoln Prison for the manufacture of items required by the local oyster and fishing industries and a community centre for prisoners to attend rehabilitation and education programs at the Adelaide Women's Prison.

In order to bring these new facilities online as soon as possible, demountable or relocatable accommodation will be constructed. As well as ensuring fast establishment, this form of construction will minimise the impact on surrounding residents and minimise the length of disruption to the current prison facilities. This is particularly important given that the work at both the Mount Gambier Prison and Adelaide Women's Prison will occur within the secure perimeter fence.

The total cost of the works is estimated to be $8.7 million (GST exclusive). The Port Lincoln Prison and Mount Gambier Prison projects are due to be completed and commissioned by the end of this year, while the Adelaide Women's Prison will be commissioned in March 2015. This will take the total capacity in South Australian prisons to 2,604 beds by the end of 2014-15. With the other projects already underway, which the Public Works Committee has previously considered and recommended to the house, the state's prison capacity will reach 2,714 beds by the end of the 2015-16 financial year. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr GARDNER (Morialta) (11:58): I was pleased to attend the Public Works Committee hearings in this last week. This report highlights the shameful incompetence of the Labor Party in government over 12 years. It has completely failed to plan for the long term in dealing with our prison capacity. In terms of their shameful lack of ability to manage their own affairs—

The DEPUTY SPEAKER: Does the member wish to seek leave to continue his remarks or shall we move on motion?

Mr GARDNER: —and I seek leave to continue my remarks.

The DEPUTY SPEAKER: You are seeking leave to continue your remarks?

Mr GARDNER: Yes, ma'am.

Leave granted; debate adjourned.

Bills

JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL

Introduction and First 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) (11:59): Obtained leave and introduced a bill for an act to amend the Juries Act 1927. Read a first time.

Second 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) (12:00): I move:

That this bill be now read a second time.

The law about seeking a stay on the ground that there has been prejudicial publicity sufficient to threaten a fair trial in the course of jury deliberations is governed by the decision of the High Court in Dupas v The Queen, which is reported in (2010) 247 Commonwealth Law Reports, page 231. The applicant was charged with a particularly vicious and notorious murder. The circumstances of the murder and the identity of the applicant were the subject of widespread and inflammatory pre-trial publicity.

The applicant applied to have the trial permanently stayed as an abuse of process of the court because he alleged it would be impossible for him to ever have a fair trial. The High Court held that there should not be a stay. It decided that any unfair consequences of prejudice or prejudgement arising out of the extensive pre-trial publicity was capable of being relieved by the trial judge in the conduct of the trial by thorough and appropriate directions to the jury. Tantalisingly, I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

But the court went further. It adopted as authoritative this statement of the law from *R v Glennon* (1992) 173 CLR 592 at 605-606:

> [A] permanent stay will only be ordered in an extreme case and there must be a fundamental defect 'of such a nature that nothing that a trial judge can do in the conduct of the trial can relieve against its unfair consequences'. And a court of criminal appeal, before it will set aside a conviction on the ground of a miscarriage of justice, requires to be satisfied that there is a serious risk that the pre-trial publicity has deprived the accused of a fair trial. It will determine that question in the light of the evidence as it stands at the time of the trial and in the light of the way in which the trial was conducted, including the steps taken by the trial judge with a view to ensuring a fair trial.

The law on trial by judge alone is set out in s 7 of the *Juries Act 1927*. It was changed substantially by the *Statutes Amendment (Serious and Organised Crime) Act 2012*. That set of amendments dealt with the situation in which a charge of a serious and organised crime offence had been laid and there was a real and substantiated threat of a miscarriage of justice by reason of threats to the jury or other forms of intimidation. In such an event, the DPP was empowered to make an application to the trial judge for trial by judge alone and the trial judge was given an unfettered discretion to make that order if he or she found that the interests of justice required it.

It is now notorious that there are particularly vile allegations of child sexual abuse being made against a child care worker in the employ of Families SA. These allegations are, at this stage, only allegations, but the investigation is still proceeding and more charges may eventuate. These allegations have become front-page news and have been given extensive and on-going publicity across the range of forms of public media and the internet.

There is little that can be done about this problem. The public's demand to know and the media's determination to sensationalise is ever present. The stay discretion lies in the inherent discretion of a court, as a court, to deal with an abuse of its process. Even if it was wise to examine that area of law, one could not do so without threatening the independence of the jury and making demands of the judicial system that would clearly be unconstitutional.

But the courts can be offered constitutional alternatives to manage a fair trial and counter threats to its process. That is what this proposal is designed to do. Its operation depends, not on an application by the DPP, nor upon the court of its own motion, but on an application for a stay by the defendant. (It may be noted that Queensland has a similar provision but it is activated by application of the DPP). The making of the order for trial by judge alone is entirely discretionary and would only be made if it was in the interests of justice to do so.

The following points should be noted:

- The Bill applies to an application for a stay whether the publicity alleged to be prejudicial occurs pre-trial or at any other stage in the trial, and whether or not it is submitted that the prejudice may occur or has occurred (or both);
- The Bill applies to an application whenever made and, in particular, whether or not a jury has been empanelled;
- The sole criterion for the making of the order is that the court (at the relevant time, be it the trial judge or a judge hearing an application pre-trial) thinks that the order is necessary in order to ensure a fair trial;
- If the accused in question is being jointly tried with another or others, the court retains an absolute discretion whether or not to order joint trial by judge alone for one or more of the co-accused. That decision will be influenced by the extent to which the prejudicial publicity will impact on those co-accused and the discretion of the court, in all the circumstances, to weigh the necessity for joint (or separate) trials in the interests of justice; and
- The Bill expressly preserves the powers of a court in relation to contempt of court as an explicit reminder to those who might be tempted to use this measure as a warrant to prejudice the trial of an accused.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Juries Act 1927*

4—Amendment of section 7—Trial without jury

This clause amends section 7 of the principal Act to allow a court to order trial by judge alone in the circumstances set out in new subsection (3ca) in order to ensure a fair trial.

Debated adjourned on motion of Mr Gardner.

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING FOR DISEASES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2014.)

Mr GARDNER (Morialta) (12:02): I am pleased to support the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2014, and I am pleased to support the amendments that have been filed on behalf of the opposition by the deputy leader that extend the provisions herein for police officers to also apply to the Country Fire Service, Metropolitan Fire Service, State Emergency Services, SA Ambulance Service, St John's Ambulance Australia (South Australia) Incorporated, Surf Life Saving (South Australia) Incorporated, or a body or organisation that is a member of Volunteer Marine Rescue (South Australia) Incorporated, or the accident or emergency department of a hospital.

I was very pleased to join the Leader of the Opposition yesterday at the Police Association of South Australia (PASA) conference, where we spent some time talking about this very matter. Policing is not just another job. There are officers who undertake the role and give a service to our community, for which we are all grateful. Just in the last sitting week we discussed issues surrounding National Police Remembrance Day, and we identified some of the acts of courage and heroism on behalf of our community undertaken by a number of the 61 officers who have, unfortunately, fallen in service.

The minister and I attended at Fort Largs and others attended other services around the state to commemorate National Police Remembrance Day. In addition to the 61 South Australian police officers who have fallen in the line of service, there are many other hundreds and thousands who have been injured in the line of service, who have suffered the consequences, both mental and physical, of incapacity in various ways as a result of their service. It is not just another profession.

As politicians, sometimes people joke that they would like to spit on a politician, and sometimes it even happens, but when it does it is reported on as an extraordinary event. I remember that the former prime minister, Julia Gillard, had a sandwich thrown at her and John Howard had a shoe thrown at him once. These were extraordinary circumstances, yet we ask our police officers to go out every day in the service of our community and put themselves in jeopardy in this way. Between 250 and 350 police officers face this circumstance every year, where they are bitten or spat on.

In these circumstances, at the moment there can be an awful and horrible wait while those officers undertake a blood test to find out if they have been infected with a communicable disease as a result of being assaulted. That wait is traumatic. It can be traumatic for the officer, it can be traumatic for the family and, indeed, it can also affect their ability to deal with an infection that they may contract if a certain remedy is not taken in time.

By requiring the offender to take a blood test in this circumstance, an answer can be provided immediately to that officer and their family as to whether there is the possibility of a disease being transmitted. Consequently, that reduces the trauma significantly for both the officer and the family. From the opposition benches we argue that that same reduction in trauma should be available for those other categories of service personnel who I have identified: CFS volunteers, MFS staff, SES

volunteers, ambulance workers, surf lifesaving workers, and those in the accident and emergency department of a hospital.

I am thinking of the times I have visited emergency departments of a hospital. So often some of the most troubled people in our community may present late at night, often affected by methamphetamines, and they can put these people at risk. Again, just as policing is not just another job, people who work in our emergency departments are confronted with risks that most people in our community are not confronted with every day.

I commend again the member for Bragg (the Deputy Leader of the Opposition) for bringing these amendments that I think are reasonable. I am glad that this bill is on the table. I am sure that the bill itself will see the support of the parliament. I am not sure if the government has indicated a position on the amendments either in this house or overall, but I hope that, if they have not yet taken this into consideration, they take the two weeks ahead before the next sitting week, before this bill presumably, assuming it passes today, sees the light of the Legislative Council, and see the sense of these amendments and support them. By doing that they will thereby ensure that all those other categories of workers in those critical areas that I have identified are able to have the same comfort that is provided in this bill to police officers and their families.

With those few words, I commend the bill and foreshadow that I will be also supporting the amendments.

Mr VAN HOLST PELLEKAAN (Stuart) (12:07): I support this bill and the amendments, which the member for Bragg has brought forward. I think it is a very positive move. Police officers across the state know that I would support them in something like this. I think they deserve exactly this level of support. Emergency services workers and others in this prescribed group of people also know that I would support them getting the same sort of support, although they might not need it quite as regularly. They might not be in the same category of risk nearly as often, but the times that they might find themselves in that same situation they deserve the same protection.

There are many aspects about this bill that are important. One of the most important is the timing of receiving information. As members might know, if a person happens to contract a disease in the ways risk is described in this bill, it could take sometimes months to know if that is the case, but to test the person from whom the disease may have originated takes hours; so then, all of a sudden, if you test the person who may have transmitted the disease, then everybody knows straightaway. Let us hope it is a good result, but even if it is a bad result everybody knows straightaway. That is very important.

My first experience of what we are talking about here was through basketball, where, at training, I had my two front teeth knocked out by one of my teammates, by an errant elbow.

Ms Chapman interjecting:

Mr VAN HOLST PELLEKAAN: It was very kind of the member for Bragg to say that, but I did actually have incredibly crooked teeth. Now I have two incredibly straight teeth, but they did not come with me from the beginning. The situation was that the other lad's father called me that evening after training and said, 'Look, would you mind having some blood tests because my lad's elbow has been in your mouth accidentally and so it will just save us a lot of time and effort?' Of course, the answer was, 'Yes, of course, I would be more than happy to do that, no problem.' It was the first time I really understood that if he got tested it would take months for him to find out some things.

I thought it was a little bit rough that I had lost my two front teeth and I had gone to the emergency department and I had, as it turned out, a couple of years ahead of different types of surgery to get it fixed. He just got a few stitches in his elbow, but he thought I was the one who had to get the blood test. In a very friendly way it is a good example. It is exactly the situation that people can find themselves in.

What we are trying to do though is provide some protection for people who find themselves in these situations from far less friendly events, and the people who this bill seeks to protect and the people who the amendment seeks to protect deserve that sort of protection. We concentrate in debate here on biting and spitting but, let me tell you, police officers particularly face a very wide range of threats and risks with regard to this type of behaviour.

I will share with the house my experience when I lived at Pimba for seven years during the time in which the Woomera Detention Centre was built, operated and then mothballed. I lived there and I saw all of that happen right in front of me. There were several times, typically at Easter, when protesters came to the Woomera Detention Centre. I am not describing in any way a position here with regard to the rights and wrongs of the detention of people who arrive without permission on our shores, but let me just tell you that people who I would describe quite openly as absolutely disgraceful individuals were filling up buckets with urine in preparation to throw on the police when they ended up face to face.

They were filling up buckets with faeces in preparation to share them out among themselves so that they could throw them at police or smear them on police when they came in close contact with each other when the police were just trying to do their job to prevent the protest being anything more than peaceful. Police officers are faced with a pretty grim reality quite often when they are just doing their job. We concentrate on biting and spitting which is completely unacceptable but, let me tell you, that is perhaps at the lower end of what police officers may have to deal with.

I saw this many times because I was involved in a few different community roles. I was not a protester and I was not a police officer, but I was involved in a few different community roles that had me reasonably close to the action. I can tell you that in this situation at the Woomera Detention Centre the protesters were sharing information with each other. They were teaching each other. There was a little mini training camp about how to go about using the urine and the faeces to greatest effect. That is the sort of thing that police officers deserve to be protected against, and for that reason and many others I strongly support this bill.

I do, of course, strongly support the amendment brought forward by the member for Bragg which would protect people from the most serious and deliberate ways in which the emergency services workers and others could face these risks, but it also protects them for the truly non-malicious and not deliberate ways. You could just imagine a surf lifesaver, perhaps, trying to protect somebody who is drowning and fearing for their life in the middle of a swell and the surf and whatever else. It is not inconceivable that bodily fluid could be swapped and some saliva could rub against an arm or it could even be bitten completely non-deliberately in a frenzied attempt to just accept the help. That person deserves that support as well. That lifesaver deserves the support they could require—that the person they were trying to help, the person whose life they were trying to save, should undergo some blood tests just to see if any risk of disease had been transmitted.

That is an example where nobody has any malicious intent whatsoever. The person who happens to get their saliva, their blood or their teeth into the surf lifesaver did not mean to do it in any bad way. They were scared, they were frantic, they were panicked and they were trying to climb onto the surfboard. From that example, all the way through to the Woomera detention type of example I described, there are very good reasons to give a very wide range of people this sort of protection.

I wholeheartedly support the bill, and I commend the government for bringing it forward. I wholeheartedly support the amendments, and I commend the member for Bragg and the opposition for bringing them forward.

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) (12:16): Can I say to all members who have spoken in relation to this matter that their contributions are obviously appreciated. There are a couple of very brief things I want to say about the matter. I know we are intending to go into committee shortly, and I do not wish to occupy too much time now but, hopefully, by saying a little bit now I will say even less in committee.

Basically, the view I have about the matter presently is this. I have heard what the opposition are saying in terms of their amendments, and I understand the sentiment that has motivated the opposition in moving those amendments. As the amendments actually have implications more broadly across government than SAPOL, and as we have not had the opportunity of consulting with those agencies about their particular view of those matters, I am not in a position to accept those amendments at this stage. That does not mean necessarily that there is a formed view that those amendments should ultimately be opposed—it may or may not mean that; I genuinely do not know what the answer to that is.

I do know, however, that any expansion of the application of these rules will involve some cost to a government agency. In the case of the matters that have been drawn to the attention of the parliament by the amendment proposed by the member for Bragg, we are talking in particular about people who are in the emergency services, other than police, and people who are in the emergency department or rescue-type activity associated with people who suffer trauma. As I said before, I do not for a moment diminish the sentiment or the intention of those opposite who have raised these issues. I understand what they are saying.

The member for Bragg might be interested that, when I saw her first version of this amendment yesterday, I provided a copy to my ministerial colleague the Minister for Health and said to him, 'I can't progress this any further without you and your agency turning your mind to these matters,' and I obviously would need to speak to the Minister for Police and Emergency Services as well. Obviously, he is okay with the police aspect of it, but it goes further than that. In other words, there is obviously a need to talk to people about it.

From a government perspective, there is the need to have some idea of what the cost of this might be because, ultimately, somebody is going to have to pay it—when I say 'somebody', I mean the government. The way things work is that if any of us bring proposals in here which involve expenditure, as the minister for regions would tell you, we have to take it to the budget subcommittee of cabinet. We have to say to them, 'Here is our proposal but, by the way, it's going to cost a certain amount of money.' It goes through that committee with either the thumbs up or the thumbs down. It then has to go to cabinet, and cabinet has to think about it. In making a decision not only about proposals or programs but even about legislation, cabinet turns its mind to cost.

A recent example, which I know has caused a lot of kerfuffle around the place—which, hopefully, we are getting closer to resolving and I am not trying to set that particular rabbit running now—is the CFS volunteer issue. Again, it is a classic case of the government being given a range of costs when the matter first came to cabinet about what different alternatives might cost. In making a decision about what the government is going to do, obviously you have to be responsible in terms of considering the budgetary implication of what you are doing.

I do not want anyone to interpret what I have just said as a yes or a no, because it is not: it is simply an attempt to explain the process we will have to go through in order to properly consider the amendments the member for Bragg has put forward. They will be given serious consideration, but the perspectives to which I have just referred are relevant to the ultimate outcome and nobody, certainly not I, would be suggesting that these are frivolous or not genuinely intended amendments to this legislation. The question is whether or not the government can support them, for the reasons I have just explained.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

Clause 6.

Ms CHAPMAN: The proposed definition outlined for 'prescribed serious offence' (and, of course, there has to be a serious threat of one of these being breached) includes an offence under section 6A of the Summary Offences Act which, I suggest, if I just find that—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: No, that is section 6. Assaulting or hindering police is section 6, and I am actually referring to the offence under 6A. Once we go past nondisclosure of criminal intelligence, we then go into the violent disorder offences, so they are offences against public order.

These are the ones that essentially deal with someone who might be attending a lawful crowd protest outside the front of Parliament House, or anywhere else for that matter, who is demonstrating dissent from some decision or activity or person, which I suppose really is the lower end of the spectrum of what we are talking about here as far as serious offences go. Violence can include, as

set out in the example in 6A: 'Throwing at, or towards, a person a missile of a kind capable of causing injury which does not hit, or falls short of, the person.'

We do get to the lower end, and I just ask this, Attorney, perhaps to place on the record your intention if someone were active in that space. I am not talking about throwing stones at a speaker in front of Parliament House. I am talking about discarding material they have on display or things of that nature which, to me, is in that category of potential affray, especially if someone standing next to them objects to the flag flapping in their way or the banner posted, etc.

This is the end of seriousness, in the sense of serious threat, away from the much more serious which, of course, is resisting arrest and so on. I just want to have some idea about why that is in there, other than saying perhaps in the event that they did not miss but actually hit somebody, as distinct from that, because it seems to me that it captures all those others as well.

Secondly, if you could address at the same time the question of any other serious offence prescribed by the regulations. You know my abhorrence for leaving the generality of this in legislation. Is there any consideration of that being necessary? It does seem to me that if we are going to go down this line we need to be very clear about this. I might foreshadow that in my amendments we are still leaving a senior police officer as the threshold person who will be responsible for making a decision about whether there will be a mandatory test taken. So, if you could make your comment.

The Hon. J.R. RAU: As to the first point, new section 20A does, on my reading of it, contemplate quite a range of possible things and, at one end of that range, we are talking about actual contact of some sort but, at the other end, as the member quite rightly says, it may be relatively minor.

I think the answer to the member for Bragg's question lies in clause 6 of the bill, in particular, new section 20B(1)(b) which says that 'it is likely that a police officer came into contact'. So you need 20A as your starting point and, in addition to that, there has to be reasonable satisfaction that biological material of the person as a result of the suspected offence has come into contact with the police officer. The example that was given by the member for Stuart of somebody throwing urine, or whatever, and hitting a police officer presumably would be captured by that, but something like throwing a rock and missing the person or just being obnoxious would not.

As to the second question, I am familiar with the member for Bragg's abhorrence of regulation-making powers. It is one thing that we regularly have a chat about in here. All I can say is that our thinking in relation to that was that if in the future there turned out to be another particular offence of violence that was created, or if there was an aggravated offence of violence attached to a particular provision that presently exists, it would perhaps obviate the need to come back and amend this act to specifically include that if we could simply include it by way of regulation. That is the intention.

It is not intended to be a regulation-making power that would enable us to drop it down, so it is traffic infringements or parking tickets we are talking about. It is intended to be able to provide a simple way of incorporating future changes in the law as and when they occur without having to bring back the whole bill.

Ms CHAPMAN: Can I just place on the record (and we have covered this to some degree in the debate), that, obviously, we are in South Australia as we speak progressing a law which is unique and breaking the ice in respect of mandatory testing. Unsurprisingly, there are some groups in the community who are nervous about this. I think it is fair to say that where there is responsible management and progression of these laws and their application one usually does not come up against any problem, but we make laws here for the lowest common denominator and, in the event that someone else might fill your position or fill a police position who would not maintain a standard of integrity in relation to the application of this, it leaves the public at risk. I just make that point.

