HOUSE OF ASSEMBLY

Tuesday, 17 March 2015

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

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Bills

THE UNITING CHURCH IN AUSTRALIA (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:03): I rise to speak on The Uniting Church in Australia (Membership of Trust) Amendment Bill 2015 and indicate that the opposition will be supporting the passage of this bill. I should qualify that by indicating that it is the Liberal Party's position—and I expect the government's position—that the bill comprises, by definition, application which deems it a hybrid bill and, therefore, it will be appropriate that this matter be referred to a committee. Then, of course, subject to any matters being raised in committee where there may be a report ultimately to the parliament, we will be supporting the same.

I formally indicate that we will be supporting a motion to refer this matter to a committee and indicate that the member for Hartley and the member for Hammond will be the parties that we present as being astute members of that committee, and that we will look forward to receiving their deliberations in due course.

In essence, we understand this bill has been introduced at the request of senior members of the Uniting Church, and indeed arose out of a letter from the Uniting Church to the Attorney-General, advising that they sought that the terms of appointment of members of their trust be amended. In particular a letter went on 19 August last year to the Attorney-General, first indicating that the author, Mr Peter Battersby, as the Executive Officer of Resources, was writing on behalf of the Uniting Church in South Australia and indicating that their property trust and members of its board had agreed to pursue an amendment to the act which covered them, namely, The Uniting Church in Australia Act 1976-77, and that the minutes of that meeting were presented to seek that the amendment comprise the removal of section 11(4) of the act, which provided that 'no person who has attained the age of 70 years shall be eligible for appointment as a member of the trust'.

Effectively the letter conveyed to the Attorney that the removal of this age restriction benefited the church by allowing members who had attained the age of 70 years to continue to serve on the trust. They further advised in the correspondence that they had regrettably concluded the worthy service of two members of that trust as a result of this age restriction, and that they sought to have the situation remedied for the reasons I have outlined. The bill is now before us, seeking amendment, exclusively for the removal of that age restriction.

The Uniting Church in Australia Act 1977 was passed to make the necessary alterations to state law when the Congregational, Methodist and Presbyterian churches amalgamated. It is interesting to read the contribution of former attorney-general (Hon. Peter Duncan) on 6 April 1977, when he outlined the coming together of these three churches and the request that there be an established property trust to receive the assets of the three relevant churches to be activated upon the synod of the new Uniting Church's determination. Essentially the bill that passed in this parliament back in 1977 facilitated the union of these three churches. I think that at the time some churches were holding out in the South-East. I am not sure whether they subsequently came in. Perhaps the member for MacKillop—

The SPEAKER: They did. They did hold out.

Ms CHAPMAN: They did hold out, yes. Completely? I am not sure whether they still remain.

The SPEAKER: There are continuing Presbyterians and continuing Methodists.

Ms CHAPMAN: I thank you for your assistance, Mr Speaker.

The SPEAKER: I think you will find John Howard is one.

Ms CHAPMAN: My note was that the congregations of Millicent, Rendelsham, Beachport, Naracoorte, Lucindale, Penola, Glenburnie, Allendale East, and OB Flat decided to go it alone. I am sure you are right, Mr Speaker—you are very wise on these things—that, for whatever reason, they held out.

It is fair to say it was not a happy union—I suppose a marriage of three always brings some complications—but there were some strong expressions of distrust in how this new structure was going to work. As always happens, the coming together of one or more usually means there is a disparity between the asset bases and some suspicion about how the new model would work to ensure that the assets that had been accumulated were not going to be harvested off by the poorer parties to the union.

In any event, it came to fruition, and it is fair to say that the Uniting Church and its congregations are statewide not only well recognised and well received in their local communities, but continue to provide pastoral care and enormous community support both via their congregational work and also individually in our communities. In my own electorate of Bragg, in recent years three churches under the Uniting Church came together and rebuilt a magnificent facility on the corner of Fisher Street and Portrush Road. It is a well-attended facility providing enormous community interaction via its café, lounge areas and meeting rooms, and I for one stand here as a member of this house to commend the continuing good work of members of the Uniting Church.

The church has recognised the importance of those who attain the age of 70 years. They see that the 70-year restriction does not and should not apply in contemporary times. They have a valuable resource of members of the trust who would be prohibited from continuing that service post the age of 70 years, and that would be a significant loss to the trust. I agree with that; I think that consistent with the contemporary mood to remove age limits—particularly at the mature-age level for employment opportunities—is a little bit like what occurred 30 or 40 years ago with the advent of removing discrimination against women, and other categories have been developed in our anti-discrimination law since.

Discrimination against those who are mature aged is something that is starting to evaporate at all levels. It has happened, for example, with judicial appointments where we have gone from appointments for life across to appointments to a certain age. Quite rightly, attorneys-general around the country are now looking at the question of whether there should be a compulsory or mandatory retirement for our judicial personnel.

At present, judges in the Supreme Court of South Australia are required to retire at 70. Post that age, some are invited back to sit on courts of appeal and do other important work, and we value that and thank them for it. Again, these are the sorts of things that need to be looked at, and I am not sure what has happened to our Attorney's application of his mind to that. The Uniting Church has recognised that there is wisdom—and a significant contribution that can still be made by the judiciary in that instance—to church service and operation of its trust post the age of 70 years, and that should be applauded and encouraged.

I would like to say that it is with considerable passion that I indicate that we agree to this on this side of the house and that age should no longer be a restriction. I certainly hope that Dr Deidre Palmer, as the Moderator of the Uniting Church, and Mr Battersby, in his role in administration, will welcome the passage of this bill. Upon the establishment of a committee, they will be invited to present any matters to the committee. The usual practice of that committee is that an advertisement is placed so that any party who may have a different view as to the proposed legislation will have an opportunity to put their submission, and a report will be provided to the parliament.

This is a process which is important because obviously we have the usual application of the principle that no man is above the law. We all, men and women, should be treated equally before the law, and if we do consider legislation in this house which has a direct and narrow application, usually to one person or entity, then we have to be very clear that we are not passing a law that would be in direct breach of what is an important separation of powers principle and which results in us passing a law which in usual circumstances applies to everyone, and then its direct application of any breach of it is then a matter for a separate entity, in our case, our judicial system. With that I indicate that the opposition is supporting the bill.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge that the member for Port Adelaide had a group with us a bit earlier from the Taperoo Community Centre's over 50s club. They were unable to stay to be acknowledged, but I would like to note they were here visiting us this morning and I am sure they were very enthralled with our debate.

Bills

THE UNITING CHURCH IN AUSTRALIA (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

Debate resumed.

Mr PEDERICK (Hammond) (11:17): I rise to speak to The Uniting Church in Australia (Membership of Trust) Amendment Bill 2015 and note that we on the Liberal side of the house support the full intent of the bill. It is essentially to do with taking away the age limit of 70 years with regard to being a member of the trust.

My family has had a long history in the Uniting Church. I do not have the opportunity to go as many times as some members of my family have in the past. My family do have a long link with the church since coming out from England in 1840. In fact, my earliest forebears are buried at the old Gawler River Methodist church, alongside some of John Dawkins' ancestors. My father, who is nearing his 95th birthday in a couple of months—

Mr Treloar: Hear, hear!

Mr PEDERICK: Hear, hear, absolutely. He was a lay preacher for around 60 years and I remember him getting an award—I think it was during the eighties—at Coomandook for his 50 years of service. The Uniting Church in Australia Act came about in 1977 when we had the necessary alterations to state law when the Congregational, Methodist and Presbyterian churches amalgamated.

Going further back before that happened, just a little bit of history of the Presbyterian church in Australia is the belief that when James Cook landed in 1776 he was sure to have had some Presbyterians in his crew. John Hunter, the captain of HMS *Sirius*, was a former Church of Scotland minister. Later, Presbyterian Christianity came to Australia with the arrival of members from a number of Presbyterian denominations in Great Britain at the end of the 18th century. The Presbyterian missionaries played an important role in spreading the faith in Australia and they grew to become the fourth largest Christian faith in the country.

The Presbyterian Church of Australia was formed when Presbyterian churches from various Australian states federated in 1901. These state churches were and are incorporated by separate acts of parliament. The member for Bragg, the deputy leader, talked about the church union before, but in 1977 two-thirds of the Presbyterian Church of Australia, together with nearly all the membership of the Congregational Union of Australia (or the Congregational Church) and the Methodist Church of Australasia, joined to form the Uniting Church in Australia. There is quite a history in regard to the Presbyterian Church.

In regard to the history of the Congregational Church in Australia, there was a Thomas Quinton Stow (1801-1862) who was a Congregational minister born at Hadleigh in Suffolk, England. He was a descendant of an old Suffolk farming family at Stowmarket. He began preaching at 17 and

later studied at the Missionary College, Gosport, under Dr David Bogue, a theologian of great repute and a founder of the London Missionary Society. Stow was a minister at Framlingham, Suffolk, between 1822 and 1825, at Buntingford, Hertfordshire, and at the Old Independent Church, Halstead, Essex, between 1832 and 1837.

On 12 October 1836, Stow was accepted for service in South Australia by the newly formed Colonial Missionary Society and, in an announcement to his people published at Halstead in 1836, he proved that his decision was not hasty:

> Six years ago I wrote a piece in the Congregational Magazine, recommending the formation of this very society which now commissions me with its affairs in Australia.

With his wife and his four young sons, he sailed from Gravesend on the *Hartley* and arrived in South Australia in October 1837. Stow pitched his marquee and preached his first sermon in November and the next month with 10 others he formed the first Congregational Church in South Australia and was elected pastor. Early in 1838, on North Terrace he helped to build a temporary place of worship with gum wood posts, pine rafters and reed thatch.

At the request of some leading colonists, he opened a daily classical academy, thus beginning higher education in the colony. He was very much a forward thinker. In December 1839, the foundation stone of a new Congregational chapel was laid in Freeman Street. Opened in November 1840, it had a heavy debt which caused Stow much embarrassment during the Depression years, and he supplemented his income by farming a property on the River Torrens which happened to be named Felixstow.

Stow was responsible for forming many new churches, recruiting and training several ministers. He was the first chairman of the Congregational Union of South Australia in 1850, and he did much to foster friendly relations between all denominations. He was appointed to the first board of education in 1846 and served on many other public committees, always ready to promote moral, social and intellectual progress.

As the outstanding preacher in early Adelaide, his firm stand against state aid to religion had a powerful influence from 1846 until the grants were abandoned in 1851. He had many sermons published. He had a heavy workload and his health suffered. After being in the ministry in Adelaide for 19 years, he resigned his pastorate in September 1856. In 1862, he went to Pitt Street Congregational Church on a temporary engagement. That is some of the history of the Congregational Church and its start in the world and arrival in South Australia.

Methodism, as many people would know, was begun by John Wesley within the Church of England and became its own denomination by 1796. By the time of European settlement in South Australia, it had divided into several streams. The Wesleyans, Primitive Methodists, Bible Christians and Methodist New Connexionists all came to the colony, and this was how the Methodist Church was split until 1900, when they all amalgamated over 100 years ago.

The first Methodist church service was held at Glenelg—in the seat of Bright, I would suggest—on 2 January 1837. In that year, a Wesleyan Methodist Society was formed, and in 1838 the first Methodist church was built in Adelaide and opened in Hindley Street. In August, the first minister, William Longbottom, arrived in Adelaide. He had been shipwrecked while sailing from Hobart to Perth. The first Primitive Methodists service was held in 1840 and the Bible Christians followed in 1849. Over time, all these churches expanded.

Methodism had a presence in pretty well every community in South Australia, and during the 1850s the Wesleyans built substantial churches throughout the city. They were certainly involved in Prince Alfred College, Way College and Methodist Ladies College (which was Annesley College from 1977), and Westminster School was established by the Methodist Church. The Wesley theological college dates from the 1920s, and from the 1930s the church has developed numerous aged-care facilities, with many generous benefactors.

As I indicated before, my father was a lay preacher for around 60 years. In many rural districts, church communities were begun by lay preachers in their own homes, developed into churches, and an ordained minister was responsible for the circuit. By 1901, Methodists comprised one-quarter of South Australia's population, the highest proportion of any Australian state. By the

end of the 19th century, Methodism had become a comprehensive community, embracing wealthy city businessmen, pastoralists, settlers on the land, Cornish miners and professional people. As I said, the branches of Methodism were all amalgamated on 1 January 1900, mainly on Wesleyan terms.

It is interesting that in the history of the church there are obviously amalgamations over time, with people with very similar beliefs getting together for the betterment of the group. I note that the Uniting Church formed on 22 June 1977. In either 1970 or 1972 (I would have to check), we had the new Coomandook United Church, so I would like to think that Coomandook was leading the charge almost, but it was only because the Coomandook United Church was the combination of a church at Ki Ki (just a few kilometres down the road) that went out of service and Coomandook Church, which came on board when they built a new building.

The old church, Parkin Hall, was built on the aptly-named Parkin Hall Road which runs behind our property. I actually attended that church in my early days and went to Sunday school there, although the church has long since been demolished because everyone was afraid it would be vandalised, but I still think that was probably a bad move; nearly all the stone ended up in a heap on our property, so we have remnants of the building there. However, I am proud to say that my and my wife, Sally's, wedding was the last to be held on the site and that we took our vows facing the farm—it was quite a moment for me personally.

In regard to the amalgamation, The Uniting Church in Australia Act 1977 came about because of the amalgamation of the Congregational, Methodist and Presbyterian churches. It was necessary to make sure that the churches had the statutory authority to unite and also to establish the appropriate property trust to hold all the property of the then new Uniting Church. The trust activities would remain entirely under the control of the synod.

It is interesting that, at the time, there were strict laws about age limits for members of a trust. At that time, it was a 70-year age limit. I would like to think that probably 90 is the new 70. I would like to think 50 is the new 35.

The DEPUTY SPEAKER: It is.

Mr PEDERICK: It is.

The DEPUTY SPEAKER: My rule!

Mr PEDERICK: Thank you, Madam Deputy Speaker. I guess we would all like to think we are a bit younger. I just see that this is very sensible legislation. This age restriction involved here is outdated. It no longer reflects the values of the church or the general community's expectations.

I know that a letter from Mr Peter Battersby on behalf of the church went to the Attorney-General seeking the age restriction to be deleted. The church had conducted a review of the trust generally and, as a result, identified the need for reform. I note that the deputy leader has consulted with Dr Deidre Palmer, who is the moderator of the Uniting Church, and Mr Peter Battersby, and they have indicated their full support for the bill.

This is a hybrid bill, so it will have to go through the committee process with the member for Hartley and me from this side going on that committee, and there will be members from the other place as well. It certainly shows that, over time, needs have changed and communities have changed.

As I explained in my earlier comments, there have been amalgamations over time between various churches, and I suppose the biggest one was in 1977. You did not just have Methodists combining when the four lines of the Methodist Church amalgamated a lot earlier: you had the Methodist Church, Presbyterian Church and the Congregational Church getting together. It is to be noted that, as the deputy leader said in her contribution, some churches were not happy about the amalgamation and some communities have stayed out of it ever since.

It is a little bit sad. It is a bit of a sign of the times in rural communities especially that there is change and, certainly, things have changed in my little community and my home town of Coomandook. Last year, the church became a gym, so I guess you can pray while you are exercising—pray you lose some weight! It is great to see how the community, knowing that they had

a declining church population, utilise the actual building. It is still made available for church services, especially at Christmas time and Easter and things like that if people so require.

With those few words, I certainly support the bill. It is interesting to watch the history of religion over time. I think this is just a sensible piece of legislation to take the age limit away and bring this legislation into the modern century.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge that we have with us in the public gallery today a group who are the guests of the Hon. Stephen Mullighan, the member for Lee. I hope that they enjoy their time with us today. We welcome them to the parliament and thank them for their interest. I call the member for Schubert.

Bills

THE UNITING CHURCH IN AUSTRALIA (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

Debate resumed.

Mr KNOLL (Schubert) (11:34): I also rise to speak today about this bill before the house and to go through some of the good work of the Uniting Church and its presence in my electorate. First, I want to take a couple of steps back and state that I did not understand sectarianism in any degree before I joined the Liberal Party. I am a Catholic boy through and through, having had a Catholic education from reception right through to finishing high school. In my eyes, I thought everyone was a Catholic. I thought that was the only Christian religion there was. But can I say that joining the wonderfully diverse beast that is the Liberal Party helped to open my eyes. As a German Catholic, I have never been called a filthy Mick—

Mr Duluk: It's Roman Catholic.

Mr KNOLL: Roman Catholic, thank you member for Davenport. I have never been called a filthy Mick, but it is a term that I now understand exists. I have been reading through John Howard's *The Menzies Era* and he talks about the issues of sectarianism and how Catholicism shaped the Labor Party for decades. It is quite interesting to see that there was a time when these things were controversial. It is also a happy coincidence that today is St Patrick's Day. It is a fantastic day. I notice a lot of green in the house, and not just because this is the House of Assembly; I see a lot of green ties and green shirts and I think that is a great thing.

Today also happens to be my wedding anniversary. It always makes it very easy to remember when I see photos of shamrocks and people in green hats on Facebook. I say, 'Okay, it's time to buy a bunch of flowers,' which I did today.

An honourable member: Green?

Mr KNOLL: They were green and white flowers, that's right, all very appropriate. I would like to thank my wife for her forbearance. She has so far served eight years of her life sentence without parole. She is a beautiful woman who has looked after me and shared my life for a long period of time.

Members interjecting:

Mr KNOLL: That's right. As I bring it back, everybody with a passing interest in the electorate of Schubert will comment often about its strong Lutheran heritage. Some say it is the spiritual, if not practical, home of Lutheranism in Australia, but what is interesting about Schubert is that it is a bit more Christianly diverse than that. Certainly Lutherans are the largest group, with 25 per cent or about 8½ thousand worshippers in the electorate. Anglicans come in second, with about 3,800, then we lonely Catholics come in with about 3½ thousand. Can I say that for our 3½ thousand worshippers we have only one church in Nuri versus about 25 Lutheran churches that exist across the Barossa for the Lutheran population of 25 per cent. However, we worship in our beautiful, modest little 1960s simple brick church with Father Mark Sexton, who does a great job. Then comes the Uniting Church,

with just under 3,000 followers. It does make up a larger proportion of my electorate than I would have thought and it also probably has double the population compared with the rest of the state.

The churches' main populations are in the towns of Angaston and Tanunda, which share service times and resources, Nuriootpa shares its service time with Truro, which is in the beautiful electorate of Stuart, and they also have smaller townships of Williamstown, Mount Pleasant and Sandy Creek, which are smaller congregations. But what I liked, and this has very much been my experience with the Uniting Church in Schubert, is that on each of the congregation websites there is a warning: that upon coming to a church service you will be greeted by a warm handshake and a smile as wide as the surrounding countryside. I think that is a beautiful attitude and certainly one that I have experienced in my time as the member for Schubert.

Whilst small in number, these congregations are strong in faith and community spirit. There is also a church building at Greenock which, since 2007, instead of having congregational services, operates as an outreach program called Greenock Connections. Greenock Connections has a part-time coordinator and, as is usual in the regions, a willing and dedicated army of volunteers running community activities, such as a coffee shop, children's activities and a specific bike-friendly program that encourages primary school students to ride with their parents.

The previous member for Schubert, in one of the sage morsels of wisdom that he bestowed upon me when taking up this job, said, 'Stefan, whatever you do, don't upset the pastors. I wonder whether or not, in his history, he may have, being the strong Methodist that he was, but I took his advice. On getting elected to parliament I got a list together of all of the pastors, reverends, priests and fathers in my electorate and brought them all together to hear their issues and to catch up with them and to build a bit of a connection and a relationship. What really struck me—something that I did not think would happen—is how connected they are to their communities, and the Uniting Church is certainly very much a part of that.