The Hon. J.R. RAU: Can I say that between the houses I will reflect on what the member for Bragg has said. It just occurs to me—not that I generally think that drafting amendments on the fly is a good idea—that if 20A(h) were amended to say 'any other serious offence of violence prescribed by the regulations' it might perhaps in some way accommodate the concern. I am happy to look at that as a way of making it very clear that we are not talking about trivial matters.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman–2]—

Page 3, after line 11 [clause 6, inserted section 20A]—Insert:

accident or emergency department of a hospital means the part of a hospital dedicated to the hospital's major accident and emergency functions, including those areas of the department used for administrative, waiting, reception, storage, diagnostic, treatment, consultation, triage and resuscitation functions and the access bays for ambulance and police;

Amendment No 2 [Chapman–2]—

Page 3, after line 14 [clause 6, inserted section 20A]—Insert:

emergency means an event that causes or threatens to cause—

(a) the death of, or injury or other damage to the health of, any person; or

(b) the destruction of, or damage to, property; or

(c) a disruption to essential services or to services usually enjoyed by the community; or

(d) harm to the environment, or to flora or fauna;

emergency services provider means—

(a) South Australian Country Fire Service; or

(b) South Australian Metropolitan Fire Service; or

(c) South Australian State Emergency Service; or

(d) SA Ambulance Service Inc; or

(e) St John Ambulance Australia South Australia Incorporated; or

(f) Surf Life Saving South Australia Incorporated; or

(g) a body or organisation that is a member of Volunteer Marine Rescue—South Australia Incorporated; or

(h) the accident or emergency department of a hospital;

emergency work means work carried out (whether or not in response to an emergency) by or on behalf of an emergency services provider;

hospital means the site of an incorporated hospital or private hospital (both within the meaning of the Health Care Act 2008) at which the health services provided by the hospital include services provided on a live-in basis;

medical practitioner has the same meaning as in the Health Practitioner Regulation National Law (South Australia);

prescribed occupation or employment—the following are prescribed occupations or employment:

(a) police officer;

(b) emergency work;

(c) employment as a medical practitioner in a hospital;

(d) employment as a nurse or midwife in a hospital;

(e) an occupation consisting of the provision of assistance or services, in a hospital, to a medical practitioner, nurse or midwife acting in the course of his or her employment in the hospital;

Amendment No 3 [Chapman–2]—

Page 3, line 18 [clause 6, inserted section 20A, definition of *prescribed serious offence*, (a)]—

Delete 'police officer' and substitute:

person engaged in a prescribed occupation or employment

Amendment No 4 [Chapman–2]—

Page 3, line 21 [clause 6, inserted section 20A, definition of *prescribed serious offence*, (b)]—

Delete 'police officer' and substitute:

person engaged in a prescribed occupation or employment

Amendment No 5 [Chapman–2]—

Page 3, line 24 [clause 6, inserted section 20A, definition of *prescribed serious offence*, (c)]—

Delete 'police officer' and substitute:

person engaged in a prescribed occupation or employment

Amendment No 6 [Chapman–2]—

Page 3, line 27 [clause 6, inserted section 20A, definition of *prescribed serious offence*, (d)]—

Delete 'police officer' and substitute:

person engaged in a prescribed occupation or employment

Amendment No 7 [Chapman–2]—

Page 4, line 7 [clause 6, inserted section 20B(1)(b)]—Delete 'police officer' and substitute:

person engaged in a prescribed occupation or employment acting in the course of his or her official duties

The CHAIR: We are now looking at set 2 in your name?

Ms CHAPMAN: Yes. May I quickly explain?

The CHAIR: Yes.

Ms CHAPMAN: Parliamentary counsel advised me yesterday that there was a small error in the drafting, and that has been dealt with by the replacement with 24(2). I thank them for doing that. Set 2 has now been tabled, so I formally withdraw 24(1) and proceed with 24(2).

The CHAIR: So we are going to speak to amendment No. 1.

Ms CHAPMAN: Yes. Amendment No. 1 implements the first of a number of amendments to facilitate the expansion of persons who are victims of a biting or spitting incident or a transfer of bodily fluids while undertaking their ordinary employment in the emergency services and health areas. I have covered this in a detailed way during the course of the debate and, in short, our position is that there is a case for police in those circumstances having access to this relief—the extended distress, etc., in waiting to see whether they might have been infected with a transferable disease. We feel that it is important that other areas of emergency services should also have access to this in all of the examples that were given during the course of this debate.

The only matter I would comment further on is, in addition to the question of cost, our amendments progress this on the basis that whilst there may be a number of other professions that might seek the remedy of any assailant being mandatorily tested, we have maintained that this should be by a senior police officer under new section 20B of the government's bill. It would be the authorising officer (which is to be a senior police officer) who would actually make the assessment as to whether a person should have a blood sample taken from them.

I did give some thought as to whether that role could be exercised by another senior person: the head of a hospital, for example, or the head of a department, of the Country Fire Service, or someone like that in a senior position. But we are talking about a circumstance where it is likely that the police would be present or would be called in for the purposes of assistance. We still feel that it would be better to have one gatekeeper in that regard.

I make that point for two reasons. One is that we are not in any way attempting to spread or dilute the role of a senior police officer. We think that that is appropriate. It may be that, if an incident occurs in the emergency department of a hospital and someone becomes disruptive or causes an incident in which there is a reasonable risk that someone could be contaminated with an infectious disease, there will be other ways in which this is managed.

However, it seems to me that, whilst police officers may be called in and then a decision could be made by a senior police officer as to whether that risk is sufficient to make an order in that regard or issue some edict that requires the person to have a blood test, in my limited experience

there would be a reluctance, at least from the medical profession, to be responsible for receiving an application and making a determination on this.

I make no criticism of the medical profession in this regard. They have a certain charter and certain edicts which they undertake in their profession in the assistance, healing and recovery of patients. In my experience, they have not had any desire to interfere or forcibly impose a practice or procedure. The consent of their patients, even if acting unreasonably, is something that does not usually inspire in them a desire to have them held down and a 'take what is good for them' approach. That is always heartening to hear.

That is not to say that they are sometimes in circumstances where they administer treatments where there may be some reason to continue when a patient is getting out of control. Our health workers and specialists in the mental health area have to deal with this on quite a frequent basis. Nevertheless, it seems that it is appropriate that we keep the gatekeeper in the hands of the police.

The other matter is that this is under consideration in the Western Australian parliament, which has been referred to in our second readings. As I understand it, some *Hansard* transcript has been provided to us, and I have made some further inquiry, that there had been some consideration of expansion of relief of this mechanism to other professions in their parliament including corrections, which I referred to yesterday. They are indicating at this stage that they will progress with the police only component which is consistent with the government's bill.

I do not consider that the question of other professions is off the table in Western Australia but it is reasonable to assume that at this stage they are ready for and are advancing and progressing the police officers' protection. Depending on the progress of that, it depends on whether we end up being the first in Australia to do this but for all the reasons I said yesterday it will break the ceiling in respect of what has been an area which I think we have tiptoed around in my lifetime with the communicable disease issues that the medical profession have had to delicately manage for a long time.

In any event, I will not go on in respect of the amendments other than to say I thank the Attorney-General for his indication that he will at least give consideration to these amendments and in consultation with fellow ministers who might have responsibility in this area, and we welcome that. I think it is fair to say that the question of cost would still rest—and if it is, say, a senior police officer who is going to be making the determination—as an expense for SAPOL.

If, in fact, fellow ministers suggest that they are quite happy to meet the cost of that from their budgets then I am sure that that would be welcomed by the Attorney, and it may be—and this is something that I think needs some consideration here—that in the event that is it necessary for a mandatory blood test to be taken, and in a circumstance where the person who is to have the blood taken is offered by request to voluntarily submit to a test and declines, that they have notice that they may face the cost of a procedure and any cost necessary to implement that, may make them more persuaded to be cooperative and we would avoid the cost of the process as an option.

I think it is fair to say that not every health professional or other, even if they are in a risky situation, is necessarily going to ask for this blood testing to take place. They may decide that they would rather deal with this privately, go through their own process of testing and assessment and treatment without going through this process but, nevertheless, to that extent the cost will be unknown.

One other way of dealing with that, apart from giving notice to the offender that this may be something that is tacked onto the cost of his or her subsequent fine, fees, or compensation forwarded, is that that could be recovered at the time of any subsequent offence being tried. It is an area of the unknown. I have no doubt that the government has undertaken some assessment of what the cost would be to deal with up to 350 cases a year, which is what the police are telling the parliament here via the Attorney.

It is also fair to say that, whilst the health industry is identified as the most vulnerable in this area—not the police in fact—even in the documents prepared for police on blood-borne viruses, and in the studies that have been undertaken and reported. Again, the booklet was referred to during the

course of the debate, but I indicate that police were found to be the second most frequent occupational group reporting exposures, after healthcare workers.

The healthcare workers, whilst very significantly higher in number, also currently do a number of things to protect themselves, not unreasonably. One is that a number of them have immunisations as a recommended protection in the nature of their employment for hepatitis, etc. Secondly, they usually wear material to help protect them such as face masks, gloves, gowns and the like to give them some protection.

Whilst they might be in the category of frequently being spat at or the subject of scratching or any of the events in which they have to deal with emergency situations, it has to be remembered that, to have the risk that we are talking about for the level here that we are identifying, there has to have actually been contact, and that it has been in a circumstance that is likely to have caused an infection.

For example, if a nurse was dealing with a disorderly patient in an emergency department and the patient spat on the nurse's glove that was covering his or her hand, then it may not be identified as any risk because there had been no apparent contact with the skin and the glove was removed and so on. So there can be lots of examples where they are potentially exposed to risk but they have a number of protective procedures to actually help quarantine them from that. Good on the health professionals for doing that, but it is a way they have also managed the risk.

It is fair to say that one of the most persuasive ways of ensuring that one has assistance, including encouraging a patient to volunteer to give blood, is the capacity for health professionals to not progress with medical treatment. If the patient is desirous of medical treatment, or indeed is demanding medical treatment, and does not want to be cooperative in respect of ensuring that there be a reduction of the risk by providing blood testing, or filling out the form to disclose whether they might have a contagious disease, it is, of course, open for the health professionals to make an assessment about whether they not progress it, just as they would in making an assessment about whether a proposed intervention or medical treatment might not be safe to administer on the patient because they might have a weak heart or some other condition that would not augur well if the surgery or procedure is to be undertaken.

I add to that by saying that members are very aware that it is health professionals who are in the firing line most often but, fortunately, they themselves have set up their own procedures to very much protect themselves. I accept fully that it would be impractical and inappropriate for police officers to run around with masks and gloves and all of the other procedures to protect themselves, as it would be for the purpose of someone who might be attending that house during a fire, which I referred to yesterday, for the rescue of children and having to deal with distraught parents and the like. We understand the practicalities of that, but we thank the Attorney for indicating that he will give some consideration to the amendments. I do not propose to speak to the other amendments; I am happy for you to put them all and let the matter progress.

Amendments negatived; clause passed.

Clause 7.

Ms CHAPMAN: In relation to using force, can the minister explain what the likely procedure here would be? Often the person who is the subject of this is likely to be arrested and taken for sampling, apart from any other procedures and questioning the police might want to undertake. How is this to work? Will they be taken to an office because all of the information could actually go electronically, obviously to a senior police officer. They could issue the request—I think it was going to be a requirement to do it—and provide advice back to the police officer. How is it going to happen?

The Hon. J.R. RAU: Under the bill as it presently stands, in clause 7, they would already, in effect, be in police custody and the police surgeon be called upon to undertake whatever activity was required. It does, however, raise an interesting point about what might happen in the event of the opposition's proposed amendments ultimately going forward because that might not necessarily mean that, at the time, there is a police officer present or, indeed, that the person is in custody; they might not be in custody. I will not labour that point because that is a matter we can converse about between the houses.

Ms CHAPMAN: So, it will be done at police headquarters? Where is this all to happen? I just want to understand the process.

The Hon. J.R. RAU: I understand SAPOL's position is this: at some points in time—and when I say 'points in time' I mean points during the 24-hour clock—they have available to them general practitioners who they are able to invite to go to wherever it is to take samples. There may be points in the day (probably in the early hours of the morning, perhaps) where that is not necessarily the case, in which circumstance the police would convey the individual to a hospital for the purpose of the test. That is my advice.

Ms CHAPMAN: It has been a long time since I have seen these, but do they get a copy of the sample as well, like we do with blood testing for alcohol readings? Is that what happens?

The Hon. J.R. RAU: The member for Bragg will be pleased to know that that is one of the detailed matters the regulations will cover.

Ms CHAPMAN: That you will cover, or that you intend to make provision for that to occur?

The Hon. J.R. RAU: It is something that I personally have not turned my mind to, but my expectation is that is obviously what you would want to do, because I would imagine the individual would have an interest in knowing the answer to these questions as well, and they would probably have an interest in having an opportunity to test the sample themselves. Speaking for myself, although we have not got to the drafting, my expectation is that is where we would be going. Again, I am happy to talk to the member further about that, but that is a matter for the regs; it is not in the bill.

Clause passed.

Clause 8.

Ms CHAPMAN: I have a question in relation to what physically happens to the material that is cleared. Obviously, the proposed bill has gone into some length to make sure that it is not used for any other purpose, and there is provision for its destruction later on. Physically, how does that happen? The sample is identified, and presumably the doctor says no, or, 'Yes, it has got a contagious, infectious disease, virus or bacteria in it,' but where does it go from there?

The Hon. J.R. RAU: Again, that is a very good point, but my understanding is that the intention is that we would consult with the Chief Health Officer with a view to finding out a safe way of disposing of the samples.

Clause passed.

Clauses 9 and 10 passed.

Clause 11.

Ms CHAPMAN: This relates to the regulations power. I am heartened somewhat to hear, in the albeit brief contribution by the Attorney, some of the areas that he intends to address in the regulations. Can I just say this: we are in a ground-breaking area of law. We currently have a number of regulations dealing with blood samples and the obligations in relation to time limits and provisions to take samples, etc., and access to information in respect of alcohol and drug testing in this state. So, it is not a new practice for the purposes of other detections.

I would certainly seek that the Attorney's mind will be turned to ensuring that we have all of the safeguards with the process that is going to be undertaken for this purpose in the drafting of those regulations. I think I heard the Attorney say that at this stage there has not been any commencement of a draft, but when they are drafted, is it the intention of the Attorney to consult with any parties, and if so, whom?

The Hon. J.R. RAU: Obviously, some of this is potentially sensitive. I think the member for Bragg alluded before to the fact that people have danced around this quite delicately for some time in various ways. My intention would be to speak to the obvious people like the Chief Medical Officer, AMA—people of that nature—to try to make sure that we do something which is scientifically and, from the point of view of medical practice, objectively sound.

Ms CHAPMAN: In the regulatory power, it is proposed that the regulations will be promulgated to cover 'the communication of the results of such testing to the Commissioner of Police'. What is the purpose or necessity for that to occur?

From my reading of the proposed bill at least, once the test has been done and it has been identified that there is some infection or contaminant, that would be conveyed to a senior police officer, if an application were to be made and qualified under those circumstances. That would obviously be taken into account for the purpose of the senior police officer's assessment and, after that, may be retained for a certain period pending any review under the further processes there for the senior police officer.

Either way, after that, it is going to be destroyed, so I do not understand why there is a process for the communication of the results to go to the police commissioner unless it is for the purpose of some sort of audit, which is not in the bill. I recall that there are certain forensic procedures under the act that have to be reported in each annual report—I am not sure whose it is but someone's. Could you just explain what that is all about?

The Hon. J.R. RAU: Just very briefly, my understanding of it is essentially this. The police commissioner is, in all respects, vis-a-vis the police force, a chief executive officer, and has certain responsibilities, duties and obligations in terms of occupational health and safety, management and suchlike.

For example, it would be incumbent upon the police commissioner, if the commissioner became aware of the fact that a member of the staff was potentially infected with one of these illnesses, not only to manage that person as a member of the staff from the point of view of their occupational management, and possibly even assisting them in receiving medical treatment because the matter might well amount to something which is a compensable disability in any event, but also, regard would perhaps need to be had as to whether that person was put in particular types of duties where they might be in the company of other police officers who might, by reason of working with that person in that type of situation, themselves be potentially exposed to a risk.

If a person is known to have been at risk of exposure and perhaps contraction of one of these illnesses, you probably would not want them attending a melee with a bunch of other police officers in circumstances where all of them might potentially be injured and blood products and other things be around the place. The point is the commissioner does have responsibilities in terms of management, not only of the individual police officer but the context in which they put that police officer with other members of the force.

Ms CHAPMAN: The only point I would make about that, Attorney, is that they already have this responsibility. At present, it might be a sustained period of weeks before there is any final determination. In that time, the victim police officer might have some time off or, as you say, might be given duties where they are not likely to cause any risk.

That is happening now, so it would be reasonable for the police commissioner to be informed if there had been any order for a sample to be taken. I would agree that that would be reasonable, just in their own audit of what has been done, but the commissioner, it seems to me, would not even be aided in what he does already by having information about the results of the testing. It specifically says the 'communication of the results of such testing', which is the additional information, which I would suggest is unnecessary. What is reasonable is that they be given information if an order—I will call it an order—is issued by a senior police officer.

Clause passed.

Title passed.

Bill reported without 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) (13:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 13:01 to 14:00.

Petitions

STREAKY BAY LIQUOR LICENSING

Mr TRELOAR (Flinders): Presented a petition signed by 1,007 residents of Streaky Bay requesting the house to urge the government to take immediate action to retain the existing liquor licence conditions for Streaky Bay.

Matter of Privilege

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ACT

The SPEAKER (14:01): Yesterday the member for Morphett raised a second privilege matter with me. The member for Morphett was seeking clarification about the operation of the Independent Commission Against Corruption Act (the ICAC Act) and its potential impact on the privileges of parliament. The member for Morphett referred to an instance in the Aboriginal Lands Parliamentary Standing Committee where a witness appearing before the committee, on being asked whether he had considered or, indeed, had approached the ICAC to give them information, in the words of the member for Morphett:

> The witness stated that it was his clear understanding that, under the ICAC legislation, he could not answer the questions and he declined to answer.

More specifically, the member for Morphett is seeking my ruling on this matter as he is concerned about the potential impact of the operation of the ICAC Act on parliamentary committees in doing their work.

I can advise the house that parliamentary privilege is not affected by provisions in statutes that create criminal offences for the disclosure of information. In this instance this is further reinforced by section 6 of the ICAC Act where it states that nothing in the ICAC Act affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees and members. In the words of John Cleese, 'the bleeding obvious'.

State statutory provisions that create criminal offences for the disclosure of information do not prevent the disclosure of information covered by provisions to a house of the parliament or to a parliamentary committee in the course of a parliamentary inquiry. They have no effect on the powers of the houses and their committees to conduct inquiries and do not prevent committees seeking the information covered by such provisions or persons who have that information providing it to committees.

The basis of this principle is that the law of parliamentary privilege provides absolute immunity to the giving of evidence before a house or a committee which, I should interpolate, is why we should be so careful in the use of parliamentary privilege. In the South Australian context, the law of parliamentary privilege is picked up by section 38 of the Constitution Act 1934 and is derived from the Bill of Rights 1688 and the 9th article that declares:

> That the Freedom of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Yes. In essence, the law of parliamentary privilege recognises a submission of a document or the giving of evidence to a house or a committee as forming part of the proceedings of parliament which attracts wide immunity from all impeachment and questioning. It is also a fundamental principle that the law of parliamentary privilege is not affected by a statutory provision unless the provision is expressed to be intended to alter the law.

Section 9 of the Constitution Act supports this principle by providing that the law of parliamentary privilege can be defined by a statutory declaration by the parliament. I finish by saying I see no reason why the good work of committees in fulfilling their functions will not continue in the

light of the protection afforded to parliamentary privilege by section 6 of the ICAC Act, which was always the intention of the Attorney-General and the parliament.

In that connection, before I take any points of order, I have received a request from the Right Honourable Lord Mayor for a statement to be entered in *Hansard* under sessional orders. I am calling together a meeting of the Standing Orders Committee to consider his request, so since you are all in here and are deemed to be here, any members of the Standing Orders Committee should come to my office after question time.