They are at the coalface dealing with a lot of family issues, dealing with heartache, death, birth, marriage, and the whole life cycle that ties into a person's life experiences through the eyes of church clergy. They were very good at being able to help me identify issues that exist in Schubert, and I am extremely grateful for that. I am especially extremely grateful to a beautiful woman called Reverend Christine Manning, who is the local reverend for the congregation known as the Barossa Uniting Churches. I have met Christine on a number of occasions, either at ecumenical services to mark the ANZAC centenaries and the centenary of the First World War last year or when she has come into my office. It is fantastic to see Christine is so much a part of her Uniting Church community but also a part of the broader Schubert community. For that I would like to thank her.

Deputy Speaker, I have become very much enlightened about the workings of the Uniting Church in Schubert and also about Christian churches and Christian life more broadly within Australia and its history. Thank you very much for the time to make this contribution.

Mr TARZIA (Hartley) (11:41): Top of the morning to you, Deputy Speaker, on this St Patrick's Day. I note that St Patrick was born in Great Britain, and he was venerated by the Catholic Church, the Eastern Orthodox Church, and also the Anglican and Lutheran churches. It is fitting that we acknowledge him on this special day today. I also rise in support of the bill and, like the members before me, I thought it would also be a fitting opportunity to talk a little bit about the Uniting churches in my own electorate.

As we have heard, the bill was introduced by the Attorney-General on 11 February, and it removes the provision which requires that a person over 70 has to retire as a member of the Uniting Church in a property trust. This specifically allows persons who turn 70 to continue to serve as trust members. We have heard that the Uniting Church act was passed in 1977 to make the relevant alterations to state law when the three churches—Congregational, Methodist and Presbyterian—amalgamated. It was obviously necessary to make it clear that the churches had the right authority to unite. We heard earlier how the act also established a trust to hold all of the relevant property of the then new Uniting Church. The deputy leader also alluded to the speech that was made by the attorney-general at the time, Peter Duncan, on 6 April 1977. At that time, there was a 70-year age limit placed on members of the trust.

A number of points are raised in this amendment, but firstly I would like to say that 70 is certainly the new 60. For many people, I have learnt, life begins well into retirement, sometimes around the age of 70. I would like to draw the house's attention to some of the churches in my electorate and how they relate to this bill. We have many churches of this denomination in Hartley, namely, the Campbelltown Uniting Church, the Morialta Uniting Church, and the Kensington Gardens Uniting Church.

The Kensington Uniting Church's website alludes to the fact that many of their followers are perhaps more mature than those of other churches. They are a wonderful little parish. They are fantastic for the community, and they offer a range of worship and faith education services, and pastoral care. For many years they have offered support to children, young families and young adults, and social justice. They have a hall which has been used, I believe, as a community centre in the past. They are quite a wonderful little parish and for them I think it would certainly be relevant to at least lift this threshold so that, if members over the age of 70 wish to serve in this capacity that we are talking about, they are able to do so.

Then there is the Campbelltown Uniting Church, ably led by Reverend Douglas Monaghan. He is a wonderful gentleman and, let me just say, you could never meet a more warm, accepting and tolerant church. They are accepting of a wide, diverse range of people, they have a wonderful community focus and they also engage in many outreach activities. They have members of their church who are over the age of 65 and well into their 70s, so for them, too, I think this bill is certainly appropriate.

Then we have the Morialta Uniting Church, which was formed when Magill, Finchley Park, Newton and Rostrevor churches united to form one congregation with two worship centres at Chapel Street, Magill and Bonvue Road, Rostrevor. They are also a fantastic church led by Reverend Steve Thompson. This church is a bit different. They are a little more progressive than most churches of the Christian faith, you could say, but they certainly pride themselves on being committed to providing places where people are cared for, where they are nurtured, where they are sustained and they are committed to the care, protection and safety of all people, especially children and young people. There is a beautiful community garden across the road from that church so they offer a wonderful service to the community.

I have always felt extremely warm towards not only that church but all the Uniting churches in my electorate, and I think this bill is quite appropriate. At the moment section 11(4) of the act, as we have heard, states:

> No person who has attained the age of seventy years shall be eligible for appointment as a member of the Trust.

With our current values, it is relevant that this bill amends the current act. It is a little outdated and our values have certainly changed. People are living longer and people are doing more in their retirement so it is only natural that these sorts of laws are amended to reflect the greater wishes of the broader community. I think it is much more in line with community expectations that we move this bill and, accordingly, I commend it to the house.

Mr TRELOAR (Flinders) (11:47): I rise today to make a contribution and indicate that we support the bill to amend The Uniting Church in Australia Act this year. The amendment bill was instigated by the Uniting Church and it is a bit unusual in that it is a hybrid bill and, ultimately, goes to committee as a result. I have sat on a hybrid bill committee in the past. Interestingly, it was to do with the amendment to the Prince Alfred College constitution which ultimately relates very succinctly back to this bill as well.

The original act, as has been mentioned, that established the Uniting Church in Australia was enacted back in 1977, and they would have been interesting times no doubt. In a way, I was part of those times because I was at a Methodist school and, of course, we lived through that not knowing the great legal and theological debates that were going on behind closed doors, no doubt, between three significant non-conformist Protestant churches in this state. The Congregationalists, the Methodists and the Presbyterians managed to come together and it could not have been easy because, as I said, there would have been many hurdles, many late-night meetings and, looking

back at the original legislation, it is quite a piece of work. The history of the various churches in the state has been well documented by the member for Hammond and other contributors today.

It goes without saying that those three churches (the Congregationalists, the Presbyterians and the Methodists) formed a significant body of the South Australian population from the very early days. The member for Hammond mentioned that there was a Methodist Church service as early as January 1837, which of course was just a month after the first landing down at Glenelg. The Methodists got underway very quickly, and the others would not have been far behind, no doubt.

When copper was discovered, first at Kapunda, then at Burra and later in the Copper Triangle, lots of Welsh and Cornish came to South Australia, particularly to take part in that mining boom to mine copper, and they were essentially Methodist. Add to that the Scots, who were Presbyterian, and the Congregationalists—I am not so sure where they fitted in; they would have been a group of fewer people. They were all very much a part of the early days of this state.

As I said, I lived through those times. When I was there, Prince Alfred College was a school of the Methodist denomination. In 1977, when I was in year 11 (I am giving my age away here) it was under the Uniting Church. We did not see a lot of difference. The school colours stayed the same, as did the school uniform, but I remember that we had a new hymn book. We moved from *The Methodist Hymn Book* to *The Australian Hymn Book*.

Mr Duluk: The same Wesleyan hymns, though.

Mr TRELOAR: They still sang Wesleyan hymns for the most part, but not all, member for Davenport. There was a time when I could sing all those Methodist hymns without the hymn book; I am sad to say I cannot do that anymore. We do commend the bill, which, in essence, attempts to change the constitution for the fact that there is a 70-year age limit placed on members of the trust of the Uniting Church of Australia.

As has been mentioned, 70 has become the new 50, 55, 60 or whatever it might be. It is not consistent with public policy at the moment. It is not consistent with public sentiment to have 70 year olds forcibly retire from their positions. We all know that, at 70, many have good health and great experience, are still very active in their communities, and can still make a great contribution. The Uniting Church has recognised this and seeks to amend its constitution to reflect that.

Others have touched on the work of the churches within their communities. I do not know, off the top of my head, how many Uniting churches there are in the electorate of Flinders. I would suggest that, at one time, almost every little community built a Uniting Church. When I was growing up in my hometown of Cummins, there were four traditional churches: a Catholic Church, an Anglican Church, a Lutheran Church and a Uniting Church.

In fact, my parents were married in the Cummins Methodist Church, as it was. Those four denominations made up the bulk, I think, of the South Australian community, particularly the rural community, for a good part of our state's history. An interesting place, Cummins; we have six churches now, and one hotel. I am not quite sure what that says about the place. It says something—

Mr Pederick: Bible belt.

Mr TRELOAR: 'Bible belt'—maybe, member for Hammond. We commend the bill. I congratulate the Uniting Church on its foresight and its efforts to engage everybody within its umbrella.

Mr SPEIRS (Bright) (11:53): I will keep my remarks quite brief, because I do know that the Deputy Premier wants to continue on with the bold legislative agenda for today. The Uniting Church bill which is before us provides the opportunity to reflect on the role of the Uniting Church in South Australian communities broadly, as well as the significant role churches of all denominations play in shaping, supporting and developing the communities which they are part of.

There are three Uniting Churches in the seat of Bright: at Hallett Cove, Seacliff and Brighton. All play important roles in their respective communities. The Brighton Uniting Church is led by the Reverend Dr Graham Vawser, and the Seacliff Uniting Church is led by the Reverend Peter Moss. In Hallett Cove, we recently welcomed a new minister at the Uniting Church and farewelled the Reverend Craig Scott and his wife, Sandra, who have dutifully served the community for many years.

The Reverend Scott's tenure at Hallett Cove Uniting Church was one characterised by committed community service even in the face of significant personal challenges. In 2013, Reverend Scott was diagnosed with lung cancer and endured the difficulties of the treatment for that disease, which he ultimately overcame. I wish Craig and Sandra well for their future, and thank them for the service that they have given to the community for many years. I would also like to take this opportunity to welcome Pastor Esteban Lievano and his wife Kemeri to their roles in the church.

I have personal experience of the good work that the Uniting Church does beyond the church buildings in its communities, particularly through the organisation of Resthaven, the church's aged-care provider, which my wife worked in for four years. It is an excellent example of the influence that church-based organisations can have in the service sector within our communities, often showing that they can stretch the public dollar quite a bit further than government institutions might be able to and certainly provide a very significant role within the service sector.

We often hear comments about the need for separation of church and state, but I believe that sometimes this can be a bit overplayed and has the potential to underdeliver for the South Australian community. While obviously we do not want churches exerting undue influence over political matters, there is something to be said for the church and state working together for the betterment of our communities. Churches often have strong links into areas of need in our communities, and political leaders can connect with churches to tackle these needs. Political leaders enjoy a unique role where we have connections with many organisations in the areas we represent and can often join the dots supporting churches to make the connections that they require to address need.

The member for Mitchell and I work together to host a twice-yearly church leaders' breakfast in which we bring together over 40 church leaders and school chaplains to eat, connect, talk, and understand each other's priorities. There is no agenda for these events, no political overtures; quite simply, we provide a forum in which people who do similar work serving our community can build relationships. It is a good event and a good example of the church and the state working together in an informal and successful way. Politicians should not be afraid of working with churches to meet their communities' needs and, similarly, churches and church leaders who balk at connecting with local community leaders are equally at fault. We can strike an appropriate balance here, and we should be endeavouring to do so.

I just want to take a moment to provide some insight into some of the great community work that the churches in my community are undertaking at the moment. I note the phenomenal work undertaken with Edge Church International, which serves the southern suburbs and which is in the member for Mitchell's electorate, but which is a catchment which stretches well into Bright. This church's community-based activism changes lives on a daily basis and I commend their upcoming event Ride for Hope, to be held on 9 May 2015. This event aims to raise $1 million for WorldVision, Transform Cambodia and the Childhood Cancer Association in one day, an example of the impact a church can have when they cast a vision, connect with their community and energise people to be part of something.

Other churches in my electorate that I would like to mention include the Hallett Cove Lutheran Church, led by Pastor Kevin Wood, and Hallett Cove Baptist Church, led by pastors Richard Jensen and Carolyn Atkinson. Both churches, which are side by side on Ragamuffin Drive at Hallett Cove, are about to see their precinct reactivated with the opening of the new Cove Civic Centre and the creation of a wonderful community plaza connecting the two churches with the new community centre, library and business enterprise hub.

There exists a great opportunity for these churches to connect with their community through this new facility and through their shared-use car parks, open spaces and plaza area. I look forward to working with the Hallett Cove Lutheran and Baptist churches as they work to maximise their outreach activities with the development of the community centre. Both churches are already involved in many community activities, including the incredibly successful annual carol service of combined churches held at Pavana Park at Hallett Cove.

The local Catholic Church diocese, led by Monsignor Ian Dempsey, has campuses at Hallett Cove and Brighton. Last Friday, I had the opportunity to attend the Men's Shed at Brighton Catholic Church, following an invitation from parishioner and Men's Shed member Brian Skeates.

The Men's Shed is yet another example of the brilliant community outreach that churches can develop and the important sense of community that they can build. They are a group of 20 or so men who meet each Friday, some with a church background, some without. They have spent the last couple of years working to redevelop the church's memorial garden, which is now a fantastic reflective space within the church precinct. After they finish their work, they spend time chatting and enjoying fellowship in the shed, which includes a delicious barbecue on the first Friday of each month.

Churches are not perfect. They will make mistakes and often will end up in the headlines for the wrong reasons—quite like politicians, in many examples, I note. But they are vital institutions within our Judaeo-Christian heritage, and they have a lot to give. Their activism and ability to build community should not be underestimated. They have opinions which we as political leaders should be attuned to. We should work alongside churches, building up what is good about them and giving them the confidence to work with us.

The Uniting Church stands as a symbol of what can be achieved when churches come together. In the case of the Uniting Church, this coming together was in a very formal, structured amalgamation but, regardless of the fashion in which this occurred, the Uniting Church is an enduring example of community action and the ability to impact many hundreds of thousands of South Australians throughout its history. I commend the legislation to the house and indicate my willingness to support it.

The DEPUTY SPEAKER: Before I call the minister, it is unfortunate that my being in the chair today prevents me from mentioning my own excellent Uniting churches in Modbury and Para Vista and also, in passing, that Muriel Matters was a strong Methodist. Minister.

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, Minister for Child Protection Reform) (12:01): It is a shame, Deputy Speaker, that you were not able to refer members to those matters. I am overwhelmed by the support that has been received by this bill in the parliament. It would normally be my style to make some sort of summary of the matters that have been offered, but they are so comprehensive and so all-encompassing that any words I might offer would pale in comparison. In recognition of that fact, I would say nothing, other than to say that I move that the bill be now read a second time.

Bill read a second time.

The DEPUTY SPEAKER: Based on the precedents established by the house, the consistent application of the joint standing orders and the principles that guide the consideration of such bills, I rule officially the bill to be a hybrid.

Referred to Select Committee

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, Minister for Child Protection Reform) (12:02): I move:

That the bill be referred to a select committee pursuant to joint standing order No. 2.

Motion carried.

The Hon. J.R. RAU: In order that we can hear more of the interesting matters we have heard of already this morning, I move:

That the committee be appointed consisting of the member for Giles, the member for Hammond, the member for Kaurna, the member for Hartley, and the mover.

We have not yet heard from Mr Hughes, but we have heard from Mr Pederick. I am hoping to hear from Mr Picton, but we have heard from Mr Tarzia.

Motion carried.

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

That the committee have power to send for persons, papers and records, to adjourn from place to place, and that the committee report on 6 May.

Motion carried.

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

That standing order No. 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication, as it sees fit, of any evidence presented to the committee prior to any such evidence being reported to the house.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

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

Motion carried.

JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 February 2015.)

Mr KNOLL (Schubert) (12:06): I rise today to speak on the Juries (Prejudicial Publicity) Amendment Bill 2015 and note that I am not the lead speaker on this bill because we have already had one. I have great respect for the Attorney. I have said nice things about him previously that I do not wish to repeat because it seems that they go to his head—it goes to his head.

Mr Gardner: He's an excellent movie critic.

Mr KNOLL: That's right.

The DEPUTY SPEAKER: Order! Everything had been really good until the member for Morialta returned to the chamber. You are being noticed, sir.

Mr Gardner: I was saying nice things, ma'am.

The DEPUTY SPEAKER: You are being noticed, sir. The member for Schubert is entitled to be heard in silence.

Mr KNOLL: Thank you, Deputy Speaker. Interestingly, though, that more legal legislation is brought before this place—and it does seem that that is the lion's share of what is happening—either suggests that other ministers maybe need to lift their game or that the Attorney is overzealous. I do think that perhaps it is a bit of the latter. Certainly, this bill seems to me to be quite a blunt and heavy-handed approach to the way we deal with criminal prosecutions in South Australia.

The bill amends the Juries Act 1927. Section 7 of the act sets out the provision for trial by judge alone. The bill will enable the court to order, in criminal trials, that the case be heard by judge alone when an application to stay the case on the ground that there has been prejudicial publicity sufficient to threaten a fair trial has been made.

There are time-honoured principles in the law which respect and demand that a person have the right to trial by jury in serious criminal cases. We have had a look back and reviewed a number of notorious murder cases over the past four years where the murder has generated headlines, and the claim that this bill is necessary to ensure a fair trial really does not stack up on the evidence as we have been able to have a look at it. That does seem to be quite consistent with my own thinking and my own delving into this matter.

The loss of a right to a jury trial is significant. The Law Society has pointed out that for centuries trial by jury, including the requirement of a unanimous verdict, has been the hallmark of the criminal justice system. Obviously, in the 21st century we feel that we can do away with these things, and that we now come to a point where we think that we need to get rid of trial by jury.

It is interesting that we have a media which responds and deals with reporting on matters such as this in a certain way, and a lot of the time they are responsible; sometimes they are not responsible. Having said that, an interesting effect I think this bill will have, and something again the Law Society talks about, is that the media will not feel constrained by the fact that we could see an

increase in socialisation of reporting if we have trial by judge alone because the media do not feel that they have to show necessarily any restraint.

It is also interesting to note that in a case last year where a Families SA worker was charged (and I believe that is a case that has been brought up and talked about) there was a suppression order on that case. I find it interesting that, in the modern age, where we have significant social media, communication and the way in which we communicate has changed but, in essence, it really has stayed the same—and I am referring to social media, and that is obviously something that the Attorney is talking about, the fact that the proliferation of social media may increase the ability of juries to be, I suppose, persuaded by what is happening out in the public sphere.

Social media is no different, in this instance, from the gossip that used to happen amongst smaller communities. There is this idea that because the mode of communication has changed, whereas maybe the message itself has stayed the same, therefore we now need to have a complete change. I do not really buy into that argument. I think that we have a responsible and mature society, and I believe that the principles under which we have had trials by jury is a principle worth upholding and one which is still relevant very much today.

I would like to talk about a couple of experiences that have happened in my family. Both my oldest brother and my mother have served as jurors. My brother had a very significant case which took him away from the family business for what was about six weeks in the end. He did not want to talk about the case, and he took his responsibilities extremely seriously. Even though it was at personal cost to himself and to the family business, he was very proud about the fact that he could participate in democracy in this way.

It was only a couple of months after my brother had served on a jury, my mother was also asked to serve as a juror and, again, she took that responsibility extremely seriously. For her, it was less of an imposition because she works in the Central Market and wandering down to the courthouse was a lot simpler process. My mother will be upset by my having mentioned this but I think that it bears mentioning, but she did remark to me one day, 'Stephan, I think that I'm a really good juror. How do I sign up so that I can do it again?' I had to sit down and explain, 'Well, no, mum, you don't get to choose whether or not you're a juror, you get selected as a random member of the public.' My mother was quite upset by this because she figured that she had a set of skills. She is certainly an intelligent women and would have made a fantastic juror. She really thought that this was one way in which she could contribute to our society, and she was very upset by not being able to do it as often as she wanted.