Parliament House Matters

PARLIAMENT HOUSE SECURITY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:05): A point of clarification, if I may, on another matter. It has come to my attention and to other members of the chamber that, within the responsibility that you have in respect of the conduct of proceedings within the chamber, as a result of a declaration I think issued by the Commissioner of Police, representatives of our security in the parliament are now wearing handguns, and that includes within this chamber. I would seek some indication from you to the chamber as to the circumstances that led up to that. As I understand, on the inquiry I have made, senior members of our House of Assembly personnel and those of the Legislative Council have conferred as a result—

The SPEAKER: You want us to be able to arm as well?

Ms CHAPMAN: No, I don't, sir. In fact, if you asked my view, I think it is a sad day when guns are allowed in any parliament house at all, let alone a chamber. However, I just ask that you perhaps report back to the house at a time convenient to you as to under what authority this has been done and whether in fact there are going to be any other changes. I simply raise it because, as I understand it, there is a logistical difficulty in being able to properly secure our chamber and also facilitate our security officers being able to deposit their arms in a repository that is safe. I will leave the matter in your capable hands, Mr Speaker, but I would appreciate some response.

The SPEAKER (14:07): In 2009, I attended the Holy Liturgy at Simonopetra Monastery on Mount Athos and I was guarded by two astynomia (Greek police) owing to the bikie legislation of the time. They came to church wearing guns.

Matter of Privilege

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ACT

The Hon. I.F. EVANS (Davenport) (14:07): Can I just seek clarification, given your explanation to the house about how privileges are impacted or not impacted by the ICAC Act. Am I correct in saying that your explanation means that members of parliament in the proceedings of parliament are able to disclose that they have referred matters to ICAC without breaching the act?

The SPEAKER (14:08): Yes, I think that would be a knock-on effect of that ruling. One would exercise that with great caution, and I will say one other thing, and that is that, where the statutory prohibition on disclosure is created by federal law, that might create different considerations.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Education and Child Development (Hon. J.M. Rankine)—

Dame Roma Mitchell Trust Fund for Children and Young People—Annual Report 2013-14

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:09): I bring up the 10th report of the committee.

Report received.

Question Time

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): My question is to the Minister for Education and Child Development. Why did the internal review of the handling of Chloe Valentine's case by Families SA not interview the grandmother of Chloe Valentine?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:10): The Leader of the Opposition misunderstands the purpose of the adverse events committee and the role that it undertakes. It is an internal review that looks at the policies and practices of Families SA in the context of a particular case. It wasn't an investigation, if you like, into each individual decision that was made—that is the purview of the Child Death and Serious Injury Review Committee. This is looking at policies and practices that may need to be changed within Families SA.

Mr MARSHALL: A supplementary question, sir.

The SPEAKER: Supplementary, leader.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): Is the minister indicating to the house that no members of Chloe Valentine's family were interviewed as part of the internal review?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:10): That would be my understanding.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): A further supplementary, sir: can the minister indicate to the house whether the social worker who was handling this case, assigned to this case, was interviewed as part of this internal review?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:11): I am happy to get clarification on that, but again my understanding about the Adverse Events Review Committee is that it is a review of the case, not an investigation of the case.

The SPEAKER: Supplementary.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): What I don't understand is why it has taken 2½ years, and a coronial inquest into the death of Chloe Valentine, for the Families SA social worker supervising Chloe Valentine's case and the family to be questioned about Chloe's welfare. Can the minister provide any explanation to the house why that is the case?

Mr Tarzia: Shame!

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

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:11): The reason that the family members haven't been part of an investigation is that they would have been part of the criminal trial. There has been a criminal trial that has been underway. The Child Death and Serious Injury Review Committee, once all legal proceedings—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.M. RANKINE: As soon as all legal proceedings are completed, the Child Death and Serious Injury Review Committee will undertake its work.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My question is to the Minister for Education and Child Development. When a person on the sex offender register lives with a family who are clients of Families SA, is it the department's policy to warn partners that they are living with a sex offender?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:12): I thank the Leader of the Opposition for his question because it does give me an opportunity to clarify a misconception that may be out there. Families SA staff are able to access and provide information that is critical to secure the safety of a child or children. Families SA workers can provide relevant information to parents and carers that would assist them to better protect their children, and I have asked the deputy CE to make it very clear to staff in Families SA that, in fact, that is the case.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Can the minister outline to the house—

The SPEAKER: Third Supplementary?

Mr MARSHALL: I have only just asked the question, sir. There has only been one question.

The SPEAKER: This is a discrete question?

Mr MARSHALL: This is a first supplementary to the second question.

The SPEAKER: A supplementary to the second question?

Mr MARSHALL: Correct.

The SPEAKER: Splendid, thank you.

Mr MARSHALL: Can the minister outline to the house precisely what the policy is with regard to informing clients of Families SA whether they are living with a sex offender, or not?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:14): My very clear advice is that the Families SA workers in the case of Chloe Valentine, for example, should have alerted the mother to the past criminal convictions involving her partner. Indeed, these are things that happen as is required, and there have been cases that have come across my desk where I have seen that families have actually been alerted to that, or safety plans put in place that restrict access of known sex offenders to children in a household.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): Further supplementary, sir: clearly, this isn't what occurred in this case. We want a clarification in this house as to when Families SA should be informing and when they shouldn't be informing. Is it the case that they should be informing at every single case? Can you outline this to the house, please, what the policy is?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:15): I've told you what the policy is. Families SA should be alerting parents when there is a risk that a child may—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Well, that's a very good question.

The SPEAKER: The deputy leader is called to order, and the minister won't respond to interjections. Leader.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Supplementary, sir: can the minister offer any explanation to the house whatsoever why Families SA failed to implement the very clear policy that you've just outlined to the house?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:15): The people involved in making that decision were wrong. I have asked the chief executive to make sure it's very clear with all of our workers to reassert that they have a responsibility to advise in those circumstances.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Has there been any audit internally as to the number of other situations in which this has occurred? Has there been an audit? Has former police commissioner Mal Hyde come in and done a desktop audit on the number of other registered sex offenders living with clients of Families SA who haven't been informed?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:16): No.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Will the minister give any consideration to conducting this audit and conducting it immediately?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:16): Sir, we are in the middle of a coronial inquiry. We will await the outcome of that coronial inquiry. We are in the middle of a royal commission—

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

The Hon. J.M. RANKINE: The policy of Families SA is that where there is a risk to children—

Mr Marshall interjecting:

The SPEAKER: The leader is warned a second and final time.

The Hon. J.M. RANKINE: The interesting thing is, sir, the leader of the opposition doesn't come in here and ask about the welfare of children; he comes in here—

Mr Pisoni: Point of order.

The SPEAKER: The minister will be seated.

Ms Chapman: Stop putting your head in the sand.

The SPEAKER: The deputy leader is warned. Before the member for Unley starts, I heard the minister say 'the leader of the opposition'—a subject. The rest of the sentence didn't have a predicate yet, so what's the point of order?

Mr PISONI: The point of order is that the minister is entering into debate, sir.

The SPEAKER: Well, she will when she has a predicate to the subject. Minister. The minister has finished?

The Hon. J.M. RANKINE: I have.

FAMILIES SA INTERNAL AUDIT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): My question is to the Minister for Education and Child Development. Given the audit of 500 Families SA residential staff found 102 with concerns, will the government extend its audit to all of Families SA's 2,000 staff?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:17): To start with, we don't have all of Families SA staff providing one-on-one care for children, but all of our staff are required to undergo DCSI screening and criminal history checks, and those checks are renewed—

Members interjecting:

The SPEAKER: The member for Hartley is warned and so is the deputy leader.

The Hon. J.M. RANKINE: —every three years.

FAMILIES SA INTERNAL AUDIT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): Is the minister suggesting that there is no need to review the pre-employment checks or the files to conduct a desktop audit for the other 1,500 Families SA staff that weren't part of Mal Hyde's desktop review?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:18): Sir, we currently have a royal commission underway looking into the operations of Families SA. Can I say, sir, we are not alone. These circumstances in relation to child protection are not unique to South Australia. Every state is grappling—every state is grappling with challenges in child protection, but we face up to the challenges here in South Australia. In Victoria—let me just tell you about Victoria—in Victoria—

Ms Chapman: What about South Australia?

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

The Hon. J.M. RANKINE: Thank you, sir. Well, if they do not want to hear about Victoria—

Mr Pengilly interjecting:

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

The Hon. J.M. RANKINE: If they don't want to hear about Victoria, sir, let me talk about South Australia. In South Australia, we introduced the Guardian for Children and Young People. In South Australia, we established the Child Death and Serious Injury Review Committee. In South Australia, we established the Council for the Care of Children. We established the Health and Community Services Complaints Commission.

We established two Mullighan inquiries. We provided funding to advocacy organisations like CREATE and Connecting Foster Carers. We increased the number of family-based carers to provide for children who cannot stay with their birth families. We increased the number of kinship carers by 700 per cent. Since 2002, we have gone from—

Mr GARDNER: Point of order, sir.

The SPEAKER: Point of order, member for Morialta.

Mr GARDNER: Unless the minister is indicating that all of these people are going to be subject to the desktop audit, she is now completely irrelevant to the question.

The SPEAKER: What was the question again?

Mr GARDNER: The question was whether the minister was saying that the desktop audit was unnecessary for the other Families SA staff.

The SPEAKER: Minister.

The Hon. J.M. RANKINE: Thank you, sir. We have gone from 147 kinship placements in South Australia, in 2001 under the Liberals—and that is family members providing care for children—to 1,190 placements currently. We established a new incident management division in the department. We have a screening audit for educators.

Mr GARDNER: Point of order, sir.

The SPEAKER: The minister is offering information pertinent to the screening of other staff. Minister.

Mr GARDNER: I don't think that she is doing that. She hasn't indicated that any of these people are going to be screened at all.

The SPEAKER: The minister is offering information about what her department does. You may regard what they do as inadequate, but the minister is offering that information, which is in order.

The Hon. J.M. RANKINE: We have established a multiagency protection service. We have established the Strong Start program, helping first-time mums care for and protect their babies. We

have had more than 100,000 universal contact visits since we introduced that program. We have established 41 children's centres. Each and every one of those people involved in one-on-one contact with children has criminal history checks and background screening checks.

Members interjecting:

The SPEAKER: The minister will not refer to the celebrated Mount Gambier kidney.

Members interjecting:

Ms CHAPMAN: Sir—

The SPEAKER: I anticipate the point of order, and I will deal with it now. After I have acted, the deputy leader may or may not want to raise a point of order.

Ms Chapman: I will listen with interest, but I was coming to your defence.

The SPEAKER: The minister is called to order and warned a first time, not just for disorderly expressions such as referring to members in the second person but also for rising when she did not have the call and shouting across the chamber. Does that deal with the matter?

Ms CHAPMAN: Excellent ruling, sir.

FAMILIES SA INTERNAL AUDIT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): Supplementary, sir: given that the minister sees no need whatsoever to extend the desktop audit to the other 1,500 Families SA employees, can the minister guarantee to this chamber that high concerns do not exist for any other non-residential Families SA employees here in South Australia?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:23): Once again, the Leader of the Opposition verbals me. He makes an assertion which I don't respond to, so he takes it as given that I have accepted that.

Ms CHAPMAN: Point of order. The minister has asserted that she has been threatened by the Leader of the Opposition.

The SPEAKER: No, no.

The Hon. J.R. Rau: Verballed.

Ms CHAPMAN: Verballed—that is a threat. You should know that: you're the Attorney. I ask that she withdraw that.

The SPEAKER: I did not hear the minister say that she had been threatened. What I heard the minister say was a bit of 1970s New South Wales slang, originating with the New South Wales police force and its interviewing of accused persons. The minister asserted that she had been 'verballed' by the leader, by which I take her to mean she meant that the leader had purported that she had confessed to a matter to which she had not confessed. I rule that verballing—to accuse another member of verballing one—is in order. Minister.

The Hon. J.M. RANKINE: He has a habit of doing that, sir. What we have is a workforce that do the hardest job. They work with the most difficult families in South Australia, and here we have the Leader of the Opposition coming in here trying to use child protection as a political football.

Mr GARDNER: Point of order, sir.

The SPEAKER: And the point of order is?

Mr GARDNER: Imputing improper motive and debate.

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

Mr Gardner: Trying to use child protection as a political mechanism.

The Hon. J.M. RANKINE: Well, sir, it is obvious. I have had so many people come up to me in the last few weeks expressing exactly that view. So, it is very—

Mr Pisoni interjecting:

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

The Hon. J.M. RANKINE: The member for Unley refers to the way I do my job. Can I refer to perhaps the way the member for Unley does his job?

The SPEAKER: No, you may not.

Ms CHAPMAN: I think I heard you say, 'No, you may not,' so thank you, sir.

The Hon. J.M. RANKINE: He helped secure government for us, of course, being a shadow spokesperson challenging a fourth-term government, and he managed a swing against himself.

The SPEAKER: Could the minister return to her text?

The Hon. J.M. RANKINE: I am sorry, sir, that pretty much was my text. The deputy leader also, if you want to look at people who do a hopeless job, and you know I refer back to the kidney, that lost kidney.

Ms CHAPMAN: Point of order, Mr Speaker. This is a repeat of her defying of the direction that you have given.

The SPEAKER: I warn the Minister for Education a second and final time.

The Hon. J.M. RANKINE: They're critical and they come in here and cast aspersions on a workforce that do one of the toughest jobs in our community. They are damned if they take a child away, they are damned if they leave a child there, but every day in South Australia these people work to help protect our children.

Mr GARDNER: Point of order, sir.

The SPEAKER: And the point of order is?

Mr GARDNER: Standing order 137 clearly defines what your suggested tasks are when a minister or a member continues to defy your rulings and not to accept your authority.

The SPEAKER: Tempting though it is.

Members interjecting:

The SPEAKER: The member for Adelaide is called to order. The deputy leader, if her lips move once more out of order, will be departing—perhaps in company with the Minister for Education. Perhaps I could arrest them and place them in the same room, but I would only do that on a motion of the house. I think the member for Morialta is being unduly fragile, given that we are having a robust exchange about the matter of child protection. If you can dish it out, you've got to be able to take it. I don't know what standing order that is, but I am applying the rule.

Mr MARSHALL: A supplementary, sir?

The SPEAKER: I am sorry, the minister has not finished.

The Hon. J.M. RANKINE: No, I haven't finished.

The SPEAKER: And another thing.

The Hon. J.M. RANKINE: And another thing.

Members interjecting:

The SPEAKER: It was a point of order by the deputy leader.

The Hon. J.M. RANKINE: These people every day work to keep children safe, they work to support their families, they work to help hold our community together. They get very little thanks for this and, when something goes wrong, they are all berated and they are all tarred with the same brush.

There is no doubt that there are people who will do the wrong thing; sadly, we have seen this week an example of that. It's dreadful. We have seen people in Families SA do the wrong thing, we have seen people in our South Australian police force do the wrong thing. It injures everyone in those organisations, it upsets our community, but you can't tar each and every one of them with the actions

of one or two people; it is completely unreasonable. These people should not be berated in this place by the Leader of the Opposition and have aspersions cast against each and every one of them for the actions of one or two people doing the wrong thing. It is a—

Mr PISONI: Point of order, sir.

The SPEAKER: Point of order, member for Unley.

Mr PISONI: Clearly, the minister is impugning improper motives.

The SPEAKER: Well, no, actually I don't think she is, and I rule against the point of order. But I would remind the minister that those police officers from Operation Mantle who have been charged are entitled to the presumption of innocence.

The Hon. J.M. RANKINE: Thank you, sir, and I absolutely agree with you, and so do the people in Families SA.

FAMILIES SA INTERNAL AUDIT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Supplementary, sir: the minister, in her answer, suggested that I was verballing her because I had sort of indicated that she sees no—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is called to order.

Mr MARSHALL: —need to conduct a further desktop inquiry, an expanded inquiry, from the residential to the non-residential employees, if you like, of Families SA. Perhaps the minister can clarify her position: does she think that the desktop inquiry should be extended to all employees of Families SA or whether it should be confined to just those working in residential care?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:31): Nothing has come to my attention that would warrant such an extensive piece of work. If it does come to my attention—

Mr Marshall interjecting:

The SPEAKER: The leader, if he moves his lips out of order, will be departing.

The Hon. J.M. RANKINE: We have a royal commission underway that is looking at all aspects of Families SA. On occasion, you have a parliamentarian do the wrong thing; in fact, we have seen it in this chamber. I don't want to have aspersions cast on me by the behaviour and conduct of other people in this chamber, and nor should all of our Families SA staff.

RENEW ADELAIDE SCHEME

The Hon. T.R. KENYON (Newland) (14:32): My question is to the Minister for Planning. Can the Minister for Planning inform the house about the expansion of the Renew Adelaide scheme?

The SPEAKER: Oh, a man who will pour oil on trouble waters, the Deputy Premier.

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) (14:32): Thank you very much, Mr Speaker. Yes, I will attempt to raise the tone a little. I thank the member for Newland for his very important question. As the member is aware, the government has invested a great deal of energy and resources in revitalising Adelaide's CBD.

Members interjecting:

The Hon. J.R. RAU: You chaps googling, you won't find it there.

An honourable member interjecting:

The Hon. J.R. RAU: Yes; I wanted to save Team Google too much effort before they wore out their fingers. One aspect that has breathed new life into our cultural and entrepreneurial sectors is the Renew Adelaide scheme, which matches new businesses into empty shops or buildings. On

25 September, I was very pleased to attend the Renew Adelaide Awards to celebrate the excellence and innovation of businesses that have taken part in the scheme.

The Renew Adelaide scheme started in 2012. Under the scheme, landlords of vacant shops and offices allow use by short-term tenants keen to start up a business. Renew Adelaide then helps negotiate low or no-rent leases for a period and helps aspiring owners also to navigate red tape to create innovative opportunities and networks that were previously non-existent. Renew Adelaide helps the government assist entrepreneurs to test their ideas on a commercial basis, identify and respond—

Mr Knoll interjecting:

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

The Hon. J.R. RAU: As I was saying, identify and respond to challenges regarding building compliance and commercial arrangements and bring our unique and underused buildings back to life, as well as activate small streets and laneways. The Renew Adelaide scheme is now poised to expand across Adelaide. Renew Adelaide released its annual report on 1 October. That report shows that, during the past 12 months, 30 disused properties have been overhauled in the city and Port Adelaide and 130 young entrepreneurs have been supported in launching start-up businesses. Those businesses were launched across the retail, arts and culture sectors. In 2013, 11 properties were overhauled; in the previous years, just three.

The scheme has the support of state and local government. For the 2013-14 financial year, the state government provided $300,000 in funding to Renew Adelaide. Additionally, the state government has just committed a further $800,000 in funding over the next four years.

The Renew Adelaide scheme is also supported by the property industry, including some of the biggest players in that space such as Peregrine Incorporation, the Cohen Group, the Angelopoulos family and the Precision Group. That industry's peak body—the Property Council—through its new state director, a Mr Gannon, with whom I believe some opposite are familiar, has also said, 'Renew Adelaide should be commended for its positive approach during challenging economic times.'

An honourable member: Excellent comments by him.

The Hon. J.R. RAU: Comment Mr Gannon.

The Hon. J.J. Snelling: Well done.

The Hon. J.R. RAU: Good on you, Mr Gannon; he is dead right. An economic impact study is still to be completed although, as I have said, Renew Adelaide has supported hundreds of entrepreneurs to get their ideas off the ground. Renew Adelaide is at the heart of the positive changes that have taken place in the city, and the scheme carries the attitudes necessary to continue to create a vibrant place to work, to live and to do business.

GAWLER RAIL LINE

Mr WINGARD (Mitchell) (14:36): My question is to the Minister for Transport and Infrastructure. Given the Auditor-General has identified that approximately $47 million of expenditure on the Gawler rail electrification project will be obsolete by the time the project is started again in 2017-18, will the minister confirm whether the total project cost is still $152 million, as budgeted?

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) (14:36): Can I thank the member for Mitchell for his question, and I also thank the deputy leader for finally allowing the member for Mitchell his purview in asking some questions about transport. Finally, we are not having a repeat of you taking up all his time in estimates by asking me questions about what the Deputy Premier is responsible for.

Ms CHAPMAN: Much as I love to be showered with gratitude from the minister, it is out of order to start interrupting his own speech to give us a lecture on this side.