We on this side of the house are certainly going to oppose this piece of legislation. The conservative in me suggests that we understand that trial by jury is a principle which is used to get closer to the correct verdict more often. We are a mature society, and we should treat jurors as intelligent people who are able to take into account what is right and what is wrong, what should be considered as part of a case and what should not be considered as part of a case, and to trample on that principle because modern communication techniques have changed I think is disappointing and, on that basis, I oppose the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (12:13): First of all, the member for Schubert, when he struggles with the conservative within should not always let the conservative within win because there is another side to the member for Schubert, which I have seen occasionally glimmer out, where he resists those conservative temptations and marches up towards the bold sunlit uplands and embraces change, just like many members on this side do.

I just want to place on the record a few important facts about this matter. The fact is that we do live in a time when communications have changed and were we simply dealing with the conventional print media and the conventional radio and television moguls, then the risk of this sort of thing happening would be marginally less because they are already covered by things. In the case of sexual offences involving young people, for example, there is section 71A of the Evidence Act, and mandatory suppressions. They are also mindful of the fact that if they misbehave themselves they may wind up in contempt of court, and nothing we are suggesting here would change that.

However, what we are confronting now is a bunch of people who are out there Instagramming, Facebooking, Twittering—and there is probably a number of other different things that I do not know about; in fact, I would put money on the fact that there is certainly a number of others I do not know about. People are just out there putting what could be complete rubbish into the atmosphere, which is picked up by God knows who, who give it God knows what level of credibility. It is a completely different proposition to what used to be the case.

I think the member for Heysen and I also share the view that the media does not always act responsibly, even if we are talking about the conventional media. Some of their—

Ms Redmond: No, I think the media don't ever act responsibly.

The Hon. J.R. RAU: I am prepared to almost embrace that; I think we have some real issues. Whatever you think of the conventional media, this other phenomenon is even less responsible and not accountable to anyone.

I just want to make a couple of comments. First, there is the need for it since the case of Dupas v The Queen in 2010, where the High Court actually set a very high bar for the successful application by a person for a permanent stay of proceedings because of prejudicial publicity. This amendment is intended to fill a gap: that is, there is currently nothing between a jury trial with directions and a permanent stay, there is nothing in the landscape at all.

The second thing is regarding the loss of a right to a jury trial. Bear in mind, member for Schubert, that this is not going to be rolled out every five minutes: this is going to be an extremely exceptional and uncommon case. The problem is that if we then try to remediate the problem at the point in time where such a case is on the boil, that causes another problem altogether in the sense that the parliament is, in effect, legislating in the context of one matter, and it is very difficult to conclude that you are not legislating for that particular matter. This is an attempt to—

Members interjecting:

The Hon. J.R. RAU: I do not think that is the best way to do things; I accept that. If you like, this is a prophylactic measure against something occurring in the future. Characterising this bill as eroding the right to a jury trial is just not correct. There is, for example, no constitutional right to a trial by jury at a state level: it is actually conferred by legislation. Incidentally, in other states of Australia people still have trials by jury in civil matters, and no-one is wandering around saying that the fact we do not have that is some fundamental erosion of rights.

The order can only be made if an accused has made an application for a permanent stay of proceedings and—this is important—the only time this order can be made is if the accused presses the button and says, 'I want to have a stay of proceedings.' Presumably, therefore, they have concluded that they no longer want a jury trial due to the effect of the publicity. To put it another way, the opposition is very keen to defend the right of an accused to have a trial by jury in the rare case that the defendant applies successfully not to have any trial at all. I will say that again because that—

Mr Knoll: That's convoluted advice.

The Hon. J.R. RAU: It may be convoluted but it is so pithy.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: What the opposition is pursuing is to ensure that the defendant has the right—they want to defend the right of an accused to have a trial by jury in the rare case that the accused applies successfully not to have any trial at all.

Ms Chapman: Hear, hear!

The Hon. J.R. RAU: Well, respectfully, we have to agree to disagree because in that rare circumstance they should not be able to evade the justice system by being so cute and clever that they apply not to have a trial by jury because it would not be fair, and the outcome is they do not get any trial at all.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order! I'm asking the deputy leader—

The Hon. J.R. RAU: No, they can apply if they wish and they takes their chances.

The DEPUTY SPEAKER: The book is out.

The Hon. J.R. RAU: They take their chances.

The DEPUTY SPEAKER: The book is out; that's it.

The Hon. J.R. RAU: They apply, they are successful, the court may say, 'Well, fair enough, you can still have your trial but judge alone.' The odds of a successful stay are very small, and I do not get away from that at all; however, if it were to occur and such a thing were to happen, we should have this provision on the statute book. The effect would be that it does not affect any of the contempt of court provisions; this is to remind those who report on criminal charges that they can still be charged with contempt if so required.

It does not affect the ability of a person to apply for a stay. They can still apply for a stay. If you look around the country, at the commonwealth level it is a different situation because there is a constitutional requirement in respect of a trial by jury and, of course, the commonwealth is not the primary criminal jurisdiction of the commonwealth.

In Queensland, there is section 615 of the Queensland Criminal Code which commenced operation on 19 September 2008. That section allows a judge to make a no jury order in certain circumstances, including where there has been prejudicial pre-trial publicity. That section is, in fact, broader than the amendment contained in this bill but the no jury orders for prejudicial publicity have the same general concept.

There are four unreported cases about the making of no jury orders where there has been prejudicial pre-trial publicity. They are: Massimo Sica, 2013; Jayant Patel No. 4 2013 (I think we know who Mr Patel might be); Kissier in 2011; and Mr Robert Fardon 2010. If I am not mistaken Mr Fardon is a person who was a repeat offender in the paedophile area. All of these cases illustrate the difficulty of achieving successful application for a no jury order.

It seems to me that there is no harm done by this legislation and, in fact, in the event of somebody being in a position where they think they might be able to take advantage of this we need something like this in place to make sure that they still meet the prosecution case that is being put against them. At the moment it could be a person like Mr Liddy, for instance, who has received a great deal of publicity. If he were to be charged with another offence and have to go through the system, I am sure there would be at least some consideration as to whether the public view of him was so—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, but I am just saying that if he were to come up again—or Mr von Einem, for example. My point is that this can happen and in these cases we say the circumstances might mean that a person never ever has to meet the charges against them because they get a permanent stay of proceedings. That is not in the interests of justice.

In those rare cases where such a thing might happen, at the initiative of the accused person—this is not at the initiative of the Crown, this is at the initiative of the accused person because they are asking for the stay, not the Crown—we are simply saying here that, if an accused person says, 'I have been so contaminated by or so dusted up by publicity that I don't think I can get a fair trial,' and if the court is minded to actually grant a stay, they can say, 'Well, given that you've applied for this and given that a stay might be on the agenda what we'll do is with judge alone, so you still get to be heard in court.' I cannot see how that is a worse outcome than possibly having a permanent stay and that person never being put on trial and the public having that person either convicted or acquitted. I just do not see how that is a better proposition.

I accept absolutely that this is not going to be the sort of matter that will be in the courts every day. But, mark my words, this will come up at some stage, and when it does come up and there is the inevitable howl from various quarters, including I suspect some people sitting not too far from me

about how outrageous this is that some awful miscreant is not being put on trial, I will quietly refer them to the leather bound pages of *Hansard*.

Ms Chapman: There aren't any!

The Hon. J.R. RAU: Alright, well the unbound pages of *Hansard* on the computer machine, and I will say to them, 'There was a day when we all had the opportunity to put the prophylactic measure in place, to have the stitch in time,' and I will say, 'Ye of little faith—those who let the conservative within mug them—have failed the people.' We will have what undoubtedly would be a person charged with very serious offences potentially getting a permanent stay because there is no other way of dealing with the matter, because this would prevent the legal cul-de-sac into which that person would be put, being an end of the matter. This would mean that that person would never be permanently in that cul-de-sac. It would mean this person could actually get a trial and their case be disposed of one way or the other.

I accept that this will not happen every day—I accept that—but, nonetheless, it is an important piece of housekeeping. As the all-pervasive nature of the new media in particular becomes worse and worse and worse (and I use the word 'worse' deliberately), the risk of these sorts of problems emerging becomes greater and greater and greater.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: Attorney, why did you not consult with the law reform commission on this bill?

The Hon. J.R. RAU: Well, first, there is no law reform commission. If the member for Bragg is talking about the Law Reform Institute, which is a body that is a joint venture between the Attorney-General's Department, the Law Society and the University of Adelaide, I think it is important for me to explain that that body occasionally does project work. The work is done as and when it feels it is able to do that work, and whether or not they choose to do work is a matter for the board, the governing council or whatever is its formal title. It is a matter for them to choose. I have used them on occasions to do project work on the basis that I have made a suggestion to them: would you be prepared to look at this or that? They have a meeting and they either decide yes we can or no we cannot, and that depends on whether they have a number of people interested, whether they have resources and various other things.

It is not my practice normally to refer matters to them, and up until now what I have been asking them to look at for me (and on one occasion I think they have actually asked me whether I was happy with them looking at something), are things which, in the ordinary course, would not have been high enough up the list of priorities for me or the legislative services people in Attorney-General's Department to get the time to focus on, and this was not one of those things. This was something I thought was a matter that was pretty clear and self-evident. This progressed as did many of the other things that happened in terms of the agenda of AGD: they go through our internal policy process, they go to cabinet, they go to parliamentary counsel and they come here.

Ms CHAPMAN: Regarding the Chief Justice of the Supreme Court and Chief Judge of the District Court who, of course, oversee courts that utilise the juries, we have no information from them as to what their view is. Is there any reason why they were not asked to present an indication one way or the other as to whether this was a good idea?

The Hon. J.R. RAU: I cannot recall specifically off the top of my head whether I had a chat with them about it—I think I did. I think I spoke to the Chief Justice, certainly. As for Senior Judge Muecke—I am not quite sure. I think it is generally the case that the courts are now taking the approach that there are things which are a matter of policy; they are essentially a matter for the executive government, and I suspect this may be very much one of those things as far as the courts are concerned. I am advised that we have sent a copy of this to them and received no response at all.

Ms CHAPMAN: Regarding the consultation with the judiciary, on the basis that they may have an indication from you, as Attorney, that the government has a certain view or a policy that they propose to implement and that they will not be invited to make a contribution on it and they take it on the chin—to the extent that it is a policy of the government rather than something they would be asked about—are there some criteria which the government applies as to when you would ask them about something and their view on it in respect of any practice of their court, particularly something as obvious as the use of juries which, according to the information from your office, under your hand costs about $2 million a year?

The Hon. J.R. RAU: I think, with respect, the member for Bragg might have misunderstood what I said. We have written to them, I am advised, and provided them with copies of this and made the suggestion that they may wish to comment on it, but my advice is that they have not responded.

The second point is that I do not go around telling them whether something is policy or not. I certainly have never lined them up and said, 'Well, you cannot have a comment on this because it is policy.' That is not part of my thinking. All I was trying to explain to you is that that is part of their thinking. I am quite happy for them to comment on any bill I send them. I am quite relaxed about whether they traverse this magic line of policy or whatnot because that is not one of my constructs.

The point I am trying to make is that, from their point of view—I have had it explained to me on more than one occasion—there are certain matters they do not regard as being matters that are properly within their scope to comment upon because they are matters of policy and therefore for the executive government. You must understand I am explaining to you that is something on which they choose to restrict their comments. It is not something where I tell them, 'I don't want to hear your comment because of that.' Does that make sense?

Ms CHAPMAN: When did you send them a copy of the bill?

The Hon. J.R. RAU: I am advised, as soon as it was introduced in the last session. So, that is last year.

Clause passed.

Clause 2.

Ms CHAPMAN: The suggestion, as reported on 26 February 2015 in *The Advertiser*, is that the plan to introduce legislation of this nature followed the arrest of Shannon McCoole, who I have referred to and the details of whose case we do not need to go into. I do not think he has actually been sentenced yet so, although there is a plea of guilty being referred to, I will not comment about that particularly. But at this point, then, and prior to the introduction was there any consultation with the judiciary?

The Hon. J.R. RAU: I think I have already answered that question. As I am advised, they were provided with a copy of this bill back whenever it was that we first brought it in last year and have been invited to comment on it and, again, my advice is that they have not. Can I just add this: it is my practice that, when we have a bill, either at the time it is introduced or in some instances in preparation of it—bearing in mind that the bill that is introduced into the parliament has to be approved by the parliamentary party and it has to be approved by the cabinet, and the normal progress of things is the cabinet meets on Monday, the parliamentary party meets on Tuesday, notice would be given on Tuesday, and introduction would occur on Wednesday—as a matter of formality the actual final form of a bill is not approved by cabinet until that Monday.

Now, it is certainly the case that as soon as we get to the point of introducing a bill it is our standard practice that it gets sent off to the courts because they may have a view about whether the drafting is okay or whether or not there might be some unintended consequence, and they routinely write and draw our attention to bits and pieces of that nature or whether it will achieve the desired purpose. Sometimes they respond and sometimes they obviously do not feel there is anything they necessarily have to respond about.

Ms CHAPMAN: But on this occasion your recollection is that the time of that process of introduction, or one or two days before, was the first that that material had been provided to the senior judiciary for comment.

The Hon. J.R. RAU: I will make it clear. I have no personal memory of any of this at all because, with the number of times I send stuff out for consultation and the number of times my staff do, expecting me to be able to summon a recollection of these particular matters is just not possible. I am merely advising the house of what I am informed by my advisers. Now, I am not warranting that is the first time. All I am saying is I am told, and I have no reason to disbelieve, that as soon as this thing was tabled in the parliament at some point late last year a copy was sent off to them inviting any comment they might wish to make and that thus far there has been none.

Ms CHAPMAN: And so from July, which is the time of the arrest, and your consideration that this was a good initiative to pursue, you would have continued to have monthly meetings with the Chief Justice and the chief judge, I take it, and discussed issues like the financial position of the courts, development of a new court building, and all the usual things that an attorney would discuss with the senior members of the judiciary. Surely it would not be beyond your wit to say to them, 'Look, I am also thinking about some other reform, not just sentencing reform to try and cut down the court wait list and so on, but I am also thinking about introducing what is going to be a bit novel. I want to be able to address an ill which could happen and this is what I think.' Surely you would remember to tell the Chief Justice that.

The Hon. J.R. RAU: I may well have done. I meet with the Chief Justice, as you say—I do not know if it is six weekly or whatever—and we have an agenda and sometimes we confine ourselves to the agenda and sometimes things move on.

The agenda sometimes is made up of stuff I have put on there, sometimes it is stuff he has put on there, usually it is a bit of both. Whether this was discussed either because it was put on there by me as an agenda item at some point in time or whether it was just a 'by the way', I honestly do not know. I would not be surprised if I had talked to him about it. I talk to him about a great many things—

Ms Chapman interjecting:

The Hon. J.R. RAU: I do not know. I would expect so. If we talked about it and if he had expressed great dissatisfaction, I probably would have remembered that, but I do not remember anything one way or the other.

Clause passed.

Clause 3.

Ms CHAPMAN: In addition to the moneys that are paid, small as they may be, to jurors themselves for a daily attendance rate, the estimate provided by your office of the costs of dealing with juries per year is $2,131,655.76, which is some addition of all the costs of people who are associated with administration staff to manage, empanel, etc., the juries. I think in addition to that are the payments made to the jurors separately, but I am assuming they are fairly minor. How many cases a year are currently being heard by juries?

The Hon. J.R. RAU: I have absolutely no idea; I would have to take that on notice. I make the point that I do not believe that is information that is actually held by the Attorney-General's Department. I think that would be information which would be held by the Courts Administration Authority. I am quite happy to ask them to tell me that; whether they do is a matter for them, because I do not exactly know what they record and in what form. I do not have the capacity to tell them how to do those things. I am happy to ask them, but that is about as far as I can take it. I am happy to ask them.

Ms CHAPMAN: When we asked about the cost of administering juries, that information was provided, under your letter, confirming that the Courts Administration Authority confirmed that information and provided the detail. If you asked them how many cases come before their juries in the Supreme or District courts per year, they would soon be able to tell you. I do not doubt for one moment that that information would be provided, Attorney, and I am surprised that you would even think that there would some kind of incapacity or reluctance on their part.

The Hon. J.R. RAU: I am trying to explain here that I will ask them. If they have it at their fingertips, I am reasonably confident they will give it to me. All I am saying is that they do not necessarily record information for the same purposes as I might be interested in having information

recorded or for the reasons the deputy leader might wish to have information recorded. They have information recorded for their own purposes. I agree with the deputy leader. It is highly likely they have this information easily accessible; I would expect they would. I am simply making the point that I do not know what they have. I will ask them, and I would expect that if they have it I will receive it, and I will be happy to pass it on.

Ms CHAPMAN: In the course of inquiring about that information as to the number of cases—and I am not sure whether this is still the case—I am assuming that juries are empanelled for a fixed period. I have not looked at the Juries Act recently, but it might be 30 days or two months or something of that nature where they have to be available and on duty to do their cases for a fixed period. Could we have an identification of what cases have been heard by those juries as they are then constituted for whatever that period is?

The Hon. J.R. RAU: I am not sure I understand that question.

Ms CHAPMAN: If there are 12 juries that are ultimately operational for the year, i.e., one set of people per month is empanelled and they are on duty—from my recollection, that is how it used to apply. There was a fixed period and a number of jurors would be called in. We would have the usual challenges, they would be selected and then they basically had to be available for a certain period. They might hear four drug cases or they might hear one murder case, and it might go past that time period for which they would normally be expected to be available, in which case presumably the arrangement was that that would continue or they would be called back in or whatever occurred.

I am not sure what the current arrangement is but, for each period that new juries are empanelled, could we have some data concerning how many cases they heard, what was the charge of the case and whether in fact they had a trial or whether in fact it was listed and perhaps a plea of guilty was entered, for example, and then they were no longer required? Can we have that data?

The Hon. J.R. RAU: If I could take the answer I gave the honourable member to her last question and put the exponent to the power of 10 above it, that gives you some idea what answer I think I need to give to that question. I will give you this undertaking, member for Bragg: I am happy to literally take that passage from *Hansard* and send that to the courts and ask them to provide that information.

I am not very optimistic that that will result in what the honourable member may be looking for because I am very concerned that much of the information the honourable member is looking for, in the form it might be sought, is simply not recorded. I am happy to ask the question, as long as the honourable member is clear that I do not have the power to direct them what information to record or how to record it. They do what they do according to their own lights and, if they have that material, I am confident they will give it to me upon making a request.

Ms CHAPMAN: If the information is not available in that form, can the Attorney inquire as to the number of cases that came before a jury in the last 12 months—it can be a calendar year or the financial year, if that is easier—the nature of the crime and the days of sitting before the jury?

The Hon. J.R. RAU: I am happy to try to interrogate the system for answers to all those questions—in fact, I would like nothing more—and I join with the member for Bragg in thinking it would be nice to have answers to all those questions. I will convey those questions but, as I make clear, we are not talking about information that is held by the Attorney-General's Department, so my capacity to influence the information that is being collected or the way it is being stored or the way it is capable of being interrogated is zero.

Ms Chapman: Retrieved.

The Hon. J.R. RAU: Retrieved, yes.

Ms CHAPMAN: In terms of the costs as provided, which are over $2 million a year, is the Attorney able to tell the parliament whether there have been any occasions when the Chief Justice, as the head of the CAA, has presented to you a proposal for the abolition of juries as a cost-saving measure?

The Hon. J.R. RAU: I do not believe the Chief Justice has ever proposed to me the abolition of juries as a cost-saving measure. I think there was an occasion at some stage where there was a

conversation about juries from the perspective of whether the period of their empanelling should be longer or shorter, which I do not think was specifically relating to cost. I would be merely guessing now as to whether it was to do with regional things or what it was to do with, but I have no recollection of any occasion—and I am sure I would—where it has been suggested that we get rid of juries to save money.

Ms CHAPMAN: Have there been any presentations to you by the Chief Justice or any other stakeholder, if I can put it in general terms—Law Society, Bar Association or the like—to amend the Juries Act in any event, on any other proposed amendments?

The Hon. J.R. RAU: Again, these questions are sort of coming without notice, which is fine, but I have no recall of any of those people asking me to amend the Juries Act.

Clause passed.

Clause 4.

Ms CHAPMAN: This clause effectively provides for a trial without a jury—an order of the Supreme Court or the District Court being made to direct that there be a judge-alone trial in a circumstance where the accused might apply for a stay of the proceedings. In the last 12 months, has there been any application in the Supreme Court or the District Court for a stay of proceedings as a result of adverse publicity?

The Hon. J.R. RAU: I honestly have no idea. I can take that on notice and see if we can find out, but whatever the answer to that is, given what I have been trying to explain about this whole matter, it is neither six of one nor half a dozen of the other. The point is basically this: these circumstances will occur very, very rarely. I accept that, and I have said that from the beginning. So, whether there is a number of applications for stays this year, or none this year and four next year or whatever the case might be, is really just not much to the point, but I will ask.

Ms CHAPMAN: As indicated, one of the bases of proceeding with this application was, as you say in the second reading, 'The public's demand to know and the media's determination to sensationalise is ever present.' I do not recall from anything in your second reading that there was a problem with social media or electronic information. Is this a new issue that you have referred to in the rebuttal as something which is important and which you say has a bearing on this?

The Hon. J.R. RAU: I think I have mentioned it before. I would be surprised if there was not some mention of it in the second reading speech. There may not be, but I was stating the obvious, which is that we not only have to deal with the conventional media these days which, depending on your point of view, is either okay or not very okay at all in terms of responsible reporting, but then there is this whole new galaxy of unknown, irresponsible, unaccountable individuals on iPhones.

I am also reminded that, once upon a time, it might have been the case where you could have solved such a problem by changing the venue. So, a matter being heard in Port Augusta, if this occurred, could have been moved to Mount Gambier, and the local people would not—

Ms Chapman: They have television and newspapers in Mount Gambier and Port Augusta.

The Hon. J.R. RAU: I am just saying; that is a very different situation to now, with the ubiquitous mobile phone, which apparently even now comes into meetings. I have even heard of it being used in parliament. This ubiquitous piece of—

Mr Gardner interjecting:

The CHAIR: Order!

The Hon. J.R. RAU: I said I had heard; I have never had it confirmed. This ubiquitous piece of plastic with metal in it is now dominating everything.

Ms CHAPMAN: Also on 26 February this year you were quoted in respect of proposing the laws:

> …following the arrest of Shannon McCoole, who was accused of 'particularly vile allegations of child sexual abuse being made against a child care worker in the employ of Families SA'.

In the second reading debate I and other members raised the fact that on the occasion of the arrest of this particular person, statements were made by the Premier at the press conference, including statements along the lines that the allegations involved acts of evil, which of course became headlines surrounding this case. In the last 12 months, have there been any other cases where someone has been charged with offences that can go before a jury (serious indictable cases) where the Premier has made statements about the arrest and/or charge of these cases?

The Hon. J.R. RAU: The answer to that is a matter of public record. I do not recall any others. I do recall that this was a particularly confronting matter, and I note that the individual concerned has apparently pleaded guilty. However, for the same reasons as the deputy leader, I will not canvass that matter any further.

Ms CHAPMAN: Have you cautioned the Premier against making public statements that could result in sensationalised media reports, as he has referred to?

The Hon. J.R. RAU: I am not quite sure how I can answer that question, other than to say—

Ms Chapman interjecting:

The Hon. J.R. RAU: I do not think we can canvass that.

The Hon. J.M. Rankine interjecting:

The CHAIR: Order! Are we putting clause 4? No.

The Hon. J.M. Rankine interjecting:

The CHAIR: Order!

Ms CHAPMAN: I can hear some squeaking in the background.

The CHAIR: We need to concentrate. We have four minutes to finish this or adjourn it or report progress.

Mr Gardner: She's defying you. The member on your right is defying you.

The CHAIR: You are all defying me this morning.

Ms CHAPMAN: Is there a process where you agree with the police commissioner? I note that we are about to have a new one; I saw that on the front page of the paper this morning. Is there a process where the government has any discussion with the police commissioner before there is an announcement or a press conference on these matters, as to whether the police commissioner takes the run on a matter or whether in fact the government minister should get involved in serious cases where a jury application or an application for a stay may be prejudiced?

The Hon. J.R. RAU: To the best of my recollection, this is a matter which is, as they say in the law, sui generis, and I do not believe that there is an established protocol about how you deal with these matters. They are dealt with if and when they bob up. I do not think it is a situation where there is some protocol as to who says what and so forth.

Ms CHAPMAN: As Attorney, have you made any public statements in the last 12 months in respect of cases where this act would apply? By that I mean in respect of public statements for press conferences and the like regarding these cases?

The Hon. J.R. RAU: I do not believe I have. I am a person of few words.

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, Minister for Child Protection Reform) (12:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:59 to 14:00.

SUPPLY BILL 2015

Message from Governor

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students of Concordia College, who are guests of the member for Unley, and I welcome students from Pennington Primary School, who are guests of the member for Cheltenham.

Petitions

PARA HILLS KINDERGARTEN

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries): Presented a petition signed by 27 residents of Para Hills and greater South Australia requesting the house to urge the government to take immediate action to provide children at the Para Hills Kindergarten on Wilkinson Road with safe and enjoyable facilities to learn and grow.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Adelaide Oval redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011 Report for Period 1 July 2014 to 31 December 2014

Members, House of Assembly—Register of Members' Interests—Primary Returns—Registrar's Statement March 2015 [Ordered to be published]

By the Premier (Hon. J.W. Weatherill)—

Regulations made under the following Act—
Fees Regulation—Public Trustee Administration Fees

By the Attorney-General (Hon. J.R. Rau)—

Regulations made under the following Acts—
Guardianship and Administration—Warrant Applications and Fees
South Australian Civil and Administrative Tribunal—Tribunal Administration
Supreme Court—SACAT Substitution

Rules made under the following Acts—
Legal Practitioners—Education and Admission Council—Amendment No 7
Magistrates Court—Criminal—Amendment No 53
South Australian Civil and Administrative Tribunal—Amendment No 1

By the Minister for Planning (Hon. J.R. Rau)—

Development Plan Amendment—City of Mt Gambier—Local Heritage and Lakes Zone

By the Minister for Housing and Urban Development (Hon. J.R. Rau)—

Regulations made under the following Act—
Community Housing Providers (National Law) (South Australia)—Variation

By the Minister for Health (Hon. J.J. Snelling)—

Regulations made under the following Acts—
Advance Care Directives—Revocations and Referrals
Consent to Medical Treatment and Palliative Care—Resolution of Disputes
Health and Community Services Complaints—Definition of Community Service

By the Minister for Mental Health and Substance Abuse (Hon. J.J. Snelling)—

Regulations made under the following Act—
Mental Health—Scale of Fees

By the Minister for The Arts (Hon. J.J. Snelling)—

Carrick Hill Trust—Annual Report 2013-14
South Australian Film Corporation—Annual Report 2013-14

By the Minister for Disabilities (Hon. A. Piccolo)—

Regulations made under the following Acts—
Residential Parks—Revocation of Regulations
Residential Tenancies—Revocation of Regulations

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Major Events—Liverpool FC v Adelaide United

By the Minister for Ageing (Hon. Z.L. Bettison)—

Regulations made under the following Act—
Retirement Villages—Termination of Residents' Rights

By the Minister for Education and Child Development (Hon. S.E. Close)—

Regulations made under the following Act—
Natural Resources Management—Variation of Regulations—Harvesting

Members

MEMBER FOR BRIGHT

The SPEAKER (14:08): I note that in InDaily, the member for Bright criticised as 'an overreaction' my removing from the house one of his guests who shouted at a member, 'Piss off, you idiot.' The former Speaker, Graham McDonald Gunn, of blessed memory—

Mr Marshall: A sage Speaker.

The SPEAKER: The Leader of the Opposition says 'a sage Speaker'—would have turfed the member for Bright for such insubordination. I am a merciful man. However, the member for Bright's statement is the prism through which I will see any future points of order from him.

Ministerial Statement

RETURNTOWORKSA

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, Minister for Child Protection Reform) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: When we went to the last election we committed to creating a sustainable and affordable workers compensation system for the future. We promised a reform package aimed at delivering better outcomes for injured workers and their employers.

A long period of discussion and consultation with worker, employer and industry groups preceded the creation of the Return to Work Act, which was passed by parliament on 30 October last year, and I once again acknowledge the role played by the opposition in the swift passage of the bill. While the new scheme commences on 1 July 2015, ReturnToWorkSA has already taken up the service reform challenge to improve workers' experience of the scheme and deliver better health outcomes through individualised, timely recovery and return-to-work services.

The government identified the need to change a system focused on early intervention, and that is exactly what has been happening. Early claim triage by mobile case managers and face-to-face service has begun. By 1 July, there will be over 100 mobile case managers working in the field. Helping people recover more quickly so that they can get back to their normal life and return to work is good for workers, good for business and good for the state.

Engagement of workers and employers in the return-to-work process is the key. Face-to-face assistance increases an understanding of workers' and employers' roles and responsibilities in achieving return-to-work outcomes. The results are incredibly positive. ReturnToWorkSA has just announced its midyear financial results. The scheme is now 100.7 per cent fully funded. The $1.132 billion unfunded liability has been wiped out and replaced by a $20 million surplus. The average premium rate—

Members interjecting:

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

The Hon. J.R. RAU: They hate good news, Mr Speaker. I will say that again because I think they might have missed this: the $1.132 billion liability has been wiped out, replaced by a $20 million surplus—a $20 million surplus—and the average premium rate for 2015-16 has been set by the ReturnToWorkSA Board at 1.95 per cent, the lowest in the scheme's history.

These outstanding results are the product of the government's legislative reform package and the hard work ReturnToWorkSA has done over the past 18 months to bring about cultural change to turn the scheme around. But there is still more work ahead. A new, simpler premium system is about to be introduced which will allow for financial incentives and cater to individual circumstances of small, medium and large employers.

Preparations are on track for the commencement of the new scheme. We have every reason to be confident that the changes we have made will herald a new era in compensation for workers in this state, delivering long-term benefits to our economy and all South Australians.

TRANSFORMING HEALTH

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:15): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Today, I am pleased to announce the South Australian government's next steps for the biggest ever transformation of South Australia's health system. At the heart of these reforms is quality—to ensure that we deliver the best care first time every time to

all South Australians. These in-principle decisions will allow us to work with clinicians and other health workers and the community to make the more detailed plans that follow.

The reforms build on a decade of this government's reinvestment into our public hospitals and health system. They are the result of comprehensive consultation that began in mid-2014 with the establishment of three clinical advisory committees, the release of a discussion paper in October, a Transforming Health summit in November, and the release of the proposals paper in February this year. Over 5,000 submissions have been received during the Transforming Health process so far, and discussions have been held at many public forums and staff consultations. Overall, the overwhelming majority of respondents agreed that we need to improve our health system.

I have listened to feedback received, and amendments have been made to proposals as a direct result of extensive consultation with clinicians and the community. The Noarlunga Hospital will retain a community emergency department that will continue to be staffed by doctors and nurses and will be open to the community 24 hours a day, seven days a week. Life-threatening emergencies will go directly to a major emergency department, and protocols will be developed for ambulances to take patients to the Noarlunga community emergency department when appropriate and no admission is expected.

Paediatric emergency services will continue, with a dedicated paediatric space for children being established in the Noarlunga community emergency department. Level 6 neonates will continue to be treated at Flinders Medical Centre, and a statewide governance structure will be introduced as a priority to make sure our sickest babies receive the best possible care.

Mr GARDNER: Point of order, sir: it strikes members of the opposition that the member for Elder may be videotaping which, while we have indulgence for maiden speeches—

The SPEAKER: I was notified beforehand that the member for Elder would be taking photographs of the minister on his feet.

The Hon. J.J. SNELLING: Level 6 neonates will continue to be treated at Flinders Medical Centre, and a statewide governance structure will be introduced as a priority to make sure our sickest babies receive the best possible care. I commend the members for Fisher and Elder for the strong representations they have made to me on this matter.

Modbury Hospital and The Queen Elizabeth Hospital will continue to have 24/7 emergency care. Surgical, rehabilitation and acute medical services will relocate from the Repatriation General Hospital. Many of the buildings belong to the last century and cannot provide the spaces, equipment and layout that are needed for modern medical treatments. Orthotics and Prosthetics SA, the chapel, museum and remembrance garden will remain on the Repatriation General Hospital site. The site will be earmarked for healthcare, ageing and community-related purposes. We will have more to say about this in the future as we engage with veterans, the local community and health sector providers.

The Daw House Hospice will be revitalised and relocated, as it will not be able to meet the required standards as a stand-alone unit when the acute medical, surgical and rehabilitation services relocate to other sites. The government will work closely with the community, clinicians and industry to decide on the best location for the service and ensure the high-quality care it currently delivers is continued at the new location. I understand the great importance these sites hold to the dedicated and caring staff and the community. The decisions have not been made lightly and are driven by the pursuit of quality health care for our community. Some of the decisions may not be popular, but they are the right thing to do to meet the clinical standards and quality principles.

Transformation will occur over the next four years. We will begin by improving patient access and improving flow through our hospitals. Importantly, no changes to emergency departments will be made until the required capacity is created within our hospitals. In many cases we will upgrade our new facilities as we carry out these changes. I am confident the changes to be made during the Transforming Health process are sound because they are based on clinical expertise and have the best interests of patients who use our health system at the heart of every decision.

The next steps we are announcing today through these in principle decisions will enable us to deliver a healthcare system which consistently provides the best care first time, every time. I table the South Australian government's 'Delivering Transforming Health—Our Next Steps' document.

The SPEAKER: Regarding the point of order of the member for Elder, when I became Speaker I did liberalise the ability of people to take photographs of members, members who were not on their feet, and that was part of moving with modern technology whereby every person with an iPhone is a cameraman. I acknowledge that there will be some concern that such footage could be misused in *Today Tonight* fashion to speed up the film, or slow down the film, or change from colour to black and white and back again, or splice the film in a way that is calculated to give a misleading impression. Now, the members for Elder and Fisher indicated to me that they would take pictures in the chamber before question time started. I will review their footage to see that it is not a distortion or designed to give any misleading impression of anything that happened in the house and it is my intention—

Mr Marshall: It's a slippery slope.

The SPEAKER: Well, indeed, it could be a slippery slope but, as I understand it, there was no dissent to my changes when they were introduced. I know the member for Morialta availed himself of that, but if there is any use of film to give a misleading impression of what occurs in this house it will be punished.

Mr GARDNER: Sir, just on indulgence on that point, you have previously ruled that members can take photos or, in fact, anyone can take footage from the galleries and that was liberalisation exactly as you have outlined. The description of misuse of film is not new, that has always been the case and has always been in the standing orders applied to media before anyone could do it, so I do not see that as new information. What you have done today is set a new precedent which has members being able to take footage in the chamber itself, which is in your purview to do, but I want to establish that that precedent is entitled for all members or is it just for those members who identify to you before that they are planning on doing so?

The SPEAKER: We will discuss it at Standing Orders Committee, that seems to be the best way forward, but in the interim I will ask the members for Elder and Fisher to show me their shots.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:24): I bring up the 100th report of the committee, entitled Kangaroo Island NRM Region Fact Finding Visit (5-7 November 2014).

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:25): I bring up the 513th report of the committee, entitled Noarlunga Ambulance Station.

Report received and ordered to be published.

Question Time

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): My question is to the Minister for Health. Considering that the government promised only four years ago that it would never ever close the Repat Hospital, how can the people of South Australia trust any of the commitments made today in the Transforming Health announcement?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:26): I think we have had two elections since Mike Rann was last—sorry, we have had one election, and we have a new Premier. We have been through an extensive process, a process which began in the middle of last year. We have had a summit. We have had a summit—

Members interjecting:

The SPEAKER: I call the member for Heysen to order. I call the member for Schubert to order.

The Hon. J.J. SNELLING: —endorsing the clinical standards. We have had a process which has involved many, many clinicians, and now we have had another—

Mr Tarzia interjecting:

The SPEAKER: I call the member for Hartley to order.

The Hon. J.J. SNELLING: —process where we have received 2,700 submissions, but not one from the Liberal Party.

Mr Gardner interjecting:

The SPEAKER: I call the member for Morialta to order.

The Hon. J.J. SNELLING: The Liberal Party couldn't be bothered. Such was their concern, they could not even bother putting a submission into the process. Spare the chamber the mock outrage. You couldn't even bother putting in a submission.

The SPEAKER: No. In fact, I didn't address my mind to the question of whether I should put in a submission. The leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): Is the minister suggesting to the people of South Australia that all the submissions were read by the government and responded to accordingly, and can the minister point out to the house when this document actually went off to the printers?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:27): It went off to the printers last night after cabinet made the decision. The second point is: yes, of course we read all the submissions; that's why we had the process.

Ms Chapman: This is a joke.

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

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): Can the minister outline to the house when the Repatriation General Hospital will close?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:27): Firstly, I should make the point that services will continue, they will just be offered at different sites. Nothing will happen until we have—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is warned a first time.

The Hon. J.J. SNELLING: Nothing will happen until—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.J. SNELLING: They are very angry today, sir. They are very angry.

Mr Goldsworthy interjecting:

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

The Hon. J.J. SNELLING: He is a very angry man, the Leader of the Opposition.

The Hon. A. Koutsantonis interjecting:

The Hon. J.J. SNELLING: It's 12 months—oh, I see, a year. Is that when he said 'vote Labor tomorrow'? Is it 12 months since then?

The SPEAKER: The Minister for Health is called to order.

The Hon. J.J. SNELLING: We won't be doing anything until the new rehabilitation facilities at Flinders Medical Centre are built. We expect that that will happen in the next two to three years and we won't be moving services off that site until there is new accommodation for them, particularly with regard to rehab, at Flinders Medical Centre.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): Supplementary: what is the future of the rehab facilities currently on the Repat site and, in particular, the rehab pool?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:29): I just answered that. The new facilities will be built at Flinders Medical Centre, including the pool.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: You want to know what is happening with the current facilities? With regard to the pool, we have given an undertaking that we are going to explore the ability of making that continue to be available for community use. I am very keen for that to happen. I know that there are members on this side who are interested in Transforming Health and who have made submissions to the government. Of course, there's an enormous amount of concern to make sure that that pool continues to be available. We are going to make sure that that is the case.

With regard to the facilities there, there are some facilities—in fact, the majority of facilities there—that are just no longer fit for any purpose, particularly for health-related purposes, so obviously we will have to make some decisions about them. Where there are facilities that continue to be used, we will find new partners for that site who can continue to use those facilities where it's appropriate and where it's possible.

One undertaking I have given about the future use of that site is that we will consult with the community, particularly with the veterans community, about the future of that site. I have made crystal clear that our intentions for that site are for it to continue to have aged care, healthcare and community purposes. The historic—

Ms Redmond interjecting:

The SPEAKER: The member for Heysen is warned a first time.

The Hon. J.J. SNELLING: The historic buildings on that site and the buildings that are of importance to veterans and the South Australian community, such as the chapel and the memorial garden, will continue to be looked after on that site and be protected.

Ms Chapman: That's what they said about the chapel at Glenside.