The SPEAKER: I will listen carefully to what the Minister for Transport has to say.

The Hon. S.C. MULLIGHAN: The deputy leader is right, Mr Speaker: it certainly is an infrequent showering. Can I say though that the Auditor-General's Report does make reference to the Gawler line modernisation project—a project which is particularly difficult to deliver in the context of having a federal government which is not interested in helping the states deliver public transport infrastructure across Australia. It's not just the Gawler modernisation project: it's projects in Victoria, projects in New South Wales and projects in Queensland. These are all projects which the commonwealth government has displayed absolutely no interest in partnering with the states on.

Mr Pisoni: We wanted the feds to bail us out and they wouldn't do it.

The SPEAKER: The member for Unley is warned.

The Hon. S.C. MULLIGHAN: While I have been very glad to reach agreement with the commonwealth government to deliver substantial injections of funding for the Torrens to Torrens project—a project which the deputy leader announced that she would cancel if she was successful at the last state election—and also for the Darlington project, it's unfortunate that the federal government has no interest in partnering with the states—

Mr Tarzia: Work with them. Why do we have a state government?

The Hon. S.C. MULLIGHAN: It's almost like you are not listening, member for Hartley. It's unfortunate that the federal government is no longer interested in partnering with any jurisdictions around the country on public transport infrastructure. So, with the pressing priorities that we have—

Mr Pisoni interjecting:

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

The Hon. S.C. MULLIGHAN: So, while we have several public transport infrastructure projects we are wanting to deliver as quickly as possible, when we don't have any funding from a commonwealth partner, it means that we need to stage those projects in a manner which means that we can provide the greatest benefit to commuters as possible, hence the O-Bahn project commencing as quickly as possible and the delay that's necessitated for the delivery of the Gawler project.

When there is such a significant delay between the works that had already occurred, both in an operating and a capital sense, on the Gawler line modernisation project, and when we are able to recommence funding in the 2017-18 financial year, there is a necessary accounting review of how that expenditure—

Members interjecting:

The Hon. S.C. MULLIGHAN: It's your question time. If you want to run it down, that's fine. I have no problem with that whatsoever. While there is a necessary review, given the delay over a number of years between the most recent expenditure on the project and when the project will recommence, yes, these assessments are made. Determinations are made about how much money (which has been spent) will be deemed either useful or obsolete, and those observations are being made in the project.

My advice from the department is that some of the works that have been incurred to date, not just in an operating sense—the scoping, the design, some of the early engineering works—but also some of the capital works—the installation of masts, some of the works to the line, also some of the drainage, the culvert works, all of those which have been put in place by capital expenditure to date—will be deemed useful and will contribute to the final delivery of the project. With that, I conclude my answer.

The SPEAKER: Before we go to the supplementary, if the minister is going to conduct himself as an agent provocateur, I am happy for the opposition to go the rats. The member for Mitchell, supplementary.

GAWLER RAIL LINE

Mr WINGARD (Mitchell) (14:41): When did the government first become aware that the $47 million worth of work identified by the Auditor-General would need to be written off?

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) (14:41): In the conduct of preparing the Auditor-General's annual report there is what is called the exchange of management letters between the Auditor-General and senior executives within the department. This, along with all of the other issues that have been raised in the Department of Planning, Transport and Infrastructure as well as the other departments that have had issues raised with them by the Auditor-General, would have raised this issue and would have canvassed it with them. As to the exact date, that would not have been something initiated by the minister or my office. It would have been done at a departmental level, so I do not have that date with me.

The SPEAKER: Supplementary, member for Mitchell.

GAWLER RAIL LINE

Mr WINGARD (Mitchell) (14:42): Given the $47 million worth of expenditure that is deemed to be obsolete, can I get some clarification on the total project cost for the electrification of this line? Will it still be $152 million?

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) (14:42): The advice I currently have and the advice I provided in respect of a question asked of me by the deputy leader during estimates was that our budget for the Gawler line modernisation project is $152 million. I will check, but that is the figure that I have to date.

GAWLER RAIL LINE

The Hon. I.F. EVANS (Davenport) (14:42): Supplementary question: can the minister clarify for the house whether the $152 million budget is inclusive of the $47 million that has been written off, or does the $47 million that has been written off have to be added on to the $152 million?

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) (14:43): There seems to be some break in logic within the member for Davenport. We are talking about costs that have been incurred that are deemed by both the department and the Auditor-General to be obsolete. I provided advice to the parliament that the current budget is $152 million, so I am not quite sure how one can accommodate the other.

GAWLER RAIL LINE

The Hon. I.F. EVANS (Davenport) (14:43): Supplementary, Mr Speaker. I will clarify my question, if I may. Can the minister clarify for me: if the government spends $152 million on the project as budgeted, does that mean the total amount spent on that project is $152 million plus the $47 million written off, or is it $152 million which is inclusive of the $47 million written off?

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) (14:44): That would depend on how much of the works, both operating and capital which have been incurred to date, are attributable to the future delivery of the project.

NATIONAL RENTAL AFFORDABILITY SCHEME

Mr GEE (Napier) (14:44): My question is to the Minister for Social Housing. How will changes to funding from the National Rental Affordability Scheme impact on the South Australian community?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:44): The National Rental Affordability Scheme is a commonwealth initiative which has been critical in assisting low and moderate income households to enter the private rental market. The scheme has helped to ease the pressure on the public housing sector by providing incentives to private investors to increase the supply of affordable rental dwellings and to reduce rent costs by around 20 per cent of the market rental rate for the area.

An important element of the scheme was to encourage large-scale investment and innovative delivery of affordable housing with a national target of 50,000 new dwellings by 30 June 2014, with South Australia's target being 3,800 dwellings. Thus far, South Australia has approved 3,740 incentives from the previous four rounds of NRAS.

This month the Australian Workplace Innovation and Social Research Centre released its report entitled Impacts of the 2014-15 Federal Budget Measures on South Australia. The report highlighted some of the significant effects of the commonwealth government not proceeding with round 5 of the National Rental Affordability Scheme. Specifically, the report clearly indicates the importance of the NRAS scheme in South Australia given the high number of applications for round 5 funding where over 100 applications were received in South Australia for over 4,900 dwellings.

Based on the requirement of seven jobs per NRAS incentive, round 5 would have generated around 2,800 direct and indirect jobs, providing a significant boost to the South Australian property and construction sectors. The state government had anticipated 395 allocations for NRAS-funded dwellings for round 5. Assuming an average dwelling cost $300,000, the direct investment in new construction would have been around $118 million, representing a significant stimulus to the property and construction sectors over the next few years, and a considerable drive towards renewing housing stock across South Australia.

South Australia is currently experiencing significant cuts as a result of the federal budget. These cuts are going to affect income support, health care, employment and education. These are all areas which feed into the demand for social housing and support services. We will also lose the economic stimulus to the property, construction, housing and employment industries provided by the development, maintenance and replacement of housing stock.

We will have residents finding it harder to pay their rent due to cuts to income support, we will have a higher demand for affordable housing and support services, and we will have decreased rental income to go towards maintenance and replacement of properties. Unfortunately, we are also experiencing uncertainty surrounding the National Partnership Agreement on Homelessness. Under the current national partnership, the state and commonwealth governments contribute $8.6 million annually towards the funding of homelessness services in South Australia.

This assists around 76 homelessness services through 97 service outlets across the state and, without federal funding continuing, many will be forced to scale back the services they provide. I have written to the federal minister seeking assurance that national partnership funding will be continued for a further three-year period to provide certainty for the sector. So far his response on the issue has only fuelled our concern that the federal government is looking for excuses to not continue the National Partnership Agreement on Homelessness.

The SPEAKER: Alas, the minister's time has expired.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament students of Flagstaff Hill Primary School, who are guests of the member for Davenport, and also students of the Leigh Creek Area School, who are guests of the member for Stuart.

Question Time

OFFICE FOR THE PUBLIC SECTOR

The Hon. P. CAICA (Colton) (14:49): My question is to the Minister for the Public Sector. Can the minister inform the house about progress in establishing the Office for the Public Sector and its role in supporting a modern public service?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for the Public Sector) (14:49): Thank you for the question. As members would be aware, on 1 July 2014 the government consolidated three public sector agencies into the Office for the Public Sector. The establishment of the new office was a result of a clear need for an integrated, coherent central agency. This process saw the functions performed

by the Office for Public Renewal, Office for Public Employment and Review, and Public Sector Workforce Relations amalgamated into a new entity. The new office has had a number of successes, including:

- through the Jobs4Youth program, 188 trainees have been appointed: 54 of those are Aboriginal, 54 long-term unemployed and six declared with disabilities;
- working on a streamlined compliance system that does not bury plumbers, electricians and gasfitters in red tape; and
- assisting local communities to better use school facilities by making them available outside teaching hours.

During the remainder of this financial year, the office will partner with government departments to:

- continue the program of 90-day projects;
- build a centre of excellence in leadership development;
- implement a charter of service excellence, including complaints management that meets Australian standards; and
- oversee the implementation of the Simplify strategy to reduce red tape.

A leader of substance and ability was required to lead this new office, and that is why I am delighted that Erma Ranieri has been awarded the South Australian Businesswoman of the Year by Telstra. This is a powerful validation of her appointment as the first chief executive of the Office for the Public Sector. I will not dwell on this news, as it has been canvassed in *The Advertiser* today and I am informed was even trending on Twitter, but it is great to see Ms Ranieri's work recognised in this way. I am sure that all members here will join me in congratulating Ms Ranieri and wish her well in the national awards, to be conducted later this year.

PHYLLOXERA

Mrs VLAHOS (Taylor) (14:51): My question is to the Minister for Agriculture, Food and Fisheries. Can the minister advise the house about the new phylloxera five-year plan?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:51): I thank the member for Taylor for the question and acknowledge the work that she does with local agricultural producers in her area. Of course, the wine industry is enormously important to so many of us in this place. With 18 wine regions throughout the state, it is worth $1.87 billion to the South Australian economy.

Phylloxera is one of those things that we are thankfully free of here in South Australia, along with fruit fly and GM crops, but we need to pay tribute, I think, to those who have gone before us. The first bill or act of parliament was in 1874 in this place to actually set up safeguards to stop the importation of plant material related to vines. We need to thank those legislators, those vignerons and others who were involved in the wine industry back in the 1870s for their foresight. To think that they were doing it without modern communication; stories were coming out of the UK—

The Hon. A. Koutsantonis: The father of the Barossa's here.

The Hon. L.W.K. BIGNELL: It is wonderful to see the former member for Schubert, a proud protector of the Barossa Valley and promoter of the Barossa Valley. This work has been going on for many years. In fact, the Phylloxera and Grape Industry Board of South Australia came into existence 110 years ago. They have remained vigilant as they have worked with industry, mainly here in South Australia, to keep South Australia free of phylloxera. Tonight, I will be launching their next five-year plan—

The Hon. A. Koutsantonis interjecting:

The Hon. L.W.K. BIGNELL: —and that is the fruit fly, phylloxera, Fleurieu—we can get them all in there, Tom, if you like. Just say them quickly; they come out okay. This new plan actually sees their scope go even wider than just South Australia, to work with—

Mr Whetstone interjecting:

The Hon. L.W.K. BIGNELL: The member for Chaffey has asked: why did we axe the phylloxera selection board? We had a board to select the board of the phylloxera board, so we kind of thought it was—

Members interjecting:

The Hon. L.W.K. BIGNELL: Catch-22—it has been there a fair while—it was a bit catch-22, a bit *Yes Minister*. I know it is a bit controversial. We did it because the phylloxera board asked us to get rid of it. We listened to them. They have been around for 110 years; they kind of know what is going on and we trust them. Part of this new five-year plan is actually to go out on the national level to work with other states, which of course pose a threat to us here in South Australia, particularly the member for MacKillop with Coonawarra there, with the Victorian border right along your area—some great grape growing areas.

Mr Williams: Pre-eminent.

The Hon. L.W.K. BIGNELL: Pre-eminent—it's even higher than pre-eminent: it's fantastic. I will be down in Coonawarra this weekend for the cab sav celebrations and talking with the—

Members interjecting:

The Hon. L.W.K. BIGNELL: I will behave myself. It really is important that we work with people interstate to help them reduce the threat of phylloxera coming into this state. The best way we can do that is to help them eradicate phylloxera in their own area.

For those who don't know what phylloxera is, it's a little aphid-type bug that gets in under the soil and eats away at the roots of the vines. In the 1800s, they wiped out pretty much all the vines in Europe, and that's why here in South Australia we can proudly boast having some of the oldest vines in the world still on their own root stock. It is really important that the phylloxera board continues to do great work. We are supporting them as a government, and it is terrific to see them branching out and doing the work interstate as well.

GAWLER RAIL LINE

Mr WINGARD (Mitchell) (14:55): My question is again to the Minister for Transport and Infrastructure. Given that the Attorney-General and the minister have said that some of the $47 million can be salvaged from this write-off, can the minister tell the house how much can be salvaged to reduce the $152 million bill to finally complete the Gawler project?

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) (14:56): To be up-front, I am not sure that we have an accurate estimate until such time as we get to the point where we have successfully tendered and contracted and commenced the works.

My advice is that items such as the masts which have been manufactured, the earthworks, the track lowering, the earthing and bonding costs, the service relocations, field services, other works to the tracks, as well as some of the operating costs which went into some of the early design and scoping works, some of those works will potentially be able to be attributed to the final delivery of the project.

My further advice is that when these works are undertaken, as in the delivery of the projects, those elements which have been written off for the purposes of the current Auditor-General's Annual Report, these items would be revisited and an assessment made based on the ability to incorporate these works and those costs into the final delivery of the project.

Mr WINGARD: Supplementary, sir.

The SPEAKER: Supplementary.

GAWLER RAIL LINE

Mr WINGARD (Mitchell) (14:57): Will the minister get back to the house with an estimated costing?

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) (14:57): To the extent that I can, I am happy to take that on notice but, as I explained in my previous answer, we may be thwarted in that effort somewhat because it may not well be until the final tendering of the project, the commencement of the works and assessment of the works which have been undertaken to date, and the ability to incorporate those works into the delivery of the project, that we may not be able to arrive at an accurate estimate until that point in time. As I said, I am happy to take the question on notice and do what I can in order to provide the member and the chamber an answer in that respect.

The SPEAKER: Supplementary.

Mr WINGARD: Thank you, sir.

GAWLER RAIL LINE

Mr WINGARD (Mitchell) (14:57): Have you received any advice as to what that estimate might be?

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) (14:58): I have asked for as much detail as the department can provide me with respect to this.

Members interjecting:

The Hon. S.C. MULLIGHAN: It is obviously advice which has been provided in a short period of time given how the Auditor-General has referred to the matter in the report which was tabled some 25 hours ago. I think it would be more prudent to try and give the department some additional time to see if they can provide a more accurate estimate rather than rushing forth.

NORTHERN DISABILITY HUB

Ms BEDFORD (Florey) (14:58): My question is for the Minister for Disabilities. Can the minister provide the house with an update about matters raised during the day-long roundtable discussions and any outcomes in relation to a disability hub in the northern suburbs?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:59): I thank the member for Florey for her question, and I also thank her and the member for Napier who attended the discussions last week or the week before.

As members would be aware, at the last election the government committed $400,000 to undertake a feasibility study into a new northern disability hub. The first stage of the engagement process for the study commenced last Thursday at Mawson Lakes. I was very pleased to welcome consumers of disability services and service providers, as well as local councils and other stakeholders in the northern suburbs, to the first stage of consultation for this project.

With the growth of the disability sector over the next few years, as we transition to the NDIS, it is paramount that we as a government help prepare the sector for this growth. One of the areas about the hub that we are looking into is how we can ensure that we have an adequate workforce to support the sector when we transition to the full NDIS scheme in 2018-19. There are obviously many challenges with this; however, I believe there are also great opportunities.

As many members from the northern suburbs would know, employment is one of the most important issues facing the northern Adelaide areas in the coming years. The government is committed to ensuring that there is a clear job pathway in new and growing sectors. The disability sector is one such sector which has experienced and will continue to experience growth as we move to the full NDIS.

Many groups at the discussions raised the need to make disability work more attractive and to better educate people on the many different careers available within the sector. Unfortunately, many people may not view work in the disability sector as a career path and do not understand the wide range of different opportunities that are available in the sector. There is a clear need to create a positive view of working with people with disability.

Some of the key issues that came out of discussions included: the need for more hands-on training, the involvement of people with a disability in the development of the curriculum for training, the capacity for more work experience and volunteer opportunities, encouraging those agencies which deliver services to involve clients in the design of service delivery, and the need for a better interface between training and the sector.

Participants at the discussions also discussed what type of infrastructure, both hard and soft, would help improve outcomes for people with disability in the northern suburbs. Many great suggestions were made by participants on the day, such as better data and information sharing and the co-location of services. I was very pleased that a wide range of consumers, from parents to carers, to people living with a disability and service providers, attended the discussions. As we progress the feasibility study, I look forward to continuing to consult with these groups and other local members from the northern suburbs.

MURRAY RIVER FERRIES

Mr HUGHES (Giles) (15:01): My question is to the Minister for Transport and Infrastructure. Can the minister update the house on the outcome of the tender for the two River Murray steel-hulled ferries?

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) (15:02): I thank the member for Giles for his question. I also know that this will be of particular interest to the member for Chaffey and the member for Hammond.

In the 2013-14 budget, the government committed to the replacement of two of the five wooden-hulled ferries, out of a total fleet of 14 ferries which service crossings of the River Murray. There are 12 crossings at 11 locations along the river. Seven of these crossings are on the state-funded arterial road network, namely Mannum (with two ferries), Waikerie, Tailem Bend, Wellington, Cadell, Swan Reach and Walker's Flat. The other four crossings are on the local government road network, namely, Narrung, Purnong, Morgan and Lyrup. The five wooden-hulled ferries currently operating are in excess of—

Mr van Holst Pellekaan: What about Cadell? You forgot to mention Cadell.

The Hon. S.C. MULLIGHAN: That was in the previous list I just read out. I'm happy to start again if that would assist them. The five wooden-hulled ferries currently operating are in excess of 60 years old and are difficult and expensive to maintain. They are also more heavily restricted in the loads that they can carry and are more prone to being out of service. Replacing the wooden-hulled ferries with steel-hulled vessels will greatly increase the reliability of the crossing service and also improve access to the road network for local communities.

Today, it gives me great pleasure to inform the house that the South Australian company Bowhill Engineering has been awarded the contract to construct the two River Murray ferry hulls. Bowhill Engineering is a family-owned business which specialises in heavy and complex structural steel manufacturing, and it is located at Bowhill, approximately 50 kilometres from Murray Bridge. I did hear members referring to the former member for Schubert, who was in the chamber and who is affectionately referred to by the Bowhill community as the 'former minister for Bowhill'.

The awarding of the contract to Bowhill will contribute to the ongoing success of this local company. The $2 million contract is the first stage of a $6.1 million project. The steel hulls will then undergo an extensive fit-out at the state's Morgan dockyard, with the first ferry expected to be in service by December 2015 and the second in service by April 2016. When the two new ferries join the fleet, they will be rotated between various River Murray crossings at Cadell, Lyrup and Purnong to provide improved services across these communities.

The fleet of 14 ferries currently consists of nine steel-hulled vessels with the two to be added bringing the total to 11 steel-hulled vessels. The decision to upgrade the fleet followed extensive discussions with the Murray and Mallee councils. Ferries, of course, play an important role in the day-to-day lives of river communities and this investment means that the ferry service will be more reliable, as the steel-hulled ferries require less maintenance.

It is also worth noting that the government spends approximately $3.5 million in this financial year on maintenance and refurbishment of the ferry fleet. Major repairs and refurbishment are undertaken at the Morgan Dockyard using both departmental resources and local contractors. This government is doing all we can to ensure that South Australian businesses win contracts, and I am pleased to see Bowhill was successful in this instance. It also adds to the approximately 96 per cent of the $30 million we have started spending on the Torrens to Torrens project and we look forward to reporting back to the house on the completion of these projects into the future.

MINISTERIAL STAFF

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:05): My question is to the Premier. What action will the Premier take to ensure that ministerial staff do not use private email accounts to conduct government business, which the ICAC has indicated is maladministration?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:06): I thank the honourable member for the question. If the member had played close attention to the Attorney-General's ministerial statement yesterday, she would have been aware that he is in the process of preparing some advice for me, so that I might remind ministerial staff of their obligations under both the FOI Act and the State Records Act.

MINISTERIAL STAFF

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): An additional supplementary, sir, if I may: in addition to receiving advice as to advice that you might give to staff, is it proposed that you will take any other action, Premier?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:06): I will be guided by the Attorney and the advice that he provides to me.

MINISTERIAL STAFF

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): Supplementary, then, if I may, sir: given the statement that has been made in the ICAC report, has the Premier asked his own staff whether they have engaged in this practice?

Mr Marshall interjecting:

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) (15:07): I'm not purporting to. The government is here to answer questions, Mr Speaker, as I understand it—not any particular individual.

Mr Gardner: He answers about your advice and you answer about his staff members.

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

The Hon. J.R. RAU: We're very close. Sometimes he finishes my sentences. Anyway—

The SPEAKER: Do you ever finish his?

The Hon. J.R. RAU: Not yet, but we're working on that. It's the other way around, you know. The point is basically this: there is what amounts to a remark of general application in the report which does not identify any particular practice in great detail, nor does it identify particular places where that practice has become evident and become a matter of concern. It is in addition my intention, in order to be able to provide the Premier with the advice that he has sought, to actually have a chat with the commissioner in order to be clear in my mind what the commissioner is absolutely concerned about.

My reading of the report leads me to believe that what he is saying probably amounts to the fact that there are some ministerial staffers—and the way I read his words, he was intending to confine it to some; he did not indicate that it was across the board—who may or may not be fully aware of what their obligations actually are pursuant to the provisions of the State Records Act. If it is a matter of their being not fully aware of their obligations and having developed, through ignorance or otherwise, practices that are not in compliance with the requirements of the act, then it would be my view that I would be asking the Premier to consider promulgating some form of edict in the way that premiers are able to do to all ministerial staff who actually are accountable to the Premier. They are actually accountable directly to the—

Mr Marshall interjecting:

The Hon. J.R. RAU: Indeed. That's what I'm saying. I'm trying to explain to you all the steps—

Mr Marshall: You've just gone back to the first question; why don't you answer the second one?

The Hon. J.R. RAU: I'm trying to tell you about all the steps we're going through. At the end of that, once we know what we are dealing with—

Mr Marshall interjecting:

The Hon. J.R. RAU: Look, I do not think it will be necessary to ask the former commissioner of police to get involved in this matter. I think we are going to be capable of dealing with it, short of calling him in.

The Hon. J.J. Snelling interjecting:

The Hon. J.R. RAU: Yes, but that is only a grieving family, isn't it?

The Hon. J.J. Snelling: That's a grieving family.

The SPEAKER: I think in fairness it was Sandy Biar who necessitated calling the police.

Mr GARDNER: Point of order, sir. How can that possibly be an appropriate statement?

The SPEAKER: Well, it is true.

Mr VAN HOLST PELLEKAAN: Point of order, sir. I believe it was the Clerk of the upper house who called—

The SPEAKER: Yes, on a call from Sandy Biar. Time has expired. The minister has time to finish his answer.

The Hon. J.R. RAU: As I was saying, what I will be doing is ascertaining what exactly the ICAC commissioner was concerned about. I will then be seeking advice after talking to him about how we can best deal with whatever that problem is. I will be advising the Premier and I will be asking the Premier to promulgate whatever is necessary to achieve that. If there is anything else about it that needs to be done, I am sure the commissioner will tell me.

Grievance Debate

BRIGHTON SECONDARY SCHOOL

Mr SPEIRS (Bright) (15:11): Yesterday I had the opportunity to host the immensely talented Brighton Secondary School choir in Old Parliament House where students, parents and teachers enjoyed morning tea and put on a mini concert for a number of my parliamentary colleagues. As many members would know, Brighton Secondary School is renowned not only for being the alma mater of the member for Mitchell but also as one of the state's leading music schools, having been a special interest music school since 1976.

Brighton's much lauded music program is headed by the exceptionally well regarded Jeffrey Kong, a man whose impact and influence on the lives of young people in Adelaide's south-west should not be underestimated. Next year Mr Kong will celebrate 40 years at Brighton Secondary

School. The school has recently recognised Mr Kong's contribution by naming its newly built concert hall after him, a much deserved honour.

One of Jeffrey Kong's great skills is his ability to connect with people all across the world in his efforts to look for opportunities for his students. He regularly travels interstate and overseas, building relationships with other schools and music-focused organisations who partner with Brighton Secondary School's music program. This gives the school widespread recognition but also exposes students to many different approaches to music education and gives them the opportunity to perform in places and cultures outside their school environment. This is invaluable for the learning process.

I hosted yesterday's morning tea and concert to celebrate the school's recent invitation to be one of 55 international choirs gathering in Belgium in early November for the Thousand Voices for Peace Flanders Festival Brussels. This festival will see more than 1,000 professional and non-professional singers from countries which were involved in World War I, standing side by side in a symbolic and powerful statement of peace and togetherness. Students from Brighton will leave South Australia on 31 October and will be part of the Thousand Voices concerts from 3 to 9 November in Belgium.

The event will culminate on 9 November in an unforgettable final concert in which all singers will present an inspired plea for peace in the Basilica of the Sacred Heart (the Koekelberg Basilica) in Brussels. This will be a once-in-a-lifetime experience for Brighton students, and I am sure it will be a highlight of their secondary education. The 12 students who have the privilege of travelling to Belgium are Eliza and Amelia Sard; Martin Oakley; Daniel and Rhys Williams; Roan Johnson; James Baird; Duncan Vecchiarelli, a Scottish-Italian-Australian student, a great combination; Esmond Choi; Megan Paterson; Milene MacLachlan; and York Possemiers.

These students' special musical talents and their overriding commitment to hard work has enabled them to reach a standard where they are able to represent not only their school but also the whole of Australia, for the choir from Brighton Secondary School is the only one going from Australia. From hearing them in action in Old Parliament House yesterday, I am completely confident that they will do us all proud.

The sacrifices these students have made to invest in their music skills, the many hours they have put into practising, the hours spent back at school when their peers have been doing other things and, of course, the sacrifices their parents have made as well, have all paid off and an amazing trip to Europe awaits them.

I was delighted to also welcome Heidi Van Gerwen, Belgium's Honorary Consul to South Australia, who attended yesterday's concert, and I thank her for her considerable involvement in making it possible for the choir to travel to Belgium.

The choir's trip has been provided with much needed financial support from the Brighton RSL Sub-branch, and it was great to have Graham Bulger, the RSL's Junior Vice President, attend our event yesterday. Sponsorship has also been provided by the Adelaide Cemeteries Authority, and I commend their chief executive officer, Robert Pitt, for his interest and support.

Brighton Secondary School is a shining example of quality public education in South Australia. Its teachers strive for excellence and its leadership team, headed by Principal Olivia O'Neill, is continually pushing the boundaries to bring creative, innovative teaching approaches and state-of-the-art facilities to students. The upcoming trip to participate in 'Thousand Voices for Peace' in Belgium is one example where this commitment to excellence is delivering exciting results. Bon voyage to the students, parents and teachers who are travelling to Belgium in October and November this year.

MILITARY COMMEMORATIONS

Ms BEDFORD (Florey) (15:16): South Australia has a rich military heritage, and as I move around the community, I have the privilege to attend many events. On Thursday 11 September, I represented the Premier at the Naval Association of South Australia's commemoration of the centenary of the battle of Bita Paka. The assault on the Bita Paka wireless station in New Britain, in 1914, was the first military action by Australian servicemen in World War I. It was an operation carried

out by landing parties from the Australian fleet. The first Australian military casualties in World War 1 were naval personnel killed at Bita Paka and one RAAMC officer. The first decorations to Australians in World War 1, including a DSO, were won that day by RAN personnel.

The victory at Bita Paka was followed by the capture of Rabaul. This was closely followed by the capture of the German Pacific Islands administration after action by Australian naval and military forces and bombardment by *HMAS Encounter*. The strategic importance of this victory has been understated if not lost in time. By denying the German East Asiatic Squadron its bases in all of the German Pacific territories, Australian naval forces ensured the safe passage of our troops to Europe and the Middle East. This also ensured the safe passage of merchant shipping in our area and removed the threat of bombardment of Australian coastal cities by the German warships.

On Saturday 13 September, I visited the re-enactment camp at the Morphettville Racecourse to commemorate the centenary of the raising of the First Contingent AIF. Morphettville was the site of the original formation camp for the 10th Battalion. These men were described as 'physically the finest their country could offer'. A similarly impressive number of re-enactors from all over Australia had established an authentic camp, including infantry, light horse, service and medical corps. Just as then, a march to Glenelg was held the following day. I really enjoyed seeing the effort that had been made by all involved to make the camp as original as possible. I thank all in attendance, particularly David Lean for greeting me on the day.

I was unable to attend the march because on the following day, Sunday 14 September, I represented the Minister for Veterans' Affairs at the Battle of Britain RAAF memorial service on the lawns of the Torrens Parade Ground, hosted by the Royal Australian Air Force Association (SA Branch). No. 6 Wing, Australian Air Force Cadets are custodians of the Adelaide Air Force Memorial, and I believe provided the catafalque party for the day. Group Captain David Hombsch gave the statement of occasion and, as the relative of an airman involved in the battle, his words had a particular relevance. The story of Australian involvement in the Battle of Britain is not widely known. We owe a debt to the gallantry and bravery of the men involved and their families who, of course, as in all wars, bare the burden of not knowing when or if their loved ones will ever return.

More recently, on Friday 26 September, I attended the launch of the book *A Duty Done* by Lieutenant Colonel (Retired) Fred Fairhead (also attended by the Governor, Hieu Van Le) at the Burnside RSL, which is the home of the Royal Australian Regiment Association (SA Branch). As an honorary member of the branch, I am always warmly welcomed there, and I thank president Michael von Berg and all at the Royal Australian Regiment Association for their continuing kindness. Most particularly, I would like to thank Jock Clarkson, who was there on the day and who first introduced me to the wider veteran community in South Australia, and Moose Dunlop who, as a past president of the Royal Australian Regiment Association, fostered my continuing links with the association through Kapyong Day and Long Tan Day commemorations.

The book, I am reliably informed, will eventually become the widely-recognised definitive work on the technical aspects of the Vietnam War. The assembled gathering of distinguished past and present serving personnel spoke volumes for the regard that both the author and the book are held.

Fred's grandson almost stole the show, and it was evident how his family had participated, particularly his wife, by contributing to support Fred throughout the years it has taken to bring the book to publication. I know Fred was grateful to all who contributed information for inclusion in the book. He gathered maps and interviewed many people involved in the battles and has, as I said, assembled this marvellous book which is available through the association—not for sale because it was the beneficiary of a government grant, but by a donation to the Royal Australian Regiment Association.

For anyone who has an interest in the actions that Australian troops have been involved in overseas and, more particularly, the Vietnam War which, of course, is a recent war in which so many of our current families would have been involved, it certainly goes to show how much effort the Australians put into their time in Vietnam, how they worked very hard to, as they say, win the hearts and minds of the people involved, but also the important tactical advantages and wins that they earned during their time in Vietnam.

It is a real tribute to all the men and women who were involved in the Vietnam War, and I also mention the activities of the Navy because the Navy was involved in supplying the Army forces during their time in Vietnam. I certainly recommend the book to you all. I have had a quick look through it and have lent it out already to someone else to have a read, so I look forward very much to reading it in the Christmas break.

OAKLANDS PARK RAIL CROSSING

Mr WINGARD (Mitchell) (15:21): I rise today to speak on a very hot topic in my electorate that just keeps getting hotter. I am being hounded on social media and with phone calls and letters to my campaign office from people complaining and telling me about the ongoing delays caused by the Oaklands crossing in the electorate of Mitchell. It is an absolute crying shame that, over the journey, this government, in the past 12 years, has done nothing to fix this ongoing saga that just will not go away.

I have raised this issue a number of times in the house with concerns about the on-again, off-again nature of the project under the government. In fact, Mike O'Malley was one such constituent who contacted me and invited minister Mullighan to get in his car and drive through the crossing at around 4pm on any weekday afternoon, when he will get very frustrated and understand what the people of Mitchell and the surrounds are talking about. Mike O'Malley feels that Oaklands has been ignored by this current state government.

Now it appears there could be other changes afoot—this is the kicker. In 2008, the state Labor government spent $6.8 million overhauling the train station and moving it closer to the intersection. Then, everyone will recall a promised upgrade of the Diagonal Road, Prunus Street and Morphett Road precinct, which was valued at about $12.6 million.

This promise was scrapped in the 2011 state budget when the state Labor government realised it had overspent and they did not have the funds to complete the project. Instead, the key players opposite decided to spend $2 million on a study—that is right, $2 million on a study—to ease traffic congestion, and that just has not happened. The value of that $2 million could be questioned by all those sitting in their car at Oaklands today.

After this study, we got some pretty pictures—some nice overpass pictures of the train line going over the top of the road—and I quote from the transport minister's office at the time: 'The project will be beyond $100 million.' I am not sure what exact number that is, but it is excessive. They had no more detail than that. After $2 million, that is all the detail we could come up with.

Now we are hearing otherwise, and this is the interesting point. It has been suggested to me by some key figures in the department that this figure for the overpass is closer to $150 million and potentially beyond, so this government is having a look at some other options. They are now looking at taking the road under one of the main roads there—Morphett Road or potentially Diagonal Road.

It is quite interesting that a lot of money has been spent; a lot of money has been promised. The government has put out a 30-year transport plan totalling $36 billion. They do not say in what part of the 30 years this project is going to be done. However, all this previous money that has been spent looks like being shelved and now the project is turning its attention to road potentially going under or over rail.

I am keen to look at all options. I am keen to look at what we can do for the right price to get the project moving and to get it done. This Labor government has ignored this section of Adelaide and South Australia for a long time and now it appears that they are hedging their bets and going down another path.

In their works so far they claim to have laid concrete sleepers along the entire Seaford line. Coincidentally, they have forgotten to do the corner leading into the Oaklands station. It still has the old wooden sleepers—splinters, as the Premier once described them. So where is this project going and how is it going to unfold? We would really like to know. It has been sitting there waiting for a very long time.

I call on the government to use its resources, use its 1,000 or so staff in the department to find the best solution. It has talked about an overpass and now we are hearing whispers of a road going over or under rail. We need to find an answer. The government has had 12 years. It has flip-

flopped, it has spent millions of dollars on plans and now that all appears to be going out the window. 'Can you please stop wasting our money?' That is what my constituents are telling me. They want a solution and they want to see some action on this intersection.

When looking at the Auditor-General's Report we see $47 million of waste on the Gawler railway line electrification project. The Auditor-General has written down $47 million. That could go a long way towards helping with the solution at Oaklands. This is a great example of the mismanagement of this Weatherill Labor government. It has had 12 years to get this project right—12 years and it just has not happened.

The Premier has watched as the state's debt has grown towards $14 billion. People want to know where the money is going and why the poor management of the state budget has prevented Labor completing its project? Or doesn't the Labor government care about the Oaklands intersection? The government has teased the people of Mitchell and Elder and the constituents want to see a result.

FEDERAL BUDGET

Mrs VLAHOS (Taylor) (15:27): I would like to speak today about the recently released University of Adelaide Australian Workplace Innovation and Social Research Centre paper, Impacts of the 2014-15 Federal Budget measures on South Australia. I am particularly concerned about the information I have read in this document regarding my electorate and the northern suburbs based around Taylor.

Over the past months we have spoken in this house extensively about the federal budget, but this federal budget is very bad for the most vulnerable families. Particularly for me, in my electorate, the figures I have read are profoundly affecting my constituents—

Mr Whetstone interjecting:

Mrs VLAHOS: I need to stand up and voice their concerns to this chamber, member for Chaffey, and I will have my time with respect and quiet, just as we have sat and listened to you. The area of Paralowie in my electorate is amongst the 10 most affected areas that will be worse off, with families losing income and support over the 2017-18 year. In fact, the percentage of families in Paralowie that will be worse off in the 2014-15 year is 34 per cent. The average cost per family will be $230.80 per annum. In the 2017-18 year, the percentage of families that will be worse off will be 39.9 per cent; that is minus $839.10 per annum.

Also, 33.1 per cent of Salisbury North families will be worse off, moving out in the 2017-18 year to 40.4 per cent. Also, in the regional areas, because I cover a peri-urban seat, the Lewiston-Two Wells area will be profoundly affected, with 27.1 per cent of families being worse off in the 2014-15 year, rising to 30.1 per cent in the 2017-18 year. These are profound figures that will affect my constituents, and I have every right to reflect their concerns. They are telling me their concerns at shopping centres as I hold my regular listening posts in the northern suburbs.

The federal budget, as I have said, is affecting the most vulnerable families in our community. More than 265,000 people, or 29.4 per cent of South Australians, will be worse off over the 2017-18 year as a result of this year's federal budget. By 2017-18, the most regressive budget measures will come to the fore as the long-term measures impact families and the unemployed, introduced on 1 July 2015, are played out. As a member of the Australian Labor Party, I believe that we should be giving a hand to those who are most in need in our society, giving them a fair go and sharing opportunity to all.

This federal budget is also bad for our economy. The proposed health and education spending reductions result in a loss of gross state product ranging as high as $1.6 billion. The most significant decline in gross state product will occur in the 2017-18 year, ranging between $285.1 million, at a low-base scenario, out to $449 million, in a high-base scenario, which is a loss to our state of GSP. Overall, the impact on health funding alone is profound. I am sure the Transforming Health work we are working to deliver for this state will be profoundly affected by these figures.

Direct and flow-on GSP impacts in South Australia of the school education measures are expected to reduce GSP by between $98 million, as a low, and $155.1 million, as a high, in 2018, with a further decline between $247.1 million to $391 million as a high in 2019. For the high schools and schools and preschools in my electorate, that is profound. In my recent newsletter after the state budget, I also highlighted these figures to local communities. Many of the people I met at the school gate were profoundly shocked to know that this money would be stripped out of their schools and the impact it would have on their children's education and, in fact, on their employment prospects in the future without having the support for services at their grassroots.

The federal budget, as I said, is bad for our health system. It is also bad for local infrastructure. South Australian road funding is to be affected in two ways in the 2014-15 commonwealth budget: once by the pausing of indexation for funding under the financial assistance grants and again by the removal of the local roads supplementary funding program. This affects our local governments and how they are dealt with.

The failure to index the FAGs results in a cumulative loss of road funding to South Australian local government of about $55 million in the 2017-18 year, and the South Australian local roads supplementary funding was devised to overcome the inequity, but the 2015 budget has removed it. Described by the LGA as a body blow to the councils and their communities, it leaves an $18 million pothole created just for South Australia. I will continue my remarks on another day.

Time expired.

HUMPHREY PUMP

Mr WHETSTONE (Chaffey) (15:32): Today, I rise to speak about a world engineering icon—the Humphrey pump—which now faces an uncertain future under the care of this state government. I will give a bit of history about the historical Humphrey pump located at the Cobdogla Steam & Irrigation Museum in the Riverland.

The Humphrey pump was designed and patented in 1906 by a London chemist and gas engineer. From 1927 to 1965 the two pumps provided irrigation water to farms in the Loveday and Nookamka irrigation areas and played an important role in the history of irrigated agriculture in the Riverland. The Cobdogla based pump is one of only two in the Southern Hemisphere and holds the title of the only working Humphrey pump in the world.

In June 2010 it was declared a national engineering landmark by Engineers Australia—and that is the ultimate national engineering accolade from this organisation. The working Humphrey pump was a major tourism drawcard for the Cobdogla Steam & Irrigation Museum, running four times a year and attracting engineers from across the world.

SA Water owns the Cobdogla Steam & Irrigation Museum and provides funding to operate the pump. In May 2012, a gas leak occurred during the operation of the Humphrey pump at Cobdogla and, following this event, operation of the pump ceased. I have since written and spoken to and had questions asked of the water minister in another place to get this very important tourism icon back up and in running order. In a letter from the minister this month, he states:

> A preliminary assessment conducted by SA Water estimates that an expenditure would be required to bring the pump and museum to an acceptable standard. SA Water is unable to commit to the capital upgrade required for the pump and associated infrastructure or to subsidise the ongoing operation of the museum.