The SPEAKER: The deputy leader is warned a first time. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Has the government had any discussions with any third parties regarding the ongoing management of the rehab pool and, if so, can the minister outline those discussions to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:31): No, we haven't.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: Not that I am aware of.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): So, just to clarify that, the government has not entered into any discussions regarding the future use of that pool?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:31): Certainly not that I am aware of. In terms of any specifics on anything, it wouldn't be appropriate at this stage because we hadn't made the decision until cabinet met yesterday about the future of the site or about continuing it as a hospital. That was only made yesterday. It was not appropriate for us to enter into any discussions about anything until that decision had been made.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): My question is again to the Minister for Health. Has the government had talks with any private sector parties on the future of the Repat Hospital or the Hampstead Rehabilitation Centre sites?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:31): Certainly, we have had some approaches, or I have had very low-key approaches from some healthcare providers who are interested in the site. I made quite clear to them that, with regard to the future of the site, the government will develop a process and they will be able to participate in that process and put proposals to the government. But there will be a very rigorous process around this. No decisions have been made other than what I have said; that is, the site will continue to be used for aged care, healthcare and community purposes.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): If closing the Repat, closing rehab facilities in South Australia and cutting emergency department facilities in South Australia are described in your own press release as the 'initial decisions' regarding Transforming Health, what else is in store?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:32): What we have described them as being are in-principle decisions which give us the basis to undertake further consultation. We realise that there is still an enormous amount of detail that's going to have to be gone through. Decommissioning a site and all the reforms—a huge suite of reforms—which are included in this document require an enormous amount of detail and an enormous amount of work that needs to be undertaken. We will be doing that in strong consultation with people who work in SA Health—with clinicians, with nurses, with doctors, allied health—and consumers, of course, and, with regard to the Repat, with veterans.

TAXATION REFORM

The Hon. T.R. KENYON (Newland) (14:33): My question is to the Treasurer. Can the Treasurer update the house on the progress of the state taxation reform initiative?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:33): I would like to thank the member for Newland for his question and keen interest in tax. As the house would be aware, the Premier announced a state taxation reform initiative in February. To support and inform public debate on this important issue, a discussion paper was produced which provides readers with much more information that had not been made publicly available until the review. We did that for a very clear reason. We want the process to be transparent, and we want people to be able to continue knowing all the facts.

Tax reform is a rare opportunity. I will just wave to the member for Heysen, who is videotaping using a phone—I am very impressed. Tax reform is a rare opportunity and, when it comes around, we want to make sure that the South Australian community has every opportunity to be involved. To that end, the government has held several public functions, with more planned before the consultation ends. Last Wednesday, Chris Richardson and I spoke at a CEDA function in front of nearly 180 guests from government and industry to outline the challenges and opportunities of tax reform. On Friday I travelled to the South-East to Kingston with the Under Treasurer, Mr Brett Rowse, to speak at a forum comprising the SELGA group—

The Hon. J.J. Snelling: How did Brett go?

The Hon. A. KOUTSANTONIS: Brett did very well, mixing with real people.

The Hon. J.J. Snelling interjecting:

The Hon. A. KOUTSANTONIS: Yes, he was very good being out.

The Hon. J.J. Snelling interjecting:

The Hon. A. KOUTSANTONIS: Yes, it was.

The Hon. J.J. Snelling: Did you have to will him out with a hockey mask on the face?

The Hon. A. KOUTSANTONIS: We made sure there were no children present. The meeting was well attended, and I appreciate a robust discussion and debate around state taxation. I really want to thank the local mayor, Mr Reg Lyon, of the Kingston District Council for hosting us, and I look forward to returning to the region soon.

On Monday the government held a forum in Adelaide in which key industry and business groups were invited to discuss state taxation from a business perspective. Mr Chris Richardson from Deloitte Access Economics provided some very interesting background to tax reform processes that he has been previously involved in as well as some very good advice to those who were in the room. He encouraged people to respond to the government's request for submissions but to be careful when informing a response.

He noted that South Australia sits alone at the moment on embarking on a review of its state taxation regime and it should be treated with a sense of excitement and also a sense of caution. Mr Richardson also noted that at the end of the day we all have our responsibility as citizens and community leaders to improve our state and leave South Australia a better place.

The state tax review provides us with an opportunity and gives us the potential to deliver lasting benefits for our state and economy if we get it right. Further regional forums are planned including in Port Pirie, Whyalla and Port Lincoln. I will be having one-on-one sessions with people from the Property Council, KPMG, Deloitte, Ernst & Young, Civil Contractors, the Shopping Centre Council, and Small Business Roundtable in the coming weeks to hear their points of view.

I am also looking forward to hearing from members opposite. I have been stopped in the corridor many times by members of parliament who are very anxious to give me their personal points of view, not always in line with that of the leadership but that is okay. People are entitled to their own points of view, but I also note that the opposition has formed a view on tax reform without even taking it to their party room. That is a disappointing outcome by the opposition.

Mr VAN HOLST PELLEKAAN: Point of order, Mr Speaker: I believe the Treasurer is debating the question.

The SPEAKER: Yes, I think he may have been. I uphold the point of order.

RIVERBANK PRECINCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): My question is to the Premier. When did the Premier decide that he would approve a 24-storey building on the Riverbank Plaza area after his pre-election commitment that we will not be having a 13-storey building on the plaza area?

The SPEAKER: Deputy Premier.

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide: would she repeat that remark?

Ms SANDERSON: I said they are prostituting the Parklands to the highest bidder.

The SPEAKER: The member for Adelaide will withdraw and apologise.

Ms SANDERSON: I withdraw and apologise.

The SPEAKER: 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, Minister for Child Protection Reform) (14:38): Prior to the election it was made clear—

Ms Redmond interjecting:

The SPEAKER: The member for Heysen will withdraw and apologise.

Ms Redmond interjecting:

Members

MEMBER FOR HEYSEN, NAMING

The SPEAKER: I name the member for Heysen. The member can be heard in explanation if she wishes.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:39): Sir, I move:

That the apology not be accepted.

Motion carried.

MEMBER FOR HEYSEN, SUSPENSION

The honourable member for Heysen having withdrawn from the chamber:

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:39): I move:

That the honourable member for Heysen be suspended from the service of the house for the rest of the day.

Motion carried.

Question Time

RIVERBANK PRECINCT

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, Minister for Child Protection Reform) (14:39): Prior to the election there was some speculation as to whether or not—

Mr Pengilly interjecting:

The Hon. J.R. RAU: I can wait out the time.

The SPEAKER: Whenever the member for Finniss has finished. Deputy Premier.

The Hon. J.R. RAU: There was some speculation about there being a number of large buildings on the area immediately to the south of the building in which we are presently sitting—or standing, in my case.

Mr Williams: You mean north.

The Hon. J.R. RAU: North. Just checking. At least the member for MacKillop is paying attention; that is very good.

Members interjecting:

The SPEAKER: It is the opposition's question time.

The Hon. J.R. RAU: So the area which is immediately to the north—and I congratulate the member for MacKillop for picking that one up; very good—is what is generally referred to by people as 'the plaza'. It is called that because it is, in fact, the Hajek Plaza. It is bounded on its east by King William Street, it is bounded on the south by this building, it is bounded on the north by the long-lasting contribution of a former minister, I think minister Laidlaw. She created something of a canyon

which separated this bit from the bit over the other side. It is bounded on its west by a series of cooling towers, a tangle of old concrete structures, and a very large hole.

There is nothing at all in the document or the plan or the decision made by the government in relation to the future development of the Riverbank Precinct which breaches the undertaking given, the understanding that the Premier and the cabinet had, which was that the plaza, as I have described it, would not have plonked upon it a large tower—

An honourable member: The plaza area.

The Hon. J.R. RAU: I am telling you what was said. That is the plaza area. It actually—

An honourable member interjecting:

The Hon. J.R. RAU: It has a distinct set of boundaries. You can actually identify them. There is King William Street, there is the gap that appears between the plaza on this side and the plaza over there and the Festival Theatre, and then there is a series of rather tangled constructions which are immediately at the back corner of Parliament House. There has been an observation of the undertaking. There is no multistorey building, 20-storey building or 13-storey or 16, going on the plaza.

RIVERBANK PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): My question is to the Minister for Planning. Have there been any discussions with the Walker Corporation for a government department or entity to occupy the proposed Riverbank commercial building?

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, Minister for Child Protection Reform) (14:43): Somebody was getting excited about the answer to this question. The answer to this question is that there is no undertaking or arrangement with respect—

An honourable member: Or discussion?

The Hon. J.R. RAU: Or discussion. There is an arrangement with the Walker Corporation, which is a contractual arrangement. That arrangement does not concern anything in the way of an undertaking that any government tenant will be moving into that building.

RIVERBANK PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:44): So is it the understanding of the minister, then, that it is intended that the commercial occupancy of this building will all be private?

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, Minister for Child Protection Reform) (14:44): I do not know. I guess that is a matter for the market. The building will be constructed by Walker Corporation. They will, I assume, do a commercially due diligence-type arrangement in terms of the tenancies they obtain. The answer and the question were: have we said, 'Yes, the government will take X number of square metres or X number of floors,' and the answer is no.

RIVERBANK PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): Has Walker Corporation issued any invitation or request to the government that they offer to have a government tenancy of that building?

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, Minister for Child Protection Reform) (14:45): As far as I'm aware, Walker Corporation has not asked for that at all, and they certainly—I can tell you this for sure—do not have any agreement with the government that there will be any government tenant in that building.

RIVERBANK PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): My question is again to the Minister for Planning. When were Andrew McEvoy and/or the Riverbank Authority consulted on the Riverbank Plaza development, announced by the government last week?

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, Minister for Child Protection Reform) (14:45): If you are wanting me to give you exact dates, that might be difficult, but I can say this: they have been extensively involved. We see a very important role for the Riverbank Authority. Mr McEvoy and his group have a lot of expertise, a lot of skills, and we see them as performing the important role of curating and tying together the whole area. We see them as having a very important role in the management of the tone of the area on an ongoing basis. So, they of course have been kept appraised—

The SPEAKER: Apprised.

The Hon. J.R. RAU: —apprised, I beg your pardon, of the negotiations between the government and Walker Corporation.

RIVERBANK PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:46): Supplementary question: did the Riverbank Authority and/or Mr McEvoy approve of the proposed commercial building that is now incorporated into the proposal?

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, Minister for Child Protection Reform) (14:47): Yes. There is a set of principles which were arrived as part of the orderly process of bringing this project to its present fruition. As part of those principles that involve things like east-west, north-south axis, lines of sight, visibility of the plaza area from—

Mr Marshall: The master plan.

The Hon. J.R. RAU: No, it's beyond the master plan.

Mr Marshall: Before the master plan?

The Hon. J.R. RAU: Yes. Yes, this was another layer—

Mr Marshall: Which this breaches.

The Hon. J.R. RAU: It doesn't. You might be listening to—

Mr Marshall interjecting:

The Hon. J.R. RAU: —a gentleman in a purple suit, I was going to say; you were less abstract than I was. The point is that, yes, the Riverbank Authority has been talked to about this, and I think they would say that one of the great things about having a building like that in this precinct is that, instead of the place being a place which is seldom occupied by anybody—in fact, one of the most desolate spots in the city of Adelaide—it will be able to have a life which involves people activating that space 16 hours a day because there is going to be as many as, I don't know, 3,000 or 4,000 people, who presently are not around here, who will be coming to this area because their place of work will be in that building.

So, the opportunity for those people in turn to provide the opportunity for development of restaurants, cafes, small venues (which Adelaide is becoming quite celebrated for), and a whole range of other things, and, incidentally, to take advantage of the Minister for the Arts' exciting development of the Festival Centre, which is, incidentally, enthusiastically backed by chairman Mr Abbott and Mr Gauthier, who is the chief executive, all of—

The Hon. J.J. Snelling: I've never seen Michael Abbott smile so much.

The Hon. J.R. RAU: Mr Abbott and Mr Gauthier were the two happiest chappies I've ever seen on Sunday. What's happening is that the combination of that building, the upgrading of the

Convention Centre and the upgrading of the Festival Centre are going to create an opportunity for people to come here for the first time. That building is an important part of making this a place which is there for people. It is part of bringing people into that place on a permanent basis so that the place realises its full potential.

Ms CHAPMAN: Final supplementary, sir, if I may?

The SPEAKER: Supplementary, deputy leader.

RIVERBANK PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:49): Has the Riverbank Authority and/or Mr McEvoy consulted the tourism board in respect of this proposed development?

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, Minister for Child Protection Reform) (14:49): Well, whether Mr McEvoy has spoken to people in tourism specifically about this matter, obviously I can't vouch for every conversation he has had, but I would be surprised if he hadn't had some conversations with people in tourism. Of course, the Minister for Tourism has been part and parcel of these cabinet deliberations, which of course are now publicly known.

As you may know, Mr McEvoy has a history in the tourism sector. He was the head of Tourism Australia and previously before that he was running the tourism authority here in South Australia, so he is both very well aware of tourism issues and very sensitive to them. I am very confident that Mr McEvoy, in particular, has an eye on the tourism implications of this development.

AIR TRAFFIC CONTROL

The Hon. P. CAICA (Colton) (14:50): My question is to the Minister for Transport and Infrastructure. Can the minister update the house on the decision by Air Services Australia to close the Adelaide Terminal Control Unit?

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) (14:51): I thank the member for his question concerning something in close proximity to his electorate, the Adelaide Airport, amongst others. It is very disappointing and concerning that a decision has been taken by Air Services Australia to close the Adelaide Terminal Control Unit and instead provide the service from Tullamarine in Victoria. Given the nature of the closure and the effect it will have on jobs, the aviation industry and, quite possibly, safety, it is very disappointing that Air Services Australia has taken this decision.

As members may be aware, Air Services Australia is a commonwealth agency responsible for air traffic operations nationally. It operates the Adelaide Terminal Control Unit which is responsible for managing aircraft movements into, out of and around Adelaide's airspace. This unit has 20 highly skilled and professional controllers who manage this complex aviation environment.

We have three airports in close proximity to one another: the Adelaide Airport, the Parafield Airport, as well as the military air base at Edinburgh. The Adelaide Terminal Control Unit manages the airspace for all three airports. It should be noted that the city's topography also makes this airspace challenging, with the Adelaide Hills encompassing the areas surrounding these three airports.

These factors emphasise the importance of having air traffic controllers with local knowledge and experience. The Adelaide Terminal Control Unit is responsible for aircraft as they approach and depart this airspace approximately 50 to 70 kilometres from the runways of these three airports. It is only once the aircraft are about to touch down onto a runway, or until just after the aircraft take off, that the aircraft are managed by air traffic controllers in the towers at the three airports.

To be clear, it is the terminal controllers who actively manage the airspace over greater Adelaide who are to be moved to Tullamarine in Victoria. The aircraft movements from these three airports of course include commercial aviation, military aviation and general aviation. This includes the general aviation and pilot training at Parafield Airport, including the Cathay Pacific flying school

and other training schools. As members would be aware, the aviation training industry has grown significantly in recent years.

There are also, of course, commercial flights with which we are all familiar out of Adelaide Airport, as well as Defence Force and military related flights operating out of Edinburgh airport. Of course, from time to time there are other users of the airspace in and around Adelaide: SAPOL and the MAC helicopters, shark patrol flights and of course, recently in January, firefighting aircraft.

This is a very complex aviation environment and controllers tell me that their local knowledge enables them to be flexible and manage the interactions between these planes, and they also warn that losing their local knowledge and the ability to be able to factor in perhaps lower priority flights, particularly general aviation, places the future of the growth of that sector at risk.

I am advised that the process used by Air Services Australia in making this decision lacks due diligence as well. I am advised that, most concerningly, they have yet to commence a detailed safety case on moving these terminal controllers from Adelaide to interstate. Right now, I am advised that while this decision has been made, it has been attempted twice previously—certainly, under the Howard government and also under the former Rudd Labor government—both times summarily rejected by the ministers responsible in both of those governments.

This is a disappointing and concerning decision for all South Australians. I think all members would agree that the safety of the airspace above Adelaide is of primary concern, and I will continue to lobby the federal government to reverse this decision.

FARAH 4 KIDZ

Mr PISONI (Unley) (14:54): My question is to the Minister for Education and Child Development. Can the minister advise the house of what action the government took when first advised of the practices of the family day care provider Farah 4 Kidz in March 2014?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:55): I note that we will be later today having a briefing with the member to discuss the current situation. In the past, an issue was raised, I believe, with the Attorney-General, and that was passed on to my predecessor in this portfolio. It was of course then passed on to the board which does the registration of these organisations. They undertook an investigation and were satisfied with the evidence that they saw of making good on the criticisms that had been raised.

They did also, as I understand it, refer a number of the concerns to the federal government, because they were more about the practices of gaining income from the federal government rather than the conditions under which they are registered by the board. The issue was again raised with me, via the media in this case, and so I have raised it with the board again, and they are undertaking action right now.

CHINA TRADE

Mr PICTON (Kaurna) (14:56): My question is to the Minister for Agriculture, Food and Fisheries. Can the minister inform the house about his recent visit to Hong Kong and China, and the meetings he held there?

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) (14:56): I thank the member for Kaurna for the question. Last week, I had a couple of days in Hong Kong and 2½ days in Qingdao, the capital of the Shandong Province. There are unbelievable opportunities in both of those places for South Australian producers. Shandong and South Australia have had a sister-state relationship going back 30 years; Qingdao and Adelaide are now sister cities. The relationships that have been built up, particularly in the past couple of years since our Premier has come on board and really decided to get on board and drive that relationship with Shandong, have been sensational.

We know that last year, when we had all the world leaders up in Brisbane, there were other states courting Shandong and trying to have a relationship with that state. They have 100 million people; they have an economy the same size as Indonesia; it has the third-highest GDP by province

in China. We know other states were trying to get in on the act, and the leaders of Shandong said, 'No, we're sticking with South Australia; we have been with them for 30 years.'

These relationships are ready to get stronger and stronger with the free trade agreement being signed last November and the Australia dollar coming down to around 70¢. A good example is the price of wine. A bottle of wine that might have cost you $10 in China, or a Chinese import at $10 last year, will cost them $7 this year. Next year, with the first wave of the free trade agreement coming in, it will be $6, and $5 the year after that. So, they will be paying half the price, and they will be able to import twice the volume that they were just last year. They are looking at us as having great opportunities to increase the volume of imports, and they are going after the high-value and quality premium produce that we have here in South Australia.

We met with people who are already existing importers of South Australian produce, including the Tsingtao Brewery, which uses so much South Australian barley. Tony Renshaw and the Southern Mallee group were there, and they have formed a cooperative where they want to deal directly with the Tsingtao Brewery, which I think is a great example of how South Australian farmers can work collaboratively with people overseas.

We have also seen it with KI Pure Grain, of course, who are working with the Japanese to get their canola into the Japanese market. They are getting a $60 premium on their grain. I think that is the way of the future. We have got Glencore, that does a great job on the bulk thing, but if we can come up with some more of these niche marketing deals, then that would be a great thing.

We met with the customs people in Qingdao as well, and they are working with us to make it easier for us to get our premium produce—and particularly things like milk and seafood that have a limited shelf life and need to be treated well on the way in. We know it is very healthy when it leaves here; we want to make sure that it spends as little time out in the sun and in the distribution system as possible overseas.

The Premier is leading a delegation to Qingdao in May and further negotiations will be held between now and then. The Premier will also be heading to Hong Kong to open up the koala exhibit at Ocean Park. Ocean Park has eight million people go through it each weekend, and we have three koalas from Cleland, which was the brainchild of our now Governor Hieu Van Le. He will be up there as well for the opening ceremony.