He goes on to say that SA Water is prepared to consider transferring the assets to another party, with estimated costs of up to $300,000 to decommission the pump and ensure that the museum is safe for use. I am advised by volunteers who run the museum that since the cessation in operation of the Humphrey pump visitor numbers have reduced significantly, international engineer groups, hoping to visit the only working Humphrey pump, have cancelled visits, the community is extremely disappointed, and the Humphrey pump is no longer operational.

It took more than two years to find out what actually happened with the Humphrey pump since the gas leak, and it appears that the state government does not see the importance of this historic pump that I and the Riverland community do. While I acknowledge and thank SA Water's contribution to community events in the Riverland, I remain extremely disappointed that SA Water's

important funding contribution has been left off the table for a number of years and now it has suddenly gone.

Support letters were sent to the minister and the Premier on behalf of the Humphrey pump from Destination Riverland, the National Trust, the Institution of Mechanical Engineers in the UK, Heritage Engineers Australia, Friends of the Cobby Steam Museum and many others, including a letter I wrote to the minister asking him to give serious consideration for the Humphrey pump to remain operational, for it to be the only working Humphrey pump in the world.

You would think that the minister would be able to find a small amount of money to keep or to fix the Humphrey pump and to maintain it on an annual basis, considering that in 2012-13 SA Water's revenue was $1.437 billion and that in 2013-14 it was $1.382 billion. I think it is an outrage that the minister can let an icon of the world go to waste in this way. It is a very small amount of money to have the Humphrey pump upgraded. It is a very, very insignificant amount of money to have the maintenance program on the Humphrey pump put in place every year.

It is a world icon that the Riverland owns and is very proud of. It is a world icon that the minister has now declared that he has no interest in and is prepared to let go. It is an absolute shame that the Riverland has the only working Humphrey pump in the world and now this government is responsible for letting that Humphrey pump be put down and buried.

The DEPUTY SPEAKER: Before I call the member for Giles, do you know the capacity of the Humphrey pump?

Mr WHETSTONE: The capacity of the Humphrey pump was enough to supply the irrigation district to Cobdogla and Nookamka. I would imagine it was in imperial gallons per second, but I cannot give you the exact number.

The DEPUTY SPEAKER: Perhaps you can get back to me on that. I am quite interested in it. The member for Giles.

GILES ELECTORATE

Mr HUGHES (Giles) (15:37): I rise today to speak about an important infrastructure project in Coober Pedy and about the commissioning of the long-awaited desalination plant in Hawker and, if I get the time, I would like to talk about the official opening of the Desert Trade Training Centre at Roxby Downs Area School.

I had the pleasure of being in Coober Pedy with the Minister for Transport and Infrastructure just two weeks ago to announce the allocation of $1.3 million to widen the airstrip at Coober Pedy Airport. Unfortunately, the service to Coober Pedy, which is a monopoly essentially held by Rex, was put at risk as a result of the Civil Aviation Safety Authority coming to the conclusion, as a result of the planes Rex was using in Coober Pedy, that the airstrip did not meet the necessary safety requirements. Planes had obviously been landing there for many years without any issues, but this issue did arise, and there was a real danger that come November air services to Coober Pedy, or at least the Rex Saab service to Coober Pedy, would be severely curtailed or possibly even come to end.

Members would realise the serious impact that would have on Coober Pedy, given that by road it is a round trip of over 1,600 kilometres between Coober Pedy and Adelaide, so the air services are incredibly important. Of the passengers who use the service to Coober Pedy, 75 per cent are visitors to the Eyre community. Of that 75 per cent, 50 per cent is business-related travel and 39 per cent is for tourism-related activity. So, it is an incredibly important service.

We were hoping that the federal government would come to the party and we could reach an amicable arrangement where they would meet 50 per cent of the cost, but there were some difficulties in securing that. At the end of the day, given the importance of the service, the state government, through the Minister for Transport and Infrastructure and the Treasurer, committed to the $1.3 million to widen that airstrip so that the service could continue.

I am pleased that no politics were played; it would have been very easy to just sit back and say that the federal government should come to the party. As a federal agency, they had a role in generating some of the difficulties, but difficulties based on safety. Those political games were not

played, and the state government was willing to commit the money needed given the importance of the matter. I think the Coober Pedy community did breathe a very serious sigh of relief because the consequences of the closure of that service would have been very serious indeed.

Another great infrastructure initiative in the seat of Giles is the desalination plant at Hawker which was recently commissioned in July. It is a $5.7 million project which will generate approximately just under half a megalitre of fresh water for the Hawker community over the coming years. Roughly 200 customers will be serviced by the desalination plant, which will draw upon water from a groundwater basin some four kilometres from Hawker. The Flinders Ranges Council was a strong advocate for this project over many years, so I think it was a really good day when eventually it came to fruition. Even though the water in Hawker met safety standards, many people found that it was virtually undrinkable.

Time expired.

Bills

STATUTES AMENDMENT (ENERGY CONSUMERS AUSTRALIA) BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:43): Obtained leave and introduced a bill for an act to amend the Australian Energy Market Commission Establishment Act 2004; the National Electricity (South Australia) Act 1996; and the National Gas (South Australia) Act 2008. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:43): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is amending the national energy legislation to support the establishment of a national consumer advocacy body, Energy Consumers Australia.

The Council of Australian Governments' Energy Council agreed to establish Energy Consumers Australia as it is an important step towards increasing consumer advocacy on national energy market matters of strategic importance or material consequence for energy consumers.

Energy Consumers Australia will be established as a company limited by guarantee, governed by a constitution with a single Member, the South Australian Minister responsible for Energy, and a skill-based Board comprising of one Chair and four Directors.

Energy Consumers Australia's objective will be to promote the long term interests of consumers of energy with respect to the price, quality, safety, reliability and security of supply of energy services by providing and enabling strong, coordinated, collegiate evidence based consumer advocacy on national energy market matters of strategic importance or material consequence for energy consumers, in particular for residential and small business customers.

It is being established to ensure that all energy consumers are represented in national energy matters. Currently, there is a concern that the interests of the large majority of residential and small business energy consumers are either not adequately represented, or where they are represented, the implications for ordinary consumers are not always able to be presented on a sufficiently well informed analytical basis to influence national energy policy developments or outcomes of regulatory determinations that have a large bearing on consumers' energy prices.

Activities to be undertaken by Energy Consumers Australia to achieve its objectives will include participating in the identification and resolution of national energy issues, engaging with consumers and existing consumer advocacy groups to increase overall effectiveness, building national and jurisdictional expertise and capacity through managing and funding research and representation activities and creating new avenues for ordinary consumers to be able to express their opinions and to find out about issues that concern them.

The *Statutes Amendment (Energy Consumers Australia) Bill 2014* makes amendments to the National Electricity Law in the schedule to the *National Electricity (South Australia) Act 1996*, the National Gas Law in

the schedule to the *National Gas (South Australia) Act 2008* and the *Australian Energy Market Commission Establishment Act 2004*.

The Bill abolishes the Consumer Advocacy Panel, which is the existing body that facilitates consumer advocacy in relation to the national electricity and gas markets through a program of grants.

A mechanism for Energy Consumers Australia to honour grants determined before the Consumer Advocacy Panel is abolished is included in the Bill and existing applications for funding lodged with the Consumer Advocacy Panel and not yet considered are to be transferred to Energy Consumers Australia for consideration.

The Bill also seeks to ensure that grant applications can be considered by Energy Consumers Australia whilst it develops its own criteria and guidelines. It achieves this by providing for existing criteria developed by Energy Ministers and guidelines developed by the Consumer Advocacy Panel and approved by Energy Ministers to continue to apply for the purpose of the determination of applications for funding by Energy Consumers Australia until it prepares new criteria or guidelines.

Funding for Energy Consumers Australia will be obtained from the Australian Energy Market Operator, which will in turn recover the consumer advocacy funding from participant fees in accordance with the National Electricity Rules and National Gas Rules. New Rules are to be included in the National Electricity Rules and National Gas Rules to provide for the recovery and payment of consumer advocacy funding by the Australian Energy Market Operator. The Bill provides that the South Australian Minister responsible for energy may make initial rules in relation to Energy Consumers Australia, including provisions for its funding and other consequential matters.

The Bill will provide that once initial Rules have been made by the South Australian Minister responsible for energy on the subjects provided for in the Bill, the Minister will have no power to make any further Rules under this power.

Currently consumer advocacy funding is recovered from electricity market customers on a per-megawatt hour basis. The Bill provides the Australian Energy Market Operator with the ability to consider the appropriate methodology for recovering future consumer advocacy funding. This includes sufficient flexibility for the Australian Energy Market Operator to prepare a transitional schedule indicating how the funding is to be recovered from electricity market customers until the end of the current participant fee determination period.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Australian Energy Market Commission Establishment Act 2004*

Division 1—Amendment of Act

4—Amendment of section 3—Interpretation

These amendments are consequential.

5—Amendment of section 26—Accounts and audit

These amendments are consequential.

6—Amendment of section 27—Annual report

This amendment is consequential.

7—Repeal of Parts 3 and 4

Currently, Parts 3 and 4 of the Act provide for the Consumer Advocacy Panel. Energy Consumers Australia (a company that is to be established) will take over the functions of the Consumer Advocacy Panel. Accordingly, Parts 3 and 4 of the Act are repealed.

8—Amendment of section 48—Certain Acts not to apply

These amendments are consequential.

9—Amendment of section 49—Regulations

This amendment enables the Governor to make regulations prescribing additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Energy Consumers Australia) Act 2014*

(which may, if the regulations so provide, take effect from commencement of that Act or from a later day, but not so as to operate to the disadvantage of a person by decreasing the person's rights or imposing liabilities on the person).

Division 2—Transitional provisions

10—Interpretation

11—ECA to decide certain funding applications

12—AEMC to make grants in relation to certain funding applications

13—Criteria and guidelines

14—Amount held by AEMC for funding of Panel to be paid to ECA

15—Staff

16—Contracts, etc

17—Final reporting requirements associated with Panel

18—Transfer of certain records

19—Immunity from liability

20—Other provisions

This Division sets out various transitional provisions associated with the enactment of this measure.

Part 3—Amendment of *National Electricity Law*

21—Amendment of section 2—Definitions

These amendments are consequential.

22—Insertion of section 90E

The Minister will be authorised to make the first set of rules required for the purposes of Energy Consumers Australia (and the amendments related to Energy Consumers Australia).

23—Amendment of Schedule 1—Subject matter for the National Electricity Rules

Schedule 1 of the National Electricity Law is to be amended in order to include Energy Consumers Australia as a matter which may be the subject of rules under the law

24—Amendment of Schedule 2—Miscellaneous provisions relating to interpretation

This is a technical amendment relating to civil penalty provisions.

25—Amendment of Schedule 3—Savings and transitionals

Schedule 3 of the National Electricity Law is to be amended in order to include a transitional provision associated with the enactment of this measure.

Part 4—Amendment of *National Gas Law*

26—Amendment of section 2—Definitions

These amendments are consequential.

27—Insertion of section 294E

The Minister will be authorised to make the first set of rules required for the purposes of Energy Consumers Australia (and the amendments related to Energy Consumers Australia).

28—Amendment of Schedule 1—Subject matter for the National Gas Rules

Schedule 1 of the National Gas Law is to be amended in order to include Energy Consumers Australia as a matter which may be the subject of rules under the law.

Debate adjourned on motion of Ms Chapman.

CIVIL LIABILITY (DISCLOSURE OF INFORMATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 June 2014.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:44): I rise to speak on the Civil Liability (Disclosure of Information) Amendment Bill 2014 and indicate that I will be the lead and possibly the only speaker on the bill.

The DEPUTY SPEAKER: We are all listening.

Ms CHAPMAN: I am sure that, given the importance of this bill, there will be others inspired to leap up and speak on it in due course.

The DEPUTY SPEAKER: Maybe, maybe not.

Ms CHAPMAN: It depends on what I have to say.

The DEPUTY SPEAKER: Exactly, but I am listening.

Ms CHAPMAN: The history of this matter I think we need to place on the record. A bill in similar terms was introduced in late 2013, but it lapsed, obviously, as parliament was ultimately prorogued and we had the election and the like. Accordingly, we are back here again with this bill that was introduced by the Attorney on 18 June this year. The genesis of the purpose of the bill, as outlined by the government, arose when the Premier announced in September last year that the government was going to be open and transparent and proactive, in particular, in releasing commonly requested freedom of information items and placing that information on departmental websites.

This was going to be the launch of a new era of transparency. Possibly, the government felt that there had been an unnecessary amount of time spent on processing freedom of information applications on what reasonably should be available to the public to examine and that process should not be taking up the time of freedom of information officers. At that time, the government issued a circular through the Department of the Premier and Cabinet providing for the disclosure of information and listing a number of areas of documentation that would be released.

This was to include details of credit card expenditure for all cards held by ministers, ministerial staff and chief executives, and details of ministers' overseas travel arrangements. As the Deputy Speaker would know, members of course have an obligation to provide a report to the parliament, to the Speaker, which is kept in the registered list of reports on the expenditure of their preapproved travel arrangements, but ministers do not have the same obligation to register the details of their trips. It is fair to say that, when the annual reports of departments are ultimately published, there is provision for details of overseas travel, and the report might identify in the list of travel within a department when ministers were overseas. That is the extent to which it had previously been published as a matter of course; so this was another important area.

It also included details of costs relating to mobile phones held by ministers, ministerial staff and chief executives; details of expenditure relating to ministers hosting and attending functions, as well as ministerial staff and chief executives; details of consultants engaged and the cost to the agency; agency gift registers; details regarding procurement with departments; and a list of capital works projects, including a description and expenditure. This was the day that the Premier ushered in a new era of transparency, and these guidelines were distributed for the departments to implement.

At the time, the government claimed that there was a resistance from public servants to publish material in the fear that they might be sued, that they might be subject to liability. As members would be aware, if the material is published pursuant to an application for freedom of information, there is provision under section 50 of the Freedom of Information Act which gives protection to the Crown—which, of course, covers public servants—by giving them immunity from civil liability for defamation and/or breach of confidence in respect of the granting of access to a document under the act.

In other words, if material is released pursuant to a freedom of information application and the information contained in that document includes material that records some defamatory statement against a party, then that party is not able to sue the public servant, and they are given protection by virtue of this section of the act. Members would be aware that the Civil Liability Act sets out the rules that apply to those who are subject to having civil claims against them and the regime operates exemptions and the like. In any event, under that act, there was protection.

The government's claim was that, outside of that process, the release of information without a freedom of information application before them—in effect, in response to the Premier's request in his circular that certain information be presented and put on the website—had somehow or other elicited some fear or concern by public servants that they might be sued because they did not have this umbrella of protection.

There are two things about that. One is, notwithstanding this apparent fear, the material that I have read out that is the subject of this circular from the Premier's department has routinely now been published on a website and is available publicly. Notwithstanding the alleged fear of apparently multiple public servants, this guideline has still been followed and in fact the material has been provided.

It seems a little concerning to me. If this fear was such as to impress upon the Attorney-General the need to come to this parliament and provide protection under this act, by creating this further exemption or further protection under the Civil Liability Act to provide for these circumstances, then why is that directive still out there, why is it being required to be adhered to and why have we not heard screaming from the rooftop from the public servants and/or their representatives or the heads of department who do not want their staff to be at risk in these circumstances?

I will suggest to you a reason why and that is that there has not been any wholesale complaint about this and that, if there has been some complaint, it has been so minimal that this aspect of, 'I don't want to comply with a circular issued by the Premier's department because I'm worried that I might be sued,' is in fact really covering a different reason. We get some insight into this when we view the Ombudsman's report and in his audit of the Freedom of Information Act which he has tabled in the parliament this year. Obviously most of his report has been in respect of the events surrounding and the operation of the Freedom of Information Act itself.

As members would know, he has some significant things to say in his report and a number of recommendations. In short, he was scathing of what he described as ministerial interference in respect of the freedom of information process and numerous other things. Today is not the day to go through those. The government say that they are looking at some of those recommendations. Who knows when we might ever see in the light of day any legislation out of it.

In the course, though, of his consideration of this matter, Mr Richard Bingham recorded this in his report—and he provided this information again to me before his departure as the ombudsman of South Australia when wrote to me on 25 June this year in respect of this legislation before us now. I will read from the correspondence of that date referring to his audit of the Freedom of Information Act. He pointed out that there was provision under section 52 of the FOI Act to provide immunity for civil and criminal liability for a person acting honestly and in the exercise of purported exercise of functions under the act and that it did not provide immunity for disclosing information outside the act. He went on:

> My audit received evidence from several witnesses, suggesting that there is a fear within agencies of releasing information outside of the FOI Act—due to lack of legal protection; possible embarrassment to the government; or simply an anxiety about 'doing the wrong thing'.

Far from there being some widespread fear about publication of this material, as I think is suggested by the government to justify this amendment, he actually suggests that whilst he had included 'due to lack of legal protection', he also points out on his information from the several witnesses the other reasons for being fearful about releasing information, namely possible embarrassment to the government or simply an anxiety about 'doing the wrong thing'.

I hope that does not indicate there is a widespread anxiety amongst our public servants that they are so fearful of what the government might say if any information is released that could embarrass them or about which they are so sensitive that they do not want to upset their minister or superior employers or chief executives and are paralysed with concern about this. If they are worried about these things, which the ombudsman suggests they apparently are as to the latter here as an indicator in his report and as a side issue as a sort of obiter addition to his report, why is it then that we have not heard from the government to try to remedy that ill rather than attempt to just look at legal protections?

I thank the ombudsman for providing some assessment of the bill before his departure from South Australia. Unfortunately he does not go so far as to give any comment on distinguishing between the civil and criminal liability immunity which is provided under the FOI Act. In fact, what we have here in this bill is a blanket immunity and, as I say, not simply confined to the areas of defamation and breach of confidence. I think that would have been helpful.

I make no criticism of his not providing that, but I simply make the point that, at this stage, we have not received anything from the government that would justify an extension of the immunity beyond the areas of defamation and breach of confidence, and that is either in the second reading contribution of the Attorney or since. Nor have I received any submission from any representative from the Public Service that this is an area of concern where they seek to have this blanket protection.

It does raise a lot of questions about why the government proposes to go so far as to provide this blanket protection when it appears, on the face of it, that nobody has actually asked for it. No-one has said, 'We need to have this protection, at this expanded level, before we can act.' In fact, as best I can see, members of the Public Service are already placing on the website within the categories that have already announced by the Premier and, indeed, consistent with the circular he issued 12 months ago. So, to me, there are a lot of questions to be answered.

During the course of the briefing on this matter, which was provided by Ms Markou from the Attorney-General's Department, I inquired whether there had been any legal action against a public servant in this area for the disclosure of material outside the FOI Act, whether it was for the list of material that is now published about ministerial expenditure and travel and the like, and the answer to that was none.

I inquired whether there had been any, I suppose, threat of legal action by a solicitor's letter or by a complainant who claimed to be defamed or had suffered in some way from the consequences of the release of documents, somebody saying, 'You're a member of the health department, and you've released material about myself or my client, and we're indicating that we want to take some legal action to sue you as a result of this conduct.' Answer? None, not one example, nor has it been presented since. This is no reflection on Ms Markou because she is, of course, just the adviser.

The point is that there appears to be no conduct where a public servant had been put at peril of litigation against them as a result of the disclosure of documents. Again, we were in a complete vacuum as to whether there had been some deluge of action, or any action at all, against public servants that would not unfairly or unreasonably incite some fear in them, but we have not had anything; we have had no indication of this. There has been complete silence.

The other matter I was advised during the briefing was that the Attorney-General's Department had identified that only Tasmania and New South Wales, as other states, had offered protection against civil liability, that is, immunity from civil liability.

They also were limited to defamation and breach of confidence, consistent with our own Freedom of Information Act as applies, but again this legislation was going much further than that. The commonwealth provided limited protection for defamation and breach of confidence and also, apparently, copyright, but again very limited circumstances were provided for immunity from civil liability.

To me, this raises two or three very concerning aspects; the first is that we are asked to pass legislation on the basis of an apparent fear of which no detail or example has been provided, which clearly, if it does exist, has not been sufficient to stop the relevant public servants already complying with the circular of the Premier over the last year, and which has apparently elicited no legal action by proceedings or threat by legal letter or otherwise. That is the first thing: we are being asked to do something when there is no apparent ill to protect.

Secondly, in being asked to provide an immunity in the circumstances of publishing outside of the FOI Act, we are being asked to do so without any restriction. No other jurisdiction provides this; there seems to be no justification for going this far. It raises the question as to why it is necessary to do that—to actually give this blanket immunity to public servants in this area—and, even more importantly, what is the consequence, or what could be the consequence, of just giving complete blanket protection to public servants in this situation?

To me, the most logical answer to that is that, if you give protection against potentially having a liability to pay money because you have been negligent or reckless in the disclosure of information—which may be disclosed contractual material, for example, or material of a personal nature which the person aggrieved is entitled to rely on being kept confidential and/or it has been provided by them to the government in the expectation that it is confidential—it could lead to public servants in those circumstances thinking, 'What the heck, it doesn't really matter. I'm immune. I don't have any responsibility. I don't have any duty of care to the person whose material I am about to place out in the arena.'

To bring it home to those who might be affected, I think ministers of the government need to appreciate that they in fact, in the first list, could be the first victims of this. Let me give you an example. I am not suggesting that this is a circumstance that actually exists, or certainly not that I know of, but the type of situation that could occur is this. The public servant receives the memo and thinks, 'Okay, I've got to put my minister's travelling arrangements up on the website.' They go through their material, they identify what it is, they issue the authority for it to be put up on the website, and it covers a ministerial trip to anywhere—Botswana—and in that material, which is not required to be disclosed, are personal particulars of someone else who might have been an accompanying person with that minister, apart from staff or departmental personnel, which may be private and which, if disclosed, may cause some embarrassment.

I say to the government: beware of having a situation where you yourselves may have no redress, if we pass this legislation as it stands, against a public servant who has acted negligently or recklessly or who has in breach of the terms of a contract caused some damage for which they would otherwise have a cause of action or a tortious claim. You will deprive yourselves, even under the current circumstances, of being able to have any redress to that public servant.

You may be able to give them some disciplinary action for not being very careful with the documents because they think, 'What the heck, it doesn't matter. I'm immune from liability, I can throw it up there.' Be careful what you wish for. We must remember that, whilst the government has announced that this area of disclosure relating to expenditure of ministers is a category about which they say they want to be open and transparent, there is also considerable material in respect of procurement within departments, material in relation to capital works and description expenditure and the like.

I would hope, quite frankly, that if the government is genuine about placing material in the public domain without us having to go through these endless and repetitive freedom of information applications, they would realise that there is a whole lot more material that public servants, who have the job of placing this material on websites and publishing material, have to deal with. I do not want a situation where people become slack and do not properly handle these things.

I expect—and I think ministers and this parliament should expect—that members of the Public Service do have a duty of care and, if they go outside of their area of responsibility and do not apply a reasonable standard in that regard, they should be exposed to that risk. We on this side of the house have accepted, for the purposes of the Freedom of Information Act, that there should be some reasonable exemption from that. Defamation and breach of confidence are two well-known areas in which we should not expect public servants to have to make an assessment about the content of information which may be defamatory, so we give that reasonable protection. Other jurisdictions have recognised that.

I indicate that I will be moving an amendment to reduce the extent of the immunity under this bill to provide that the immunity that is proposed will delete the circumstances in respect of tort, contract, equity or otherwise as described and replace it with the restricted areas of defamation or breach of confidence. It is consistent with other jurisdictions. It will still maintain an obligation on behalf of the public servant to exercise a duty of care at a reasonable standard and ensure that we balance as best as possible the disclosure of information that should be available to the public and reasonably protect information which should otherwise have protection.

I say that in relation to the possibility of people effectively becoming slack in their review of material before they place it as a result of this immunity. Personally I think that when people take out insurance unfortunately one of the consequences is that sometimes they get a bit slack. You take out insurance on your house hoping that it will not burn down on a hot, windy day. Of course, the

best way to protect your house is to make sure that it is properly cleared and that you have taken all the bushfire management measures to ensure that, if a hot windy day arrives and a fire comes with it, your asset is preserved.

It is important that people are proactive in that area but it becomes a bit too easy for people to say, 'I will insure my house' or then next year they say, 'I'll insure my fences,' but they think, 'You know, it's going to be expensive for me to clean up around the fences so I am not going to grade out a strip to protect if a fire comes. If the fence gets burned down, that's fine; I'll just make an insurance claim and I will build another one.'

I am not saying that people ought not to act and even, indeed, investigate and obtain insurance for the purpose of protecting the value of their assets, but I make the point that, once people are protected from having to take personal responsibility or protected from having to put their hand in their own pocket, usually they exercise a lower standard of discipline in respect of what they are obliged to do themselves. I think we then move into an area where it can present an opportunity for those in this area to be a bit lax, a bit lazy and, ultimately, not do the best. That is the second reason: I think it exposes a deficiency in the far too wide application of this.

In the course of that consultation I received advice from the former ombudsman that he had consulted State Records and they advised him, and he reported on to me, as I quote from his letter:

> State Records does not however support this approach (the proposed amendment)—

that is the bill that is before us—

> and believes that protections for proactively disclosing information is better provided through the FOI Act, as is the case in other jurisdictions. In addition, there is a concern that agencies will only release information as prescribed in the regulations to the Civil Liability Act.

Members will be aware that this bill sets out prescribed documents, and information that is listed under prescription and in prescribed circumstances, which I am sure anyone following this legislation will have already identified.

It is planned under regulation that a prescribed list of documents will apply. The minister, in fact, tells us in his second reading explanation that he anticipates that the regulations will prescribe general information about government agencies (and I have listed those as examples of the items in the Premier's circular from last year), and submissions on government policy initiatives. I assume that to mean that, when the government has put out a draft policy for consideration and calls for public submissions, they will go up on a website of some kind.

The third area the Attorney foreshadows prescribing is information released in accordance with government-wide disclosure policies and information of a non-personal nature that has already been sought and provided in application under the FOI Act. We are not sure what the extent of that list is, but I imagine that it will relate to material that is regularly, in fact annually, applied for by people like me who make application for the disclosure of information.

One of the reasons I think it is a good thing that this information should be available is that it is an expensive process. The audit from the Ombudsman should tell us pretty clearly a number of the deficiencies of the operation of the act but also the extraordinary workload that is required under the processes of the FOI Act to provide basic information, to provide areas that are redacted, to exclude some information, to receive objections, to review the draft judgements or determinations of the Ombudsman, and to go to the District Court if necessary. This is all a very expensive process, and some of this material is sought every year. Finally, after it goes through a number of processes, it is published or provided. It just makes a mockery of the alleged position of the government, namely, that they want to be proactive in the area of general information that should be available to the public.

One of the areas that is particularly concerning to me is that, during the course of the last few years in particular when there has been considerable complaint from this side of the house and in another place and in fact from the public generally about the secrecy of the government, they have made various promises about what they will do to provide information just within departments. I remember when we had waiting lists in hospitals and we did not have any immediate, real-time data as to the availability of access to emergency departments. I, amongst many others, made complaint about the government being quite secretive about this, and they then promised that they would

provide monthly reports on the website about availability and then that would become more frequent. Now we have what I was about to call the desktop, but it is called something else.

Mr Speirs: Dashboard.

Ms CHAPMAN: Dashboard, yes, and I thank the member for Bright. This was to be a new state-of-the-art information portal that would give us all the information about what was happening in our hospitals, how many were waiting and what would be the best place to go to get a bed or quicker treatment—all those things. What do we find just in the last week or so? The thing is shut down; it does not work. There is some problem—

The DEPUTY SPEAKER: It's exhausted.

Ms CHAPMAN: It is exhausted, as the Deputy Speaker assists me. That may be so, but I just make the point that we have all these promises. We try to access the information and we are given all sorts of reasons and excuses about why they have not put up last month's report, that the new technology is not working and that they cannot provide it to us. We ask for this information in the parliament, and we may as well hit our heads against the back wall. We ask for it in estimates and of course we wait, as we are now—I think I have dozens of questions still being answered.

In the Department of Transport, I remember that, when the former minister for transport services (the former member for Bright) was having a little bit of trouble with the buses, she made all sorts of announcements about making sure that the public would have access to real-time information that would assist them in knowing when services were going to be available or when services were going to be interrupted. This would be a great tool of assistance to the general public; it would encourage public transport use, and we would have a happy, bright, sunny world in the public transport arena.

What would happen? Month after month we would be waiting for all of the data that was supposed to be entered on a quarterly, then monthly basis to be made available to give us an immediate picture and hopefully, if it was there, some level of confidence in the public transport system. They had a few other problems at the time, and you would have thought that if there was ever a time they needed to keep the public informed that would be the opportunity to do it.

The Office of Crime Statistics and Research—a porthole or website which I regularly have a look at—has become a skeleton of what it originally was. From memory, it was established in the late 1990s as an important tool surviving the Y2K bug, and has kept going. It used to be an absolute bounty of information and if you needed to know the detail or the profile of the criminal activity in the sense of convictions, for example, in a certain location, that information would be detailed, contemporary and available.

What do we get now? I go to this service—which I am sure other people do, not just politicians but anyone who is doing research in this area—and what do I find? At best the data is four years old—four years old. There is some data from 2011 on that website, but again it is shamefully in arrears in the sense of provision of information. The Australian Bureau of Statistics, which I have given a bit of a dust up a few times over the years, is at least a little bit more contemporary. And when it comes to the question of the comprehensive level of information that used to be available, that is now a shadow of what it was.

What does that do? Again, it is like trying to say, 'Well, we want to keep from the people of South Australia all the ugliness of the law and order data that might tell the real picture of what the government has not done in arresting the level of crime in this state.' So we have selective publication, we have delayed publication, we have limited publication, and what does it do? It just shines a further light on the government's attempt to quarantine the public from legitimate information which they should have—not just to bring a government to account but to be able to develop policy and proposals for government consideration (and this parliament) on an informed basis. But it would rather keep the public ignorant and in the dark—the old mushroom platitude—rather than coming clean with that information.

They are three examples in portfolios that I have dealt with in recent years where I have been deeply disappointed, and I am sure that is only part of what others would feel. The statements by government on the one hand, the glorious razzle-dazzle announcements about being proactive,

transparent, open and wanting to share information with the people of South Australia, yet the reality is far from that.

I received with some cynicism the government's announcement last year that it would suddenly act to provide all this extra information. I think it decided that eventually, because there were freedom of information applications anyway in relation to all of the travel by ministers and with the rorts that were exposed and all of the problems around that, the way to deal with it was to try and say, 'Look, we will make this sort of information available.'

People in here might be interested and sometimes the media might be interested in, and I think the public is entitled to know, what ministers spend and how they spend it, and so on. I do not have any issue with that. I think that is reasonable, but it ought not be at a stage where the government reacts to this situation only when they get into trouble with ministers who are caught out undertaking expenditure which, when disclosed, is not acceptable on any level by the government.

I am not going to traverse the areas that brought the government, minister after minister, into disrepute, for bills in restaurants and trips with family members, and the like. That is well known and I do not place a lot of currency on all the intimate details of what ministers do. I think there needs to be public accountability, but I do not pay a lot of attention to it, to be honest. I have to say, I genuinely accept that ministers have, and should have, reasonable expenses reimbursed for the purposes of undertaking their duties, and I am happy to support that. If they breach it or if they run too close to breaching the rules, then obviously there has to be some remedy, and the public has to have some confidence, so that when there is exposure of rorts there needs to be some action.

The reaction by the government is to issue the guidelines, as I say, and then a year later come in with this legislation. I think there are sufficient defects in going down this line in such a broad manner. For those reasons, the opposition will be moving amendments to restrict that, consistent with the application interstate and with the commonwealth.

Mr TARZIA (Hartley) (16:32): I rise to consider supporting the bill with the amendments suggested by the deputy leader. The bill goes to the heart of transparency, as we have heard, and certainly transparency is extremely important within the government and the public sector. Lack of transparency results in distrust of our system, and that is not a good thing.

As the deputy leader has alluded to, the bill has a number of defects at this stage. As we have heard, there seems to be an apparent fear of being sued by members of the public service. We have heard from the Attorney that the FOI Act is well utilised; in fact, in his recent submission he made mention that 12,328 applications were made to government agencies in 2011-12 alone, of which 85 per cent of information was released in full or in part. The question is: if so many applications have been made, why then have we not had any examples, any evidence, of issues where this sort of thing has arisen? If they are apparent, where is the detail on that? I reiterate the words of the deputy speaker: we would seek that.

Secondly, blanket immunity certainly has issues, as the deputy leader alluded to. I think blanket immunity in this type of circumstance can be dangerous and needs to be narrowed. Thirdly and consequently, if that complete blanket protection to liability is given, that is an issue, and we have to think about the consequences that that may have. Fourthly, I would encourage the government to really review whether they want this to pass in its current form. As the deputy mentioned, it can be a double-edged sword. Whilst it may seem like a good idea at the moment, they should really think about the true consequences that it may have.

I am empathetic to the bill, however, because it is important to protect good public servants who are doing their proper jobs performing their duties to the best of their abilities within the scope of their employment. They should not fear that they will be sued in the ordinary course of their duties if they are doing their job properly, but again I seek details of the complaints that seem to be coming from the government. On behalf of members on this side of the chamber, I seek evidence that they live in fear. We want to see evidence that they are asking for more protection and why that is. We think that the protection, as the deputy alluded to, should be limited to defamation and breach of confidence.

We have heard how section 50 of the Freedom of Information Act protects public servants from defamation and breach of confidence when dealing with FOIs, and I will lead the gallant crusade from this part of the chamber to amend part of the Freedom of Information Act at a time in the future, leading on from the recommendations of the SA ombudsman at the time, Richard Bingham, in his report.

In his audit, it was revealed that, amongst other things, agencies certainly are struggling to cope with the volume and the complexity of the requests, and it is apparent that some agencies are sometimes not meeting time constraints. I have to say that that has been a frustration of mine, as one of the newer members here, when lodging some freedom of information applications.

There are problems with the application of the public interest test and exemptions under the act. There are complaints within offices of delaying of the freedom of information requests. There was a concern that undue influence within certain offices is an issue. There was also some lack of direction by management surrounding the act and an issue concerning exempt documents—what they are and whether they are released. The SA ombudsman at the time highlighted those issues, which we will be taking up down the track.

I would encourage the government to support a narrower scope, in line with the deputy leader's amendment. I think restricting the scope of protection for public servants to defamation and breach of confidence is much more appropriate. We also heard from the deputy in regard to the position interstate, and it was identified that in fact only Tasmania and New South Wales offer protection against civil liability. However, it is limited to defamation and breach of confidence, and that is something I encourage the government to take into consideration.

A number of questions remain to be answered here, and I hope that the Attorney, in all his wisdom, takes the time to consider these and address them and clear them up before the bill comes to a vote. Blanket immunity has issues. I would like to see some details on the apparent fear amongst some of the public servants. I would like to see the Attorney address the concerns I have raised regarding blanket protection and also the future implications it may have. In saying that, with the good amendments the deputy leader has suggested, I commend the bill to the house.

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

A quorum having been formed:

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) (16:40): I thank everyone for their contribution and we are looking forward to committee.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman–1]—

Page 2, lines 17 and 18 [clause 4, inserted section 75A(1)]—

Delete '(whether in tort, contract, equity or otherwise)' and substitute:

for defamation or breach of confidence

The purpose of this amendment was outlined in my second reading contribution, which I am sure the Attorney was listening attentively to, which is to confine the extent of liability immunity to defamation and breach of confidence, consistent with interstate and also in the absence of any scintilla of basis upon which to have such blanket immunity as proposed in the bill.

I think I have covered that fairly comprehensively in the second reading debate, and I think I am receiving an indication from the minister that he has an understanding of the basis upon which we have presented this. It has been tabled for some time and, although I have not had an indication from the Attorney as to whether that would be accepted or not, we would hope at the very least that consideration would be given to it. If it is not going to be supported, we would hope to have some identification of what the basis of it is that we should be so expansive and unique in this jurisdiction.

The Hon. J.R. RAU: First of all, I understand what the member for Bragg is concerned about. The dilemma is this: in this particular instance we have a number of competing objectives and to the extent that we deliver on one of those objectives, there is a commensurate impact on the other. If I can explain it this way, the government would like to be able to be proactive in making disclosure of material because it seems to the government that there is a whole lot of material the government has which should be in the public domain, and that is the motivation for this proposal.

The problem is—and I hope the member for Bragg, and the member for Hartley, who I think probably has some interest in this matter as well, will appreciate this—the sort of material that the member for Bragg is hoping to confine this matter to is defamation or breach of confidence. The effect of the amendment would be that the government would be protected from a release of something that was defamatory, if this amendment got up, and the government would be protected from an action for breach of confidence, although that term in itself is slightly ambiguous in my view. Anyway, leave that to one side.

The point is, though, that there is a lot of material held by government which is not immediately and transparently comprehensible by any old person picking it up. I am giving you a hypothetical example here, but let's say that there has been a complex series of negotiations relating to a commercial matter and that that involves a number of exchanges of correspondence. Let's say that this exchange of correspondence might include, for example, a letter or an email from A to B (government to person), which is as superficially innocuous as to say, 'I received your letter of 22 July. I have noted its contents.'

That letter, in and of itself, is transparently not defamatory, one would not think. It might be very difficult to see how that might constitute a breach of confidence, whatever that might mean, but that particular piece of correspondence in itself may connect two or multiple completely separate pieces of correspondence which, when looked at together, present a particular picture.

The point I am trying to make is that, in order to vet material for that sort of thing, which potentially might involve a disclosure which might lead to an action in tort, contract, equity or otherwise, the only people who are capable of doing that in a diligent way are people who are (a) basically familiar with the broad material. You cannot just wheel in any old person and say, 'Is that letter okay?' It is very important that the person who is doing that has some grasp of what the subject matter is and has some reasonable likelihood of understanding the context of that particular document because the context might be very important.

The second thing is that, as soon as you narrow the immunity, you introduce the necessity of each document being vetted, however cursorily, by somebody to ascertain whether or not, on the face of it, the document appears to potentially expose the government to some sort of civil action, other than an action for defamation or breach of confidence, and I have just tried to explain why that may not be as simple as simply looking at the document even. It might be that the person who is charged with that responsibility needs to be a person who has some basic familiarity with the files so that they have that contextual grasp of the particular document.

The effect of the opposition's amendment would be certainly to require each document to be vetted, and when I say 'each document', I mean each document individually considered and vetted and, quite frankly, that is not dramatically different from the exercise that is undertaken in FOI, albeit the criteria by which it is being vetted may be different.

What I am concerned about, to be perfectly frank, is that one of the issues we were trying to deal with was to be able to freely disclose information without having to have an army of people vetting that material to check for potential legal issues because, if that is where we wanted to be, we might as well stick with FOI, which is already something we have heard things about on several

occasions here, and I do not think that it is any secret that the FOI service demand is growing exponentially.

I am not criticising the opposition. It is probably a legitimate tactic, but I know that certainly the members in this room are quite familiar with the FOI Act. I notice they are all regular contributors to the workload of various departments usually, intriguingly, with letters that dovetail. 'Can you tell me everything from 1 March to 3 April?' Then, somebody else writes on the same day, 'I want everything from 4 April.' It is really quite elaborate—well done. The point is these things are like that fishing trawler they had hanging around Tasmania—the big one, the *Spirit of Tasmania* or the—

The Hon. T.R. Kenyon interjecting:

The Hon. J.R. RAU: —okay—the Abel Tasman pelagic fish death zone thing which just sort of cruises around the cool waters to the south of our continent with a wall of death behind it.

Ms Chapman interjecting:

The Hon. J.R. RAU: Not even the jellyfish get through. The point I am trying to make is this is an era when we have these sort of pelagic fishing-style FOI applications going in, which cause enormous burdens in terms of public servants' time and effort to actually process.

We get regularly criticised by many, including some opposite me, for the time it takes these things to be processed, without any real appreciation of the sheer volume of work. We could, I suppose, have literally an army of FOI officers everywhere doing nothing else but FOI applications and then, yes, sure, we would be getting them all done in a few weeks, unless of course the demand went up because people were encouraged by the quick turnaround, in which case we would have to have another army coming in.

The point I am trying to make is this: if we are trying to have a system which is capable of providing quick release of public information, one of the essential elements is to have something that does not require elaborate vetting. Whilst I understand the spirit of the proposed amendment, it unfortunately does not achieve the outcome of preventing quite elaborate vetting of documentation.