What we did last week up there was actually launch the food and wine package, so you have eight million people coming through, eating a lot of food and drinking some wine while they are at the park. There are now 30 Australian wines on the list at Ocean Park and lots of seafood. We have Wong Wing Chee, a Hong Kong chef, working with Nigel Rich, a McLaren Vale chef, and they have put together an amazing package of South Australian food. Things are looking good in Hong Kong and Qingdao and we will continue to work on the relationships for the betterment of the agribusiness sector.

FARAH 4 KIDZ

Mr PISONI (Unley) (15:00): Can the Minister for Education and Child Development advise the house if the government was satisfied that there were no issues relating to child safety of those children in the care of Farah 4 Kidz?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:01): The registrations of these organisations are done through a board that is empowered to undertake that work. When I was alerted to questions about whether there were indeed child safety matters, I wrote immediately to the board and asked them to assure me that children were safe. I understand that what occurred in the following week were investigations of homes where children were being cared for in the day-care setting and that the board is now making a decision about what it wants to do with reference to that organisation.

ADELAIDE FESTIVALS

Ms HILDYARD (Reynell) (15:02): My question is to the Minister for the Arts. Now that another festival season has come to an end, what are the initial outcomes from the Adelaide Festival of Arts and the Adelaide Fringe?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:02): I thank the member for Reynell; she is an avid supporter of both the Fringe and the Festival. It is wonderful to see her enjoying the last few weeks in Adelaide. The Adelaide Festival of Arts and Fringe have, sadly, wrapped up for 2015, and what an incredible year it has been for both festivals. The Adelaide Festival exceeded 560,000 attendances, the highest number in five years, and early indications suggest Fringe tickets are up by 20 per cent compared to just last year with around 536,000 tickets sold.

The Fringe also attracted 90 interstate and overseas producers through the Honey Pot program, which creates opportunities for Adelaide Fringe works to tour other festivals and events around the world. During the Fringe, I met with a delegation of 10 Chinese artistic directors who are keen to explore ways that Chinese artists and the Fringe can develop closer relations. Our Adelaide Fringe also continues to be one of the best fringes in the world, and I was pleased to welcome Edinburgh Fringe Director Kath Mainland and the Prague Fringe Director Steve Gove, who year after year have made the trek to Adelaide to see what we have to offer.

None of this year's Fringe success would have been possible without the hard work, vision and dedication of Greg Clarke. Greg encouraged us to experience something different, and I know that his heart and soul and even his clothes went into delivering what was the biggest and best Fringe we have seen. Can I thank Greg for his five years as Fringe director and wish him the best with his future endeavours. I would also like to welcome Heather Croall who, after a ceremonial Fringe suit handover (which I wish I hadn't seen but I will go into that another time), is taking up the role of Fringe director for 2016-18. I am sure that Heather will build on Greg's success and I look forward to seeing what she has in store.

Our premier festival, the Adelaide Festival, had 22 Australian premieres and 26 events exclusive to Adelaide, attracting a large interstate and international audience. I am looking forward to reporting these figures, as well as those of the Fringe, once they are formally collated.

I would like to recognise David Sefton, whose artistic vision came to life over the 17 days and nights, as well as the chief executive, Karen Bryant, who worked hard to ensure that the Festival was a success. The Pay What You Can scheme, as well as the large selection of free Writers' Week and Festival events, made the Festival accessible for pensioners, low income families and students.

Finally, the Fringe and Festival would not be possible without the hard work of thousands of venue operators, staff and volunteers, and, of course, the boards, and I would like to thank everyone who worked tirelessly to make this year's Festival such an incredible success.

FARAH 4 KIDZ

Mr PISONI (Unley) (15:05): My question is to the Minister for Education and Child Development. Can the minister advise the house if her department has investigated the qualifications held by the managers and educators employed or contracted by Farah 4 Kidz and, if so, what was the outcome of the investigation?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:05): The board that manages this is distinct from the department because we have made a decision in South Australia that the board that registers the preschools, schools and family day care should not be part of an organisation that also runs some of those institutions, but the board has investigated over the last couple of weeks, as I indicated. We are briefing the member later today on what we are able to talk about with that and what decisions are or will shortly be made by the board. If the member requires more details in terms of the allegations that have been raised, what they have discovered, and what they are acting on, I am happy to bring that back to the chamber at a future date.

COURTS PRECINCT

Mr TARZIA (Hartley) (15:06): My question is to the Attorney-General. Has the Attorney-General negotiated approval or entered into any discussions for occupancy of the Commonwealth Law Courts Building for state cases in view of the announcement not to proceed with the courts precinct?

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, Minister for Child Protection Reform) (15:06): I thank the honourable member for his question. There are a couple of things about that. First of all, part of the premise of the question is not quite correct. What has been said, and what I have been at pains to try and explain, is that the methodology by which we were seeking to deliver a renewal of the courts project from a financial point of view turned out to be something that we, in all fairness, regarded as not a value for money proposition.

Members interjecting:

The Hon. J.R. RAU: We have been talking about this for a while and I was very enthusiastic about the whole project.

Members interjecting:

The Hon. J.R. RAU: That is what I was explaining when you interrupted. It is about value for money, so—

Members interjecting:

The Hon. J.R. RAU: Perhaps if I could put it in a more—

Mr Marshall: Does it involve *Star Wars*?

The Hon. J.R. RAU: No, it doesn't. Let me put it in a more household sort of sense. If you—

Members interjecting:

Mr Marshall: The question is: have you had discussions with the commonwealth?

The Hon. J.R. RAU: As I was trying to explain, if you wanted to buy a car and the ticket—

Mr Marshall: Did you have discussions with the commonwealth about this car, so to speak?

The SPEAKER: I am afraid I am going to have to warn the leader a first time.

The Hon. J.R. RAU: I am just trying to explain something, Mr Speaker.

The SPEAKER: However, I may warn the Attorney for provocative silences.

The Hon. J.R. RAU: Provocative silence? An unparliamentary silence. If I can explain it this way, if you are going to purchase a vehicle for $20,000, that is the ticket price of the vehicle, and you discovered that if you went into some sort of arrangement with a hire purchase company you could get the same vehicle but over the space of three or four years it would cost you $60,000, you might ask yourself, 'Look, even though it is a great vehicle, it is the one I want, it is definitely the vehicle I am after, but—'

Mr Marshall interjecting:

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

The Hon. J.R. RAU: So at the end of that process you discover that the cost of actually doing it one way is dramatically more than doing it the other way and you ask yourself, as a prudent manager of your own household budget, or in this case prudent managers of the state's budget, 'Is that value for money?' That is completely different to the proposition which unfortunately I have noticed that the Hon. David Bleby, who is a very respected person—he wrote a letter today in letters to the editor where he actually missed that little nuance, where he was not saying, 'It's not good value to do something for the courts. It's not good value to do it in a way that's more expensive than it could be if you did it a different way.' Given that that decision has only just been arrived at—

Members interjecting:

The Hon. J.R. RAU: Due diligence. In the past I believe there have been communications between the courts and the Federal Court, and my understanding is that the general position of the Federal Court is that it would rather remain the Federal Court. I think that is the best way of putting it.

Members interjecting:

The Hon. J.R. RAU: Have I had any further discussions with anybody about the Federal Court in the last few days? No.

COURTS PRECINCT

Mr TARZIA (Hartley) (15:11): My question is again to the Attorney-General. Has the government agreed to pay compensation to those parties who had registered an expression of interest to develop the courts precinct?

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, Minister for Child Protection Reform) (15:11): I can say this: the contractual arrangements between the government and the parties were based initially on a process called request for proposal, which is known as RFP by those people who know about these things. I heard this RFP for a while and I eventually worked out what it meant. Anyway, there started off this RFP thing and that involved a document, which was a very open-ended document. Essentially, the document says this—

Mr Marshall: You wrote it.

The Hon. J.R. RAU: I did not personally write it. There is a very clever person in the Crown who I think did it. The document basically says this: 'If you want to engage in this process with us, you do so essentially at your own risk. You are able to proceed with this project. You can withdraw if you wish. We will start off with an initial number.' I cannot remember whether there were five or half a dozen people who initially flagged some interest, but then that eventually was narrowed down to three consortia. I think that is correct, isn't it? That is plural, consortia?

The Hon. A. Koutsantonis: Consortia.

The Hon. J.R. RAU: Consortia.

The SPEAKER: I wouldn't rely on the Treasurer for pronunciation.

The Hon. J.R. RAU: I will stick with consortia. Then eventually, of those three, what happened was there was an analysis and appraisal of their offering—in other words, the physical proposition they were putting up, the building and the facilities—as against the design specifications that had been prepared. One of those three was found to be much better at delivering on the physical requirement. That left the other two to leave the competition, so to speak. Then the balance of the conversation with the last one was about the value for money proposition.

Mr Marshall: You didn't think to discuss that beforehand, before you got rid of all of the other people? Goodness gracious. What a mess!

The Hon. J.R. RAU: The Leader of the Opposition titters so, but the answer is this: the people—

The Hon. J.J. Snelling: Why does he titter so?

The Hon. J.R. RAU: Why does he? The reason is that you do not get down to a detailed conversation about how you are going to pay for something until you have worked out that it is something that you want.

Members interjecting:

The Hon. J.R. RAU: The process eliminated people whose designs were not satisfactory. If the member for Hartley wanted to buy a Hummer, for example, why would he go out and ask people who were selling Toyota Corollas how much they were? I am trying to get that across.

Mr Marshall interjecting:

The SPEAKER: The leader interjected that the previous attorney would have had the Supreme Court built by now. In 2003 or 2004, the previous attorney offered the then chief justice a public-private partnership, state-of-the-art, new Supreme Court on the tram barn site. The chief

justice came back some weeks later and said that his brother judges, led by shop steward Bleby, had decided not to accept the offer on two grounds: one was—

Mr Gardner: I hope there is a pause in our time.

The SPEAKER: —yes, pause the time, Rick—that the judges felt that they had a link to the south-western corner, rather than the south-eastern corner and, secondly, they did not wish to walk across Victoria Square from the south-eastern side to the Sir Samuel Way Building, as they would sometimes be required to do under my proposal. The then minister Conlon was desperate for a public-private partnership at that time. The new Supreme Court building could have been the first.

Ms CHAPMAN: Can I have a supplementary?

The SPEAKER: Yes. By the way, it's consortia or consortiums.

COURTS PRECINCT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:16): My supplementary is to the former attorney-general. So, was it the same situation—that is, that the Supreme Court judges refused to walk—when the SA Water building was discussed with them to take over as a precinct for the courts?

The SPEAKER (15:16): SA Water was built where the Supreme Court was planned to go, yes. The member for Hartley.

COURTS PRECINCT

Mr TARZIA (Hartley) (15:17): My question is to the Attorney-General again. What is the estimated cost of the courts precinct project to the government to date, including the $300,000 for the scoping study?

The SPEAKER: Current Attorney-General.

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, Minister for Child Protection Reform) (15:17): I defer to you, Mr Speaker, if you would prefer to take this one.

Mr Marshall: They are a lot more cogent answers.

The Hon. J.R. RAU: He is much more pithy than me when he gets down to it. I will check this, member for Hartley. To the best of my knowledge, the government expenditure in respect of this falls into two categories: the $300,000, which was in the budget a year or so ago, and then there is another amount of time which people who are paid public servants have devoted as part and parcel of their normal duties to sit down and work through—

The Hon. A. Koutsantonis interjecting:

The Hon. J.R. RAU: Yes, indeed. So, existing complements of public servants were engaged in a task force which was looking at the preparation of this. I know some members of the Supreme Court were on it. Some members of the District Court were on it. They spent time, and that was essentially putting together the design brief, and that's as far as I know. I will check if there is any other expenditure but, as far as I know, it's the $300,000 plus whatever time the public servants put into it which, of course, we are paying for anyway.

POLICE STATIONS

Mr GARDNER (Morialta) (15:18): My question is to the Attorney-General. Does the Attorney-General believe that crime will rise as a result of closing police stations?

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, Minister for Child Protection Reform) (15:19): It's a very, very general, almost philosophical proposition. It's the sort of proposition one would expect to get in debating, where three people would be asked to say, yes, it will get worse, and three people will be asked to say, no, it won't.

An honourable member: What do you say?

The Hon. J.R. RAU: I say, 'One hears many things, my Lord. Whether the truth is amongst them is difficult to say.' I don't know. It would all have to be in context. If you had a police station close in a particular place where there was a big crime issue and there were no other steps put in place, obviously that might have an adverse implication. To answer a question like that in the abstract is impossible.

POLICE STATIONS

Mr GARDNER (Morialta) (15:19): A supplementary, sir: given the minister has asked for context—in the context that the government is closing eight police stations.

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, Minister for Child Protection Reform) (15:20): Okay, if that is the nature of the question, then my understanding is that—

Members interjecting:

The Hon. J.R. RAU: Well, sometimes you don't know over there. You ask some—

The SPEAKER: I call the Attorney to order.

The Hon. J.R. RAU: As I understand it, the police commissioner is charged with the decisions about how he chooses to deliver policing services to the people of South Australia and, if the police commissioner is confident that by changing the service centres from which he delivers that and by doing it a different way as well or better, I am not in a position to second-guess the police commissioner. I have to say that certainly the current police commissioner—and I have every expectation to believe—

Ms Chapman: The one on the front page of the paper?

The Hon. J.R. RAU: The putative next one—are people who are very concentrated indeed on having a higher presence of police officers on the ground. If anybody has paid attention to what has been going on in the city, particularly around Hindley Street over the last few years, one would have seen a much stronger police presence, and it is no coincidence that that is part and parcel of the improvement in public safety in that precinct. I have every confidence that the police commissioner has the operational capabilities of being able to deliver good policing in the way that the police commissioner believes that can be done.

POLICE STATIONS

Mr GARDNER (Morialta) (15:21): A supplementary, sir: given the minister's answer, why did he say on 6 March last year that crime rose as a result of the closure of police stations under previous governments?

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, Minister for Child Protection Reform) (15:22): Again—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned a first time. Does the Attorney wish to answer? No. The member for Bright. I shall listen carefully.

HALLETT COVE POLICE STATION

Mr SPEIRS (Bright) (15:22): My question is to the Minister for Police. When the Labor Party promised my constituents a new police station at Hallett Cove at the 2006 election, and then held a media launch to open it in 2008, why was nobody warned that it would be closed just seven years later?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): The operation of the police and also the dedication of officers in their duties, etc., is in the province

of the police commissioner. The police commissioner has made it very clear publicly on radio, in the media and also in community meetings that from his perspective—

Members interjecting:

The Hon. A. PICCOLO: No, it is not a question of money. He has made that very clear. He has made it very clear that from his perspective in terms of delivering the best police service for the state, it would be achieved by, and I quote him here—in terms of stations, that 'bricks and mortar do not deter crime. Police deter crime.' His view is to release officers—

Mr Pisoni interjecting:

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

The Hon. A. PICCOLO: To release officers for duties on the road from satellite stations which may or may not get one or two inquiries a day in some cases—

Members interjecting:

The Hon. A. PICCOLO: Let me finish the answer.

An honourable member interjecting:

The Hon. A. PICCOLO: Well, in seven years policing strategies and policing techniques have changed. We've actually—

An honourable member interjecting:

The Hon. A. PICCOLO: Well, they have changed. You haven't been in government—that's why you haven't noticed. The best way to deter crime—and the police commissioner has made this quite public—is, in his view, to have a strong police presence on the road with police in cars, etc. He has also made it very clear that he believes this is best achieved by perhaps closing some of those stations that do not achieve much community input.

POLICE STATIONS

Mr GARDNER (Morialta) (15:25): My question is to the Minister for Police. In relation to all the police stations facing closure—which were opened in the first place as a result of election commitments—and the police commissioner identified four, what assurances did the government secure from SA Police that the stations could or would be maintained into the future before promising their establishment to the people of South Australia?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): I thank the member for his question. At the end of the day the management of the resources of police is up to the commissioner. He will decide the best use of the resources, and I do not seek to interfere in that.

POLICE STATIONS

Mr GARDNER (Morialta) (15:25): A supplementary: in relation to the minister's answer in which he identified that this was in the purview of the police commissioner himself, the police commissioner has identified that public consultation will take place in these stations, and to members of parliament he has identified up until 7 April but the SAPOL website says 27 March. A number of members of parliament have told their communities about 7 April, so will the minister guarantee that submissions made by members of the public on this public consultation will be accepted until 7 April?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:26): I will certainly ask the commissioner to do so, if possible. Given that it is an operational matter, it is not my place to direct the commissioner.

Grievance Debate

MORIALTA CITIZENSHIP AWARDS

Mr GARDNER (Morialta) (15:26): I rise to inform the house about winners of the 2014 Morialta Citizenship Awards. I am very pleased that every year almost all the local schools in Morialta participate in the Morialta Citizenship Awards, and awardees receive a certificate recognising their contribution to their local communities as well as support through a book voucher or cheque, or whatever the local school decides, to the value of $100. The schools decide these awardees on the basis of their contribution to the local community and the school community over and above that which is appreciated through sporting or academic awards or other sorts of awards that take place at schools. This is a fantastic opportunity for young people to pay tribute to their peers who go above and beyond and make those contributions. They should be role models to their peers, and they are.

I will identify the winners and, hopefully, will have time to talk about some of their achievements. At Athelstone School Aimee Pope, a year 7 student, was the winner in 2014, and at Basket Range Primary School the winner in 2014 was Zara Baker. At Charles Campbell College the senior award winner was Claire Coleman, who has had a very special 12 months. She was also the senior award winner at Charles Campbell College last year as a year 11, and this year she was awarded the Campbelltown City Council's Young Citizen of the Year Award. A very fine young women, of whom we expect great things. I hope to see her in this place one day (although not in my seat; that one is taken).

The Charles Campbell College Middle School award was awarded to Abigail Guez, and at Charles Campbell Junior School it was awarded to Gul Zehra. The Norwood Morialta High School year 12 recipient was Caitlin Payne, not the first time Caitlin has received community achievement awards, and at the Norwood Morialta Middle School the winner was Lana Morro.

At Paradise Primary School congratulations go to Darcy Strudwick, and at Rostrevor College it is Henry Sims. At St Francis of Assisi School it is Jordan Ciccozzi and at St Ignatius College it was brother and sister Josh and Cassie Winkler. Stradbroke School has split the prize and awarded it to three students: Lauren Docking, Eden Menashe and Hayleigh Cameron. At Sunrise Christian School, Paradise campus, it was awarded to Charlotte Christie, and Thorndon Park Primary School split it between Tayla Soja and Bianca Calipari.

I particularly want to outline some of these students' achievements, starting with the seniors. Claire Coleman at Charles Campbell College was school captain in 2014. Her involvement with the school community involved meeting regularly with staff to discuss issues impacting the student body, and she also represented the school on the Youth Advisory Committee of the Campbelltown council, a committee which she led with panache over the past year. She has worked on the Student Voice at Charles Campbell College, and all the while continued to maintain exceptional grades. She is a dedicated, reliable and conscientious student.

Caitlin Payne in year 12 at Norwood Morialta High School is an outstanding contributor to the Norwood Morialta High School senior campus and was an active member of the SRC and the social justice committee for two years. She was a mentor to other students and a valuable leader of the SRC subcommittee, and she was elected as treasurer. In 2014, she represented the SRC on the uniform committee, and she also did the 40 Hour Famine, raising lots of money for people in poverty. She was in school sport, the musical, and, again, reached high academic achievement, all the while achieving so many other things.

Another year 12 Rostrevor College student is Henry Sims, a very empathetic young man who was identified as being able to walk in the shoes of others through his involvement with the college social justice group and his participation in the Kokoda trek through the highlands of Papua New Guinea. He is passionate about helping others, making a difference in the day-to-day life of the college and the wider community.

The other senior school in Morialta is St Ignatius College, and they identified two year 7 students, Josh and Cassie Winkler, who are junior directors of the charity Building Better Futures. They raised money for villages in Cambodia and organised the Unplug fundraiser in which they

involved students from the school. In school holidays, and as part of term 4, they visited Siem Reap to work at local schools in a volunteer capacity.

I have not had time to identify all the primary school winners, but I will do so individually if I have the opportunity later. I congratulate all recipients. They are a role model to their peers, and it is fantastic for young people, particularly at school age, to be thinking about the importance and values of good citizenship. We know that service is its own reward. Those who give over and above receive through their own satisfaction of doing so. In young people, instilling those values at an early age is significantly important, and I congratulate all those winners who already have that message.

BRUCE, MR A.

The Hon. P. CAICA (Colton) (15:31): Today I rise to speak about former metropolitan fire service chief officer Allan Bruce, and his contribution and his legacy to Australian firefighting services and in particular the indelible stamp he left on the South Australian Metropolitan Fire Service. Allan passed away on 8 March following a motor vehicle accident in Queensland that occurred on 5 March that also claimed the life of his beloved wife, Anne. In early 1982, the then minister—I think it was referred to as chief secretary at that time—Allan Rodda (an excellent minister) appointed Allan Bruce as the chief executive officer, chief officer of the then South Australian fire brigade.

The lead into this appointment was a tumultuous time for the then fire brigade, with the unions, the firefighters association, and the fire brigade officers association in a battle with the board to have it disbanded and to have it replaced by a CEO from an operational background. Allan arrived in 1982. It is also safe to say that at the time of Allan's appointment there were many within the ranks, particularly the higher ranks, who were less than supportive of his appointment. I am told, however, that the member for Morphett's father, Malcolm, a divisional superintendent in the brigade, welcomed and supported his appointment.

In fact, Allan used to tell the story that, before he took up his appointment, he received a phone call from an Adelaide journalist with *The Advertiser*, a conversation I thank Mick Doyle for confirming. It went something like this. The journalist said, 'I understand that you've appointed the chief officer of the fire brigade.' Allan, 'Yes, that's correct.' The journalist, 'Do you want the good news or the bad news?' Allan said, 'Give me the bad news.' The journalist said, 'The fire brigade officers association has resolved not to work with you.' Allan then asked, 'The good news?' The journalist said, 'The firefighters association has decided to give you a go.' Allan's response, 'Well, I'm still in front.'

This was the commencement of a great working relationship that developed between the then secretary of the firefighters association, Mick Doyle, and the chief officer, Allan Bruce. As you would expect, this relationship was not exempt from at times being somewhat fiery (excuse the pun). What this period showed is that, when you get two committed and intelligent people working together, anything can be achieved. At this time, the fire service and all aspects of its operations were long overdue for modernisation. The service required a person who understood all aspects of fire service operations and administration, who fully understood industrial relations and human resourcing, who further understood politics and the political system and, indeed, someone who held the skills to bring this kicking and sometimes screaming service into the modern era. This man was Allan Bruce.

The firefighters association supported Allan's approach and worked with him. After all, the outcome wanted was one and the same: a modern, professional fire service that would not only benefit the users of this service but also greatly improve the skills and working conditions of the firefighters.

Allan introduced standard operating procedures, standard administrative procedures, improved firefighting safety and wellbeing, and these have stood the test of time. During Allan's time we also saw the opening of the SAMFS headquarters building in 1985, new metropolitan stations built, safety staffing introduced, response times improved and a service that exists today that is equal to anything in Australia and, indeed, internationally.

Allan Bruce joined the New Zealand fire brigade in 1947. He served with the London Fire Brigade. In joining the MFS in 1982, the fire service and the people of South Australia were delivered a chief officer who stood tall amongst the tall of international fire service personnel. He was the full

package. He also holds the distinction of captaining both the New Zealand and English basketball teams, was an accredited international basketball coach and loved most sport.

From a professional perspective, he was also a member of the New Zealand fire service council, a fellow of the Institution of Fire Engineers, chair of the Australian Assembly of Fire Authorities, being the first Australian chief officer to hold that position, and he also received the Australian Fire Service Medal in recognition of his valuable contribution.

Allan and Anne are survived by children Greg, Karen and Scott and their families, with another daughter, Joanne, passing away in 1995. To their surviving children I offer my sincere sympathy and condolences. To their friends—their many friends—colleagues and admirers I acknowledge their loss. Vale Alan and Anne Bruce.

The DEPUTY SPEAKER: And that of the house. Member for Hartley.

HEARTKIDS SA

Mr TARZIA (Hartley) (15:36): Today I rise to talk about HeartKids South Australia, particularly to welcome the new general manager of the organisation, to draw upon an event that I recently supported, and to talk about the organisation and the organiser of this most recent function. Deputy Speaker, I believe you and also our leader, Steven Marshall, the member for Dunstan, were present at a recent HeartKids South Australia engagement, a fundraiser at the Marche Club in Paradise in the City of Campbelltown on 7 March. It was a wonderful evening.

It was a full event and it was all in aid of HeartKids South Australia. I welcome Jonathan Robran who is the new general manager for HeartKids in South Australia and the Northern Territory. Jonathon Robran is a fantastic man and a man who has the best interests of the community at heart. I think he recently left his role with Operation Flinders, I believe before HeartKids. He is a wonderful gentleman and I thank him for his contribution that night and I look forward to seeing the progress of HeartKids through his wonderful initiatives.

In terms of HeartKids and what it stands for, around 30 years ago it was borne out of the passion of a few families who had experienced the kaleidoscope of emotions associated with having a child with congenital heart disease. In the years on from that, HeartKids offices were established in various states in Australia, with management and a team of family support coordinators able to support families who were backed by a board and a group of committed volunteers.

In 2004, 16 delegates at their annual conference unanimously supported a proposal that an alliance of state associations be created to form an Australian HeartKids group. An interim board was established and that progressed. There were some recent developments: in June 2007, there was an appointment of a new full-time chief executive officer; in 2007 a part-time chief executive officer was appointed and this person was contracted to fulfil both HeartKids Australia and HeartKids state organisations' work.

At the 2007 national conference, the HeartKids mission, vision and core focus were confirmed and it was agreed that the organisation should review its governance structure to allow for a mix of representational and skill-based directors—and here we are. HeartKids SA was formally constituted in 1988 by key families who met and thought there was a better way to support families navigating through child heart disease issues. Today I am told that HeartKids SA supports more than 777 families across South Australia and the Northern Territory. At a glance, in the last financial year HeartKids has 721 active children with CHD in SA and NT, with 777 HeartKids families.

There is said to be over 7,500 supporters of HeartKids SA/NT and 122 new family members joined HeartKids SA/NT, including 27 from the Northern Territory. They have also supported more than 300 families in South Australia and the Northern Territory in the last financial year. It is a fantastic organisation, and I was happy to attend this function—a function which Ada Sestili has led.

Ada Sestili has led these functions for several years, and I am happy to have supported them as Liberal candidate for Hartley and now as the member for Hartley. I wanted to also pay tribute to Ada Sestili. Ada is the founder and managing director of Direct Care Australia, a dedicated disability care and aged care provider.

Let me just say that Ada has a heart of gold; she is a wonderful lady, and she always has the community and its best interests at heart. I thank Ada for putting her hand in her pocket time and time again, and putting all her energy and resources into this annual event. She does not have to do so, but she has felt so touched by the people and parents who have had this heart disease in their family that she decided she wanted to make a difference.

I am absolutely proud and honoured to be able to keep supporting her. I know that everyone there on the night—the Deputy Speaker would agree—had a wonderful evening, and much needed funds were raised for a wonderful cause. I commend the grievance to the house.

GARDEN COLLEGE

Mr ODENWALDER (Little Para) (15:41): I was really pleased this morning to represent the Premier and the Minister for Multicultural Affairs at the official opening of Garden College in Parafield Gardens. Garden College was not something I was familiar with until recently; it is a reception to year 12 Muslim school which has just opened its doors this year, as I said, in Parafield Gardens. It is rightly proud of its new buildings and is excited about its future in the community out there. It was great to have a bit of a look around and chat to the really passionate principal, Mr Yusuf Kirca, about their establishment and the excitement with which they face the future.

It made me reflect on changes I have seen in the north, in Salisbury and Elizabeth, over the past 30 or so years. I came to Australia, to Elizabeth, in 1981. I think it is fair to say that in those days the various northern suburbs were a lot more village-like, and also a lot more defined along cultural, language and ethnic lines. It is fair to say that the Elizabeth I grew up in and went to school in was very Anglo indeed. It was a product of the planning of the day that the vast majority of non-Australian residents were from England, Scotland and, to a lesser extent, Ireland.

Salisbury, however, immediately to the south and west, was quite different. I still live in Elizabeth in the City of Playford, but I spend a great deal of time in the City of Salisbury and have done so since I was very young. While both cities have changed—and, as I will get to, it is not fair to make this claim now—when I was growing up, Salisbury was already a far more multicultural city and, it seemed to me, more welcoming of residents from many different countries, cultures and faith—or maybe it was simply where people chose to live for various economic and personal reasons.

In any case, Salisbury has seen and largely welcomed wave after wave of immigration, whether it was from southern Europe after World War II, from South-East Asia in the late 1970s, or more recently from Africa and the Middle East. I say 'largely welcomed' because we have seen in recent months some particularly ugly opposition to a mosque in Salisbury from a group who I will not flatter by naming here, but who local councillors of all stripes, to their credit, have stood up to. It also follows, by the way, opposition to a 15-foot statue of Buddha on Salisbury Highway, which sadly did not comply with any planning regulations, but I think would have been a great attraction in our northern suburbs; but that is another story.

I am pleased to say that Elizabeth is catching up as a multicultural city. In recent years, we have seen a huge influx of people, particularly from Africa and the Middle East, and I am pleased to say that, without great fanfare or controversy, a small and flourishing Muslim community have built a school very close to where I live. I am proud to say that I have been with them from the very beginning. I am talking about Burc College, which I know the member for Torrens and the Deputy Speaker will be very familiar with.

The DEPUTY SPEAKER: It is in my electorate.

Mr ODENWALDER: Yes, indeed, in the good seat of Florey. Burc College, as the Deputy Speaker will know, is a non-denominational private school. While it is essentially, in its current form, a Muslim school historically, the college caters for and actively promotes its catering for primary and secondary school students of all faiths and ethnic backgrounds.

Burc College was established in 2005 in Gilles Plains and was a very small school with limited facilities and staff. But, again, as the Deputy Speaker will know, it proved so popular and expanded so quickly that in 2010 they established a second campus in my patch in Elizabeth East. It has grown and is growing exponentially, adding a new year level every year.

More important than all that, it has integrated seamlessly into the local community. It works with other local schools, both public and independent, it has arrangements with the adjacent trades training college for their mutual benefit, and it works very hard to involve its resident neighbours in all its activities, encouraging its students to get out into the community and inviting the community in to events like sports days and Harmony Day. I think that schools like Burc College and Garden College speak volumes about the Muslim community in the north, and indeed the fact that they have settled in so seamlessly and uncontroversially reflects well on the wider community and reminds us how far we have come.

In the time left available to me, I do just want to thank some people from this morning: the Garden College principal who was so welcoming, Mr Yusef Kirca, and all the other leaders and teachers of Garden College; and the Australian president of the Australian Islamic Social Association, Mr Abdul Kadir Sula, and Adelaide president of the same, Mr Orhan Atakan. Her Worship and my friend Ms Gillian Aldridge, Mayor of the City of Salisbury, and her fellow councillors Brad Vermeer, Steve White and Julie Woodman were there, as were many leaders of the South Australian Muslim community, representatives from the Association of Independent Schools of South Australia, the Teacher's Registration Board of South Australia, and some of the registrars from non-government and government schools. Of course there was a wide range of students, parents and friends of the college, all of whom made me feel very welcome.

STATE BUDGET

Mr KNOLL (Schubert) (15:45): As is becoming customary practice, I am grieving today on the subject of the waste and mismanagement of this Labor government. I thought we had a budget situation here in South Australia. I thought we were maybe a bit short of a quid as a government and that we should be quite prudent in our government spending. I know that we always try to look for the big headline-grabbing savings and things like that, but surely it is the small amounts, the counting of the small dollars and cents, that add up to bigger numbers and that add up to a budget that is under control and kept in surplus.

The reason I know we are in a budget situation is that the Treasurer last year in his budget speech was almost panicked in the way that I think he gave the speech and was very ready to point the blame and point the finger at others, because his budget has been exposed. His budget has been exposed and he has been relying on the South Australian public looking somewhere else rather than looking at his own record as Treasurer and this government's record at looking after the books and being exposed to the mess.

Debt is forecast now, according to the Mid-Year Budget Review, to reach $13.1 billion. In 2012-13, we had a net operating loss of $948 million and $1,071 million in 2013-14. The ABS cash deficit in 2011-12 was $1,038 million, in 2012-13 it was $1,166 million, and it was $1,797 million in 2013-14. If I put those figures together, which are disgraceful and dastardly in their own right, we also see the fact that they say, 'We're spending money for the future. We're investing in infrastructure.' Any business owner would say, 'Okay, if you invest in debt, then we should see a corresponding increase in assets. If we are going to build infrastructure or an asset, it is going to be productive into the future.'

But, interestingly, I did a very simple calculation that took the non-financial sector net debt and put that together with the non-financial sector net worth of the government. It is interesting to see how that figure has deteriorated from 12.4 per cent net debt to net worth ratio in 2010, and it is projected in 2017 to get out to 31 per cent. So, the idea that this government is saying that they are investing in productive infrastructure does not hold water when we see that their debt to net worth ratio is increasing and increasing, which really means that we are spending money, but we are not spending it as efficiently and as properly as we can.

What I really want to talk about today and what really frustrates me is how this government keeps talking about the fact that we need to save our dollars and cents and we need to do things to get back into surplus, yet we see them wasting money on blatantly political ad campaigns, whether that be the More Than Cars campaign for $450,000, the first campaign against federal cuts for $1.1 million, the submarine advertising campaign for half a million, or lastly, and perhaps the most dastardly, the $1.1 million campaign against the federal concession cuts. On this one, can I say, I

wait until after the state budget and after the federal budget, when miraculously I believe we will see this government reverse its position on the cuts to pensioner concession council rates, and when that day comes, we will be vindicated for exposing the sham that this political advertising campaign is.

They are wasting South Australian taxpayers' hard-earned money making an argument for which they have so many other pulpits. This is a government with countless media advisers, countless ministers who have the ear of radio, television and print journalists who would be able to sell their message in a way that does not cost the taxpayer as it does with these ad campaigns. They have so many voices and so many opportunities to shout their message from the rooftop, and the idea that they need to then go and spend taxpayers' hard-earned money on political ad campaigns is disgusting.

If the government made an alternative decision, there would be 16,500 pensioners who would still be able to receive their council concession rates, 16,5000 people who could actually be helped, as opposed to this political stunt—real help given to the pensioners of South Australia, instead of this blatant political ad campaign. It is just another example of waste that exists within this government and another example of the wrong and misguided priorities of this tired old Labor government.

WOMEN'S LEGAL SERVICE (SA)

Ms HILDYARD (Reynell) (15:50): I rise today to speak on an issue that is very close to my heart and so very important, particularly this week, after the tragic death of Jackie Ohide, a resident of Hackham West, a member of our southern community and a victim of intimate family violence. Along with so many others in our community, I was devastated to hear of her tragic death. I have thought about her and her children with a heavy heart over the past few days. It is always shocking to hear about such a tragedy, and even more so when you have been going about your daily business just a few hundred metres away from an area where such violence has been perpetrated unheard and unseen.

The Women's Legal Service (SA) is a not-for-profit organisation that provides free legal information, advice, assistance, representation, and community legal education to vulnerable groups of women in South Australia. They regularly support women who experience violence at the hands of an intimate partner. They are also integral participants in our community discussion about how we can prevent domestic violence.

In October last year, the member for Bragg and I had the pleasure of attending their AGM and being part of a panel discussion on how we can work together and what legal reforms are needed to stop death due to domestic violence. Just last week, the service met with a number of women parliamentarians and women members of the Vietnamese parliament and Vietnamese Women's Union to discuss our role in the global challenge we face of ending violence against women.

The service provides a safety net to our community, with over 2,500 advice sessions per year and around 300 open files. They exist to provide services for women who, because of the difficulty of their cases or their financial situation, are unable to pay for appropriate representation. Fifty per cent of women who access the services of the Women's Legal Service are affected by domestic violence, and that number is even higher amongst the Aboriginal and Torres Strait Islander clients.

This service is staffed by incredibly dedicated and, frankly, amazing workers, including the phenomenal Zita Ngor, who is their executive officer. Zita and other staff are literally at the coalface of domestic violence, providing advice in areas such as intervention orders, tenancy, and child protection, with a great deal of compassion and understanding. The service's ongoing ability to deal with these matters, along with Victims of Crime compensation, is at serious risk due to funding cuts expected by the federal government.

In yet another attack on our most vulnerable, the Abbott government has made wide sweeping cuts to federal legal aid which could result in the service losing up to 48 per cent of its funding. The service exists through the provision of funding from the commonwealth Attorney-General's Department and the office of the Prime Minister and cabinet, funding which is currently seriously at risk. If these cuts are implemented, they will severely limit the work the Women's Legal

Service can do on behalf of vulnerable South Australian women and result in a serious loss to our community, to the many other services with whom they interact and, in particular, to women whose voices are not always heard in our legal system.

The Women's Legal Service prioritises assistance to women from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander women, and women living in rural, regional and remote areas of South Australia—the very women who are least heard in our society. In doing so, the Women's Legal Service is the service that provides a voice to this group. The service would need to drastically cut services if the potential funding cuts of between 30 to 48 per cent were realised. The services that will be cut will result in an inability to visit rural, regional and remote areas of South Australia, including the APY lands, Nepabunna, Coober Pedy, Mount Gambier and Ceduna. In some areas, such as the APY lands and Coober Pedy, they are the only provider of consistent civil law services.

This year the Women's Legal Service will celebrate its 20th birthday. It should be a year of celebration, but instead I fear it may be a year of mourning. I urge every member in this place with any capacity to influence our federal government around these cuts to speak and to act however they can to ensure that this service is able to continue to provide essential support at the most difficult of times to some of the most vulnerable women in our community.

Bills

CRIMINAL LAW (EXTENDED SUPERVISION ORDERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2015.)

Mr GARDNER (Morialta) (15:55): It is with pleasure I have the opportunity to be the lead speaker representing the opposition on the matter of the Criminal Law (Extended Supervision Orders) Bill. This bill was foreshadowed during the election as part of Labor's justice policy, entitled Major Parole Reforms if Labor Elected, and the provision of $300,000 for its implementation was made in the 2014-15 budget over a two-year period. Labor's election promise identified that the measure would be in place by the end of 2014 if the Labor government were returned; notwithstanding that, the bill was introduced on 11 February 2015. I do not intend to dwell any further on their tardy introduction of the legislation that was promised to be in place by now but turn first to the bill in question.

The bill provides for the creation of extended supervision orders, or ESOs as I will refer to them in this speech because we will get to them a couple of times. ESOs allow for certain offenders considered to be at high risk of reoffending to have supervision orders placed on them at the conclusion of their sentence, usually at the expiration of their parole. In effect, the order would extend the parole period for the offender, although the situation is also encompassed where an offender who has either not sought or who has not received parole might come under such an order when they are released.

People to whom these orders are applicable are what are known as 'high-risk offenders'. The following categories fall within the definition of high-risk offenders who may be subject to an extended supervision order: serious sexual offences, where the maximum sentence includes imprisonment for at least five years; lesser sexual offences, where the offender has previously served a term of imprisonment for a serious sexual offence; serious violent offences which are indictable offences, where the maximum possible sentence includes imprisonment for at least five years, where the conduct constituting the offence involved either the death of, serious harm to or risk of serious harm to a person; serious damage to property in circumstances involving the risk of death or harm to a person; perverting the course of justice in relation to conduct that would, if proved, constitute a serious offence of violence; or breach of an ESO.

The Attorney-General—and I am sure he will be listening keenly to this debate, as a number of questions will be posed through the second reading stage which he can either choose to answer in his second reading response or we can spend a long time, as long as he likes, in committee—

must apply to the Supreme Court for an extended supervision order to be applied within the last 12 months of the offender's sentence, whether they are in prison or indeed if they are on parole. An application may also be made in relation to an offender who is the subject of a current ESO as long as the application is made within 12 months of the expiry of the ESO.

In assessing an application, the Supreme Court must determine that the offender 'poses an appreciable risk to the safety of the community if not supervised under the order', and a qualified medical practitioner must assess the likelihood of reoffending and report to the court. The government suggested in the briefing—and I appreciate the information provided by government staff through that process—that, while there may well be hundreds of offenders who have committed the necessary offences which would qualify them for a potential ESO application and which meet the threshold I described earlier, the actual numbers would be much smaller. Orders would only be sought where a serious offender had made no effort to reform their behaviour, and where the Attorney-General, on advice from the Department for Corrections or the Parole Board, had formed the view that there was ongoing serious risk to public safety in the absence of ongoing supervision.

It does merit consideration of what these numbers, in fact, are likely to be. Having sought some further information, the Attorney-General took the opportunity to write to the opposition, and I will put his words on the record because, of course, this is subsequent to his second reading speech, just to ensure that there is an understanding of the numbers that potentially might be involved. The Attorney-General wrote:

> You also queried how many offenders could potentially be the subject of an extended supervision order (ESO). As explained during the briefing, whilst there may be a large number of offenders who could potentially be subjected to an ESO, the intention of this legislation is to protect community safety and address future risk. Therefore, whilst it is important to target serious offenders, an important element of this reform is to determine their risk of reoffending. Therefore, it is anticipated that an application for an ESO would be made based upon the advice of the Parole Board and DCS. The need to consider future risk also means that the list of matters to be considered by the Court, including an expert report, is vital.
>
> I have been advised that the DCS made an assessment of their prison population and determined there were 101 sex offenders in prison, scheduled for release during the 2013/14 financial year, who fell under the definition of high risk offender.

That is last year, of course. He goes on to write:

> Due to the nature of the definition of serious violent offender under the Bill it is difficult to determine an exact number of violent offenders who fit within the definition of high risk offender. DCS noted that there were 624 prisoners scheduled for release during the 2013/14 financial year who were serving a sentence of imprisonment of greater than five years for an offence against the person. However, DCS were not aware of the conduct constituting the offences and could therefore not determine how many of these offenders would fulfil the additional requirements under the definition of "serious offence of violence".
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> It is not anticipated that applications would be made with respect to all offenders who fall under the definition of "high risk offender" but rather those identified by either DCS or the Parole Board as potentially being of a risk to the safety of the community. As such, it is difficult to predict the number of applications that will be made.

The opposition is likely to ask questions to get some further detail. At the moment, the Attorney-General has identified 725 prisoners who were released last financial year who might potentially be captured by this legislation.

I got the sense, certainly from government staff, that that was in no way their expectation, and the Attorney-General's letter backs that up. However, with 725 people potentially meeting the criteria, I think it is important in debating the merits of this bill to have a better understanding of the sorts of numbers we are talking about. We have a basic idea of the character of the people involved, and we will talk more about that, but 725 would be an extraordinary number of extended supervision orders.

If we are talking about 50, it would be a significant burden on the Corrections budget and on the courts budget to be able to deal with these issues, and it would be an indictment on the level of rehabilitation that is not offered in our prison system. If we are talking about 10, if we are talking about five, then there is another question of whether that is going to be sufficient to ensure the community safety outcomes the government is seeking through the passage of this legislation. We will explore that further, and I invite the Attorney-General to comment further in his second reading

reply. I know that he is listening intently, so I am sure that he will, in his second reading reply, provide some responses to this matter.

These are the worst of the worst offenders. These are the most dangerous of offenders—offenders whose crimes were so serious, and their lack of remorse or willingness to engage with rehabilitation so profound, that the Supreme Court deems them to require this new level of post-release supervision and post-sentence supervision in addition to their sentence.

The bill, at clause 7(4), requires that the Supreme Court must be satisfied that the offender is not only a high-risk offender but also that 'the respondent poses an appreciable risk to the safety of the community if not supervised under the order'. In relation to matters that the Supreme Court must therefore consider when contemplating whether to impose an extended supervision order on an offender, the bill deals with them at clause 7(6). Subclause (5) states:

> The paramount consideration of the Supreme Court in determining whether to make an extended supervision order must be the safety of the community.

That is the paramount consideration, that is what we are most concerned about—the safety of the community.

Subclause (6) describes a range of matters that the Supreme Court must also take into consideration: the likelihood of the respondent committing a further serious sexual offence or serious offence of violence if an ESO is not imposed; the reports of any medical practitioner—and we will get to those later—furnished to the court; the reports of the Parole Board; reports required by the court under clause 15 of this bill, which effectively means whatever report that the court chooses to order; any relevant evidence or representations the respondent puts forward; and any treatment or rehab programs which the respondent has had an opportunity to participate in.

We will talk more about rehab but I just note at this point that for a prisoner population approaching 2,700 on a daily basis, 65 rehabilitation places is the number that the Department for Correctional Services allows—that is, 65 out of 2,700. Of course, 1,000 more prisoners than that go through the system every year. It is 2,700 on any given day; 65 rehabilitation programs are offered.

In the case of a respondent released on parole, the extent to which he or she has complied with the conditions of their parole release is taken into account by the Supreme Court. In the case of somebody subject to an existing ESO into the future, the extent to which they have complied with the terms of that is taken into account.

In the case of a respondent who is a registrable offender within the meaning of the Child Sex Offenders Registration Act, the extent to which he or she has complied with any obligations under that act—and I will be interested in the Attorney's comments on the interplay between the Child Sex Offenders Registration Act and the proposed ESO scrutiny. Presumably, given that this subclause is here, it is anticipated that there will be a number of people—and it certainly makes sense if there is a serious sexual offence as a part of it—who are eligible to be both registered as a child sex offender under that supervision and also under the supervision of an extended supervision order. There is some interplay, especially given that the breaches of supervision have consequences and whether they will have consequences on the other act.

At paragraph (j) the Supreme Court must take into account the circumstances and seriousness of any offence in respect of which the respondent has been found guilty according to his or her criminal history and any pattern of offending behaviour disclosed by that history. The matters that the Supreme Court must take into account are very broad. Further, paragraph (k) identifies any remarks made by the sentencing court in passing sentence and, in case anything has been forgotten in this list of things that the Supreme Court may take into account, we have paragraph (l) here to help us in specifying any other matter that the court thinks relevant. There is, in fact, no matter which the court may not choose to find relevant and may have the capacity to find relevant in considering whether an extended supervision order should be applied. That is well and good as per what is trying to be achieved by this legislation.

We move on to the nature of the ESO itself, the conditions of an offender under an extended supervision order. Offenders subject to an extended supervision order are subject to conditions such as they may not commit an offence; they are prohibited from possessing a firearm or ammunition or

any part of a firearm; an offensive weapon, except where in the case of offensive weapons the courts permit otherwise. I note there is also a subsequent paragraph in relation to firearms that the court may vary or revoke those conditions if there are cogent reasons and they are convinced there is no risk to the community.

Again, I invite the Attorney to comment on whether there is any case he can possibly foresee where somebody is such a serious and violent or sexual offender that we would seek to impose an extended supervision order on them after the end of their head sentence, who it is possible that we would give this firearms exemption to, that we would decide that they are so serious an offender that we will put an ESO on them but not a serious enough offender that we would restrict them from having a firearm. That strikes me as unlikely. Further, offenders subject to an ESO are subject to the condition that the person is under supervision of a community corrections officer, must obey their reasonable direction and submit to tests for gunshot residue as required and, of course, any other condition of the court.

Conditions of the Parole Board are also anticipated. The first thing to say is that conditions of the court or the Parole Board that may be imposed are fundamentally likely to be of the same nature as imposed on parolees at the moment. I want to establish clearly that the expectation is that the advantages of having supervision anticipated by this bill are of the nature of the advantages anticipated by having supervision of parolees.

It is not just that it is a matter of checking in to ensure that they do not have drugs or alcohol, if that is the case, or whatever other conditions are imposed for the community's safety, it is also to the advantage of the offender or parolee to rehabilitate themselves and become a constructive member of society. When there is a partnership between the Parole Board and the offender, the parolee, then we hope those are possible outcomes.

In relation to conditions that are potentially to be imposed by the Parole Board, they are identified at clause 11 of the bill, and the bill is kind enough to provide some examples. For example, the condition may require the person to reside at a specified address or to undertake activities or programs—rehabilitation or otherwise—as determined from time to time by the board or, indeed, be monitored by the use of an electronic device, one of the GPS tracking devices (which we have several hundred of in South Australia and which we will talk about further).

Furthermore, the Parole Board would usually provide that a community corrections officer or a police officer may, at any time, visit the person, access the computer or related equipment at the residential address and for that purpose, to visit the person or to access their computer materials, they may enter the premises at that address. The conditions of supervision orders imposed by the Parole Board are also anticipated to prohibit or restrict the person subject to the order from potentially associating or communicating with a specified person or class of person. They can restrict where they live, restrict them from possessing a specified article or weapon, or articles or weapons of a specified class, restrict them from engaging in any particular type of conduct or undertaking certain types of employment or, indeed, from applying for a change of name.

The Parole Board may vary some of those conditions as we go but, again, in the Attorney-General's keenly anticipated response I would be very grateful if he could identify, in relation to subclause (4) where it describes the way the Parole Board may exercise its conditions and requires that the Attorney-General and the respondent have the opportunity to make submissions on their conditions, whether that is in general or whether there is, in fact, a response expected for any condition made. That could make the bill quite unworkable, and these are the sorts of details we need to get to before legislation of this nature can get through the parliament in total.

In terms of duration, the Supreme Court sets the time that an extended supervision order may be in place, but the maxim is five years. As stated, when there is less than 12 months remaining on an ESO there may be an application for a further ESO, which would then go to the Supreme Court for further consideration as to whether it meets all the necessary requirements. That goes within the last 12 months of the extended supervision orders application.

In relation to appeal, an appeal may be instituted either by the Attorney-General or the person to whom the decision relates, whoever is unhappy. Subject to a contrary order of the Full Court, an appeal cannot be commenced after 10 days from the date of the decision against which the appeal

lies. The Full Court may then confirm, reverse, annul or add additional conditions as it sees fit and considers appropriate. I note that there are similar provisions in section 27A of the Criminal Law (Sentencing) Act, which restrict it to 10 days rather than more usual 21 in relation to appeals to the Full Court against decisions of the Supreme Court on an application to discharge an order for detention, a decision of the Supreme Court and application to release a person on licence or a decision of the Supreme Court on an application by the Director of Public Prosecutions under 24(11) of the Criminal Law (Sentencing) Act. So there is some other precedent of that nature.

Turning to the principle, the first question that has to be answered in considering whether or not such a piece of legislation can be supported is fundamentally one of moral principle, and a number of people have strong views on the matter. ESOs impose restrictions on an offender's freedom over and above the penalties imposed by the courts, and break with many of the traditional legal precedents by imposing such restriction based on potential future conduct rather than in response to past offending.

On the other hand, the prime purpose of the ESO is to improve community safety, to improve the lot of victims and potential victims. The fact that ESOs may only be applied through reference to the Supreme Court, with the outlined restrictions and things to be taken into consideration, puts them into the category of legislation that must be taken very seriously. The small number of high-risk offenders on whom an ESO might be imposed, once you have gone through all of those categories that are required to be considered, must necessarily have been convicted of a serious sexual or violent offence, and it must be demonstrated that they are at a high risk of doing so again unless an extended supervision order is imposed.

There are, of course, a range of points of view about which side of the fence you are supposed to land. We have taken the opportunity to not only consider the matter ourselves, in the opposition, but also to discuss this issue with a range of stakeholders. I wish to put the comments of the Law Society on the record. Of course, they will be critically involved in dealing with a great many of these issues. I propose to put on the record a letter to the Attorney, in a usual response to legislation, written by Rocco Perrotta from the Law Society. I propose to put this on the record so that others may consider the comments made by the Law Society. I think the Attorney will enjoy the opportunity in his response to reflect on the matters raised and presumably provide some response. Mr Rocco Perrotta, the president of the Law Society, writes to the Attorney:

> I refer to the Criminal Law (Extended Supervision Orders) Bill 2015, and thank you for the opportunity to meet with your Advisers…The Society opposes the Bill on the basis that it offends the inviolable principle of double jeopardy/double punishment. Any abrogation of the principle will occasion substantial unfairness on the citizen and will necessarily have the effect of undermining the sentencing process.
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> In sentencing, the Court takes into account a range of matters in fixing a sentence. If there is any concern about the individual during the sentence, that will be reflected in the decision of the Parole Board. Further, and importantly, any concerns should be raised at the sentencing stage for the Court to have proper regard to them when fixing a sentence.
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> The sentencing process is the time for matters such as mandating satisfactory completion of courses to be made. It is also the time to fashion the sentence in a way which will maximise the chances of a person being released into the community on parole.
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> Similarly, if a prisoner chooses not to apply for parole, it is at sentencing that a Court can make orders with a view to ensuring that such a prisoner will have completed the necessary rehabilitation programmes. If there is any concern about existing prisoners, perhaps legislation might be passed to enable the original sentencing court to make orders concerning the completion of the relevant programmes (but only where it is felt that failure to complete will materially impact on the level of risk).
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> Failure to complete the necessary rehabilitation courses, or a prisoner's decision not to apply for parole, should not give rise to a power to, in effect, revisit the sentence by extending the sentence. If there is to be any factor which is to keep a prisoner in custody it should be solely whether he/she is considered a threat to the community. As mentioned, this could and should be achieved through the sentencing process.
>
> In this regard it should be noted that the Court has the power to order indeterminate sentences for sex offenders. Reform along similar lines may be made with respect to violent offenders.

That is in relation to the principle. I will be interested in the Attorney's response, although I do identify that the Law Society's comments on this matter do not deal with the issue raised by the Attorney about offenders who come out into the community at the end of their head sentence having not even

served under supervision orders of parole, so the comments would not be relevant to that cohort of prisoners.

I again advise the Attorney that he has identified that there is a significant and growing cohort of such prisoners. We would like to know how many. How many, particularly in the nature of people who have been picked up by ESOs, are going to the end of their head sentence either choosing not to seek parole or, having sought parole, its being denied until the end of their head sentence? These are those sorts of serious sexual and violent offenders that the legislation seeks to capture. The Law Society president, Rocco Perrotta, goes on to write:

> In relation to the individual provisions of the Bill we comment as follows:
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> - Section 7(6): as mentioned, the sole factor should be safety to the community. The prisoner should not be further punished for not undertaking a course, displaying an attitude during a course, past behaviour, or any other factor that does not bear upon the issue of safety. In other words, s7(6)(a) should be the sole determinative factor. How a court informs itself about such should not be limited.

Clause 16 provides that the prisoner should have the right to be examined by a medical practitioner of his or her choosing and that examination should be taken into account in the same way as any other examination. Clause 19 states that the appeal should be the same as the current rules concerning appeals:

> It should be 21 days with the possibility of an extension of time to appeal. In other words, the legislation should link the appeal rights to those of existing criminal appeals. Clearly the proposed action is serious and has grave consequences on a prisoner. It therefore warrants the full appeal rights being available to the prisoner.

As I have identified, I will be very interested to hear the Attorney's responses to the issues raised by the Law Society. I note the issue raised in relation to clause 7(6) that the sole factor should be safety to community. Subclause (5) identifies that it is the paramount factor and that is as it should be.

It goes on to say that the court should inform itself in a way that should not be limited and, as we have discussed previously, clause 7(6)(l) provides the court with the opportunity to investigate and take into consideration any other matter it considers appropriate. In relation to clause 16, I will be very interested in the Attorney's response in relation to the medical practitioner. In relation to clause 19, as we have discussed, the Criminal Law (Sentencing) Act provides similar provisions as related in this bill.

Other submissions received from a range of other stakeholders, who I do not propose to identify, use language such as 'unsound'. It is described as '…a backdoor method of Executive interference in the judicial process.' I do note, of course, in reporting on these submissions, that it does require the Supreme Court's decision to take place.

It has been put to me that in the case of ESOs, the trial judge when sentencing has already taken into account all of the factors outlined in the proposed legislation. The head sentence is the result of this consideration. Early release on parole is an opportunity for supervision and that of course is one of the arguments against the legislation altogether. It has been put to me that, 'There is no point in deferring parole on the basis of "perceived risk of reoffending". It has been established by research that no-one can predict who may reoffend.'

I must say I find that argument unconvincing. It has been put to me that, 'It is a principle of our law that offenders are punished for what they have done and not what someone thinks they may do. It is called preventative detention. We should not keep people in prison for what they might do in the future,' but there are already exceptions to that in our laws. In fact, one of the same points made by a similar person who submitted this to me identified that with sex offenders there is already a provision under section 23 of the sentencing act for indeterminate detention for those who present this risk. In addition, there are paedophile restraining orders which provide supervision by the police.

The fundamental principle question, and I will again quote from one of the submissions we received in relation to this bill, is that:

> Our judicial system must rely on the Trial Court to determine the appropriate penalty. It is not appropriate to look back to before the trial and impose additional penalties.

That is not the only point of view that stakeholders have presented. Mr Michael O'Connell, the Commissioner for Victims' Rights, has put an alternative point of view and I quote from Michael O'Connell with his permission:

> You will note, as I have, that the Bill proposes to cover sex offences; thus, I support the intent of the Bill. Such intent is also consistent with my submission regarding the impact of the 7/8th (or similar) rule on parole terms for certain violent offences.

He goes on to write, and I think it is fair to say this is his key point:

> It seems to me that this Bill seeks to set an additional 'preventive' penalty—preventive law is common and can reduce victimisation. The imposition of penalties or sanctions should in the main be the responsibility of our Courts, so I support the concept of empowering such to extend sentence conditions beyond that initially set.

Of course, the individual or, indeed, the body that is going to have the most significant day-to-day interaction with this matter, that is going to deal with the supervision orders, the relationship with the offender, and is one of two bodies that recommends to the Attorney-General and, I suspect, will be the main body to recommend matters to the Attorney-General is, of course, the Parole Board. I appreciated the opportunity to talk to Frances Nelson QC, who is very highly respected in her chairmanship of the Parole Board, and has been for decades, in fact. I appreciate their support for the bill and also for identifying some challenges with the bill.

I will talk about potential amendments to the bill that the opposition will be seeking to move in due course. I am sure the Attorney is in rapt anticipation of further discussion on the same, and I know that he will be engaging with us in that dialogue