Obviously, it would not in my view be good practice for people to pick up whole boxes of stuff and just put them out without any thought at all to what is in them, but it should be possible for people, for example, to look through an index of documents and say, 'None of those look superficially to be a problem,' and that is enough. That would not be possible under the amendment that is being talked about here. For the government to be prudent and to manage its risk, every single document would need to be examined in the same way as FOI documents are, which of course would not be any quicker than FOI and which, to some extent, would actually mean why bother with this whole exercise because you might as well just stick with FOI?

This was an attempt to do it in a transparent way. If the government wanted to be creative about getting stuff out there in the public domain proactively, we could FOI ourselves because, once the FOI Act is engaged, the protections under that act apply. It is just that somebody is going to have to do all the vetting, so what is the point of that? We are just making work for our own public servants who are busy enough doing FOIs for other people.

The Hon. I.F. Evans: I wish.

The Hon. J.R. RAU: As I was explaining before, member for Davenport, if we had an army of FOI officers we could probably speed it up, but that would encourage the applications no doubt, and then it would slow down again and we would have to employ another army, and they would be encouraged again and, pretty soon, the state would have an FOI-led recovery.

That is my concern about this, but I am happy to have further conversations with the member for Bragg or any other members of the opposition about this between the houses. I am just worried that the practicality of this will be that the desired effect of the amendment, which is not to have elaborate vetting of each individual document, will be lost, and then we will not have actually advanced much at all and we probably would not have achieved much, it would seem to me.

As I said, I am happy to have conversations with the member for Bragg about that. If there are particular kinds of things that the member for Bragg would like to be the subject of specific vetting activity, maybe we can talk about that. However, I should point out for the reason I was trying to

explain when I first started speaking on this that, if what the member for Bragg is trying to not cover by this is something which is not immediately transparent on the face of the document, the vetting exercise may be quite complex indeed and may not be a vetting exercise that could be conducted by any person who is familiar with the legislation.

They might also need to be familiar with the material, which then means that the number of people who are potentially competent and available to do that becomes quite small, which means that that very small group of people, who might also be the current FOI officers (quite possibly would be), would then just have an additional burden on top of what they already have. That is my concern about it.

As I said, I am very happy to discuss the matter, but I am just not able to accept the amendment, not because I am disturbed by the sentiment behind it but because the practicalities of it mean that the effect of the whole thing is basically nullified.

Ms CHAPMAN: I am tempted to say something like the longer that argument went along the more unconvinced I was of the Attorney's position; however, I am very comforted by the fact that, notwithstanding that missive, he has indicated that he is prepared to give it some consideration. When he does, there are a couple of things that I would like him to take into account. First, every other jurisdiction in Australia—their governments—is capable of undertaking the exercise you have just outlined as so onerous.

Secondly, the three areas which you have identified in your second reading contribution as areas in which you would follow through under prescription are: ministerial expenditure, if I can put it in a general sense, the information about consultancies and so on, all within the ministerial envelope that has been referred to; submissions on government policy initiatives, which are, of course, currently mostly put online; and thirdly, the area of information that is already sought and provided under FOI acts. So your own indicated prescriptive circumstances or list of documents is pretty narrow.

Thirdly, I would ask you to bear this in mind: the material which is created and prepared in reports and the like, which collates statistical information and information regarding the performance of the government, frankly, as is consistent in the FOI Act charter, should be available to the public. If the Crown wants to be so protective of its own liability and not accept the competency of its 100,000 public servants who prepare, collate and record (and so on) this material and make it available to the public, then there is something seriously wrong.

In particular, in respect of that, the scenario given by the Attorney as to what would be an example of the difficulty of making an assessment and requiring some scrutiny of every individual document within a litigious environment, a chain of correspondence needing to be identified as to what would be made available, etc., frankly, firstly, that is not on your list. Secondly, it is clearly in an area of correspondence in respect of a litigious matter, which is going to be the subject of careful scrutiny by someone in your department or in the Crown Solicitor's Office, or some other department in any event, whether it is pre-action, discovery or the like, or—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: It may not be, but let's face it, Mr Attorney, you are in a situation where you are proposing three areas of commonly known information which the public demands and we want, and you say you are prepared to provide on a list, but you want some general protection. The Crown wants protection—not just public servants because they are the ones who have to process it all and, frankly, if they carry out their duties diligently then there are all sorts of laws that protect them against them personally being civilly or criminally liable.

However, you want protection; the government wants protection. It does not want to be paying out money under any circumstances for any tort, contractual breach or liability. In a circumstance where you start identifying some chain of emails or correspondence which will need some careful scrutiny, that is not even in the parameters of what you are talking about. We are wanting normal information that should be available online in a timely manner and is available.

In your second reading speech you identify the areas that you propose to prescribe. If you want to expand that list as to your foreshadowed prescription, and you come into that wall of expected

workload that is going to be required to scrutinise documents under a foreshadowed prescribed list, then let us have a look at it. At the moment, in identifying what you want to do in support of your government's charter—the examples you have given and the workload regarding documents which clearly would not be in that parameter—is really just an excuse to be able to come in here and get blanket protection for your government. It is clearly not acceptable to us.

We return to the first instance, that is, every other jurisdiction in Australia works under these rules. We think that it is reasonable for this government to do the same. I thank you for giving an indication that you will at least consider it, and we look forward to a positive response.

The Hon. J.R. RAU: Thank you for that. I need to make it clear that the legislation itself, if you look at it, is not confined to those three areas which were put by way of example in the second reading speech. They are areas which we have basically formed a view about already but it should not be necessarily the case that indefinitely the matter is confined to those things.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes. Clearly there is scope for that and one should not use the examples in the second reading speech as necessarily marking out the boundaries of where this thing might go. The second point I make is that, reflecting on what every other jurisdiction does or does not do, I guess can be a relevant point, but sometimes new and exciting things happen for the first time here in Adelaide—like the Torrens title system. There was a time when nobody had heard of the Torrens title system and then, in this very room probably, it began right here and now everyone around the world is into it.

The Hon. I.F. Evans: They are not, actually.

The Hon. J.R. RAU: Not everybody, no.

The Hon. I.F. Evans: We're the only country with it.

The Hon. J.R. RAU: No, that is not true; it has been picked up and other places have it. I do not believe Pyongyang has picked it up yet but there are many places where that form of registered indefeasible title has been picked up, and it is seen as a good idea. That point in and of itself does not worry me too much.

I say to the Deputy Leader of the Opposition that I have genuine goodwill to try to achieve a purpose here, which is to facilitate the open disclosure of material, and I am happy to have an ongoing conversation with her about how we might achieve some improvement between here and the other place.

Amendment negatived; clause passed.

Title passed.

Bill reported without 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) (17:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

AUSTRALIAN CRIME COMMISSION (SOUTH AUSTRALIA) (EXAMINATIONS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

Adjournment Debate

HOLMES, MR ALLAN

The Hon. I.F. EVANS (Davenport) (17:05): Tonight I just wish to place on record some comments about Allan Holmes, the former CEO of the Department of Environment. In particular, these comments are in response to a speech made by one of my colleagues on 16 September which was very critical of Mr Holmes. I just want to put on the public record that the comments made by the member for Finniss do not represent my view or, to my understanding, the Liberal Party's view. They are the member for Finniss's view.

I had the pleasure of working with Allan Holmes as minister. He served governments and ministers of both colours for around 15 years. I think it is poor form for members to take the opportunity to take a swipe at public servants who have done nothing more than implement the policies of the governments of the day, both Liberal and Labor. I attended Mr Holmes' farewell drinks at the invitation of the department, and I was pleased to do so, because I found Allan Holmes to be an excellent CEO. In my view, the reason he lasted 15 years in that position—had I had the opportunity to speak on the night I would have said this publicly, but I did say this both to Allan and his wife Gail on the night—was that he had integrity, and he was committed to implementing the policies of the government of the day.

What I find surprising is that, if you look at some of the achievements of the Department of Environment and governments of both colours, a lot of the achievements are actually in the electorate of Finniss or nearby the electorate of Finniss. I remember in my time as minister there was a fight over whether the Heysen Trail would be moved away from the Waitpinga cliffs, so that you could not see the Waitpinga cliffs. We came up with an innovative solution where the department engaged a real estate agent to engage a real estate agent to buy the land that became available so that they did not know it was the government. We then cut off the land, put the Heysen Trail back on the certificate of title, and then off-sold the land. We actually made money out of the deal in the end, because property values went up. As a result of that solution, people will forever be able to walk along the top of those Waitpinga cliffs as a public space and enjoy what are world-class cliffs.

The department under Allan Holmes spent $3 million buying the Wyndgate property, which was over 1,000 hectares of property adjacent to the Murray Mouth, and preserved all that as wetlands. The department rebuilt the Flinders Chase National Park. I moved legislation to make sure that there was no mining allowed in the Flinders Chase National Park or indeed the Seal Bay Conservation Area. These issues were in the electorate of Finniss, and I just ask the house to reflect on where Kangaroo Island would be without its tourism that is associated with the environmental qualities that are there?

Naturally, the Department of Environment and indeed the minister for environment of the day do pick up the responsibility to make the difficult calls about where and how to protect the environment. In my view, it is poor form to criticise public servants for doing nothing other than implementing the policies of the government of the day.

Allan Holmes was involved in many of the major reforms that happened under both governments. I remember the Bounceback program in the Flinders Ranges and the yellow-footed rock wallabies. The significant improvement over the last 10 or 15 years in that area of the state has been due to the policy that was adopted and carried forward by governments of both colours. I remember working with Allan on the prevention of mining in the Gammon Ranges National Park and Balcanoona Gorge—one of my prouder achievements in this place.

The reality is that Allan Holmes, in my view, was a good CEO. He was a decent, honest public servant and hard working, and to this day I could not tell you Allan's politics. Allan and I did not take the ministerial car on country trips: he would take his car and I would sit in the car and going to and from country areas we would talk about all matters environment and resolve a lot of issues that were bubbling away at the respective times, and I found him to be an excellent CEO.

I say to the house and members that if you do not like the powers some CEOs use, do not give them the power. It is this house that grants CEOs certain powers and certain responsibilities, and they have an obligation to undertake those responsibilities and consider using whatever powers

this place grants them. Allan's time as CEO saw major change to the way the Department of Environment works, and it has undergone significant budget cuts under this particular government.

I am pleased to say, and I think the record might show, that the Department of Environment had its largest budget under the previous Liberal governments. He was involved in:

- building a community-based natural resource management system and a regional delivery model, with some 800 staff based in eight regions;
- the marine park network, which I know some on my side have difficulty with but which was originally my announcement in a slightly different form;
- the co-management agreements with Aboriginal communities;
- the bushfire management, which has significantly increased across our national parks;
- the difficult issue of the River Murray during the drought, which was difficult for everyone;
- the rebuilding of our visitor facilities through all the national parks—whether that be the Belair National Park, Flinders Chase, or parks at the bottom of Yorke Peninsula, all the major parks have been upgraded; and
- a lot of work with non-government conservation organisations.

I want to place on the record my congratulations and thanks to Allan Holmes for his service to the state and I wish him well in retirement. As I say, I think he was a decent, honest CEO who had a lot of integrity, and that is what carried him through the process.

ACTORS EQUITY

Ms WORTLEY (Torrens) (17:13): Friday evening I will be attending the 75th anniversary celebrations of Actors Equity in Australia. It is due to Equity (as it is colloquially known) and its members that we have a flourishing performing arts sector and that performers are not treated with exploitation but with respect. It is due to Equity and its members, and their colleagues across art forms, that the cultural, social and economic contributions of artists to Australian society are recognised and celebrated.

Equity and its members have also played a significant part in ensuring that Australian content in theatre, film and television tells our stories—the stories of a successful, fundamentally harmonious and diverse multicultural country—to our people and to the world. Equity is the union that has worked to improve wages and conditions for performers here in Australia since 1939. The union has, over many campaigns, secured for its members rehearsal pay, touring allowances and residual payments, among other profession-specific payments, as well as overtime, annual leave, superannuation and related benefits that other occupations take for granted.

I have a long and proud association with Equity. It was during my years with *The Advertiser* that my union, the Australian Journalists Association, merged in 1992 with Actors Equity and the Australian Theatrical and Amusement Employees Association to form the Media, Entertainment and Arts Alliance—the Alliance—and today it also includes the Symphony Orchestra Musicians Association.

Equity has come a long way since 1940, when it successfully represented performers in the de Basil Ballets Russes, whose young dancers paid management for work and whose supernumeraries were not paid at all. In 1970, Equity stood with The Australian Ballet members on strike over pay and conditions—the first ever strike by the company. The dancers marched through Canberra holding placards in a move to gain maximum exposure and awareness of their cause. In the wake of this action, an agreement was reached which resulted in the introduction of awards in place of the old musical comedy contracts previously used.

Equity's history covers the development of imported artists quotas, upgraded theatre awards and conditions, equal pay for performers, Australian content regulations, the creation of The Australian Ballet, Australian opera and state theatre and dance companies, improved health and safety, residual agreements, the regulation of employment of child performers, ATO recognition of

the professionalism of artists and performers, campaigns for increased cultural and linguistic diversity in theatre and dance, job protection for performers, and numerous other achievements.

Former premier Don Dunstan, who acted in radio plays during his university days and who was a great supporter of the arts across many media, was secretary of Equity in the 1950s and later awarded life membership. Mr Dunstan was a great supporter of the Biennial Adelaide Festival of the Arts, and with the help of Phillip Adams set up the SA Film Corporation. Writing soon after Mr Dunstan's death, arts journalist Tim Lloyd wrote in *The Advertiser*:

> Don Dunstan will always be associated with the renaissance that…swept through the arts. He convinced the community that the arts were, indeed, fundamental.

Actors Equity—now the Media, Entertainment and Arts Alliance—has fought the good fight for 75 years, and I am proud to be part of that history. Actors Equity in South Australia has many members who, across the decades, have included Harry Van-der Sluice, a comedian and vaudevillian better known as Roy Rene, whose character, Mo McCackie, will return to welcome people to the 75th Equity celebrations in Adelaide on Friday night. One of Equity's first members, he is immortalised in a bronze statue in Hindley Street.

Other members include Don Barker, who is best known for iconic Australian TV cop shows *Homicide, Division 4* and *Matlock Police*, as well as the movies *Gallipoli* and *Rabbit Proof Fence*, and Bridget Walters, a State Theatre Company veteran, who has performed in such productions as *Macbeth, Noises Off, Uncle Vanya* and *The Cripple of Inishmaan*, as well as movies, including *Bad Boy Bubby*.

The DEPUTY SPEAKER: And ads for tourism.

Ms WORTLEY: Thank you, Deputy Speaker. Other members also include comic stage actor Paul Blackwell, who also made an impact on the big screen in *The Quiet Room* and *Red Dog*; Patrick Frost, another State Theatre Company stalwart, also known for *McLeod's Daughters*, *The Light Horsemen*, and *The Shiralee*; and Xavier Samuel, a graduate of Flinders University, who has found recent international success in *The Twilight Saga: Eclipse* and who recently returned to Adelaide to perform in the State Theatre Company's production of *The Seagull*. There are many more who will be there on Friday evening celebrating Equity's 75th anniversary. I will endeavour to speak about those great South Australians on another occasion.

I would like to highlight some of the Australian actors and Equity members who have made comments regarding the 75th anniversary. Claudia Karvan, from *The Secret Life of Us* and *The Time of Our Lives*, said:

> I joined Equity in 1986 because we actors can be a disparate group and there is strength in numbers. Happy Birthday Equity. Thanks for all the advice over the years and for giving actors a voice and helping safeguard our industry in order for it to prosper.

Georgie Parker from *All Saints* said:

> I remember when I started out as an actor at 18, that it was a glorious thing to not only be employed, but to have the opportunity to be able to audition for a role. After jumping through hoops and ticking the 'can ride a horse' box, you finally had a script, wardrobe fittings, rehearsals. You were 'in'. On my first job, the senior actors were talking animatedly about Actors Equity, the work they did, the meetings that were on and, having a sense of no matter what occurred, Equity would be there. I remember vividly the hard-won battles of daily rates, striking over the basic wage for actors, endlessly campaigning for theatres to keep their doors open. All through the power and vigilance of Equity. It's been an honour to be a member for going on three decades. It's gone by in a blink of an eye.

Rob Mills from *Australian Idol* and *Wicked* said:

> Happy 75th [anniversary] to Equity. Because of your work and support, we in Australia have a wonderful, thriving, performing arts industry. Without you, I would have no-one to thank for opening their arms to me as a newcomer into the theatre industry six years ago. I am now a very proud Equity Deputy in my 4th All-Australian theatre show.

Rodger Corser from *Rush* and *Underbelly* said:

> I first benefited from Equity before I had even become a member. My first professional role was gained without personal representation, so I turned to Equity for advice. I joined soon after and remember feeling a proud sense of belonging and community amongst peers, which I still feel today.

Maggie Dence from *Neighbours* said:

> I was so proud to join Equity—it really felt like joining a theatrical community and a tight, committed one at that! I cannot imagine not being a member…the entertainment industry has to be one of the most vulnerable to exploitation and abuse—the union is there to work against that happening and I, for one, am very grateful!

Jay Laga'aia from *Home and Away* said:

> I joined Equity in 1993, not because I had to but because everyone that I worked with and admired were members. Equity for me is like having family members to fight my battles, but [they are] also there to support my circumstances.

Of course, Jay is also from *Xena: Warrior Princess* and *Water Rats.* There are comments from Tony Sheldon from *Priscilla, Queen of the Desert* on the West End and Broadway, Judi Farr from *Kingswood Country*, Shane Jacobsen from *Kenny* and *The Bourne Legacy*, and many more.

In fact, as the secretary of the media alliance, I recall a cast meeting in the Adelaide Hills that I attended with Hugo Weaving as the Equity delegate and, of course, cast meetings also at *McLeod's Daughters*. Again, I would just like to say that Friday evening should be a wonderful celebration for 75 years of Equity in Australia and I look forward to joining in those celebrations.

BUSINESS SA EXPORT AWARDS

Mr WHETSTONE (Chaffey) (17:22): Just for the *Hansard*, Deputy Speaker, I would like to respond to your question about the Humphrey pump. It was known as the 'Thumper' and its capacity was 1.25 million gallons per hour into an earthen channel. By my calculations, that would fill this building with water from top to bottom in its entirety in one hour.

I would like to speak just a little bit about my portfolio and the Business SA Export Awards that were held earlier this month to recognise South Australia's most successful and innovative exporters. They were honoured at the National Wine Centre. Eight companies were recognised for excellence in exporting in a range of categories that included small business, regional, manufacturing and creative industries awards.

Winners of the state awards automatically qualify as finalists for the 2014 Australian Export Awards to be hosted by Aus Industry and the Australian Chamber of Commerce and Industry. I look forward to that and I wish all the South Australian businesses well. I would like to congratulate the winners and the finalists of the Business SA Export Awards for their commitment and dedication to the sector. Together they are contributing to a more vibrant economy in our state.

The award winner for SA agribusiness was Ferguson Australia and the creative industries award went to Patch Theatre Company. The environmental solutions award went to the Paris Creek farm business, with the health and biotechnology award going to Soniclean and the information and communications technology award to Avinet.

Again, the manufacturing award went to Kelly Engineering. I really must congratulate Kelly Engineering; they have been exemplary. I have been to many award nights and they are always in the mix. The SA Regional Exporter Award went to Blue Lake Milling. The Small Business Award went to Protect-It Column Guards. The South Australian Exporter of the Year was Kelly Engineering. I congratulate them all.

I would also like to acknowledge the Sports SA award finalists. I met with the member for Morphett at the Lockleys Bowling Club where the nominations were announced. It was a pleasure to attend such a great event, acknowledging fantastic achievements in our sporting clubs by individuals and organisations. I pay tribute to a great Australian Diamonds netballer, Adelaide Thunderbirds captain Renae Hallinan, who was the guest speaker at the event. Renae is a fantastic role model for women and our young up and coming sportspeople.

I acknowledge the finalists for the important award ceremony to be held at Adelaide Oval on 7 November. The Sports SA award winners will be announced at the KPMG celebration of South Australian sport where the South Australian sport and hall of fame members will be announced.

At 17:26 the house adjourned until Thursday 16 October 2014 at 10:30.

Answers to Questions

CONCESSIONS

In reply to **Dr McFETRIDGE (Morphett)** (20 May 2014).

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers): I have been advised:

This information can be found in the Estimates Committee A *Hansard* on page 384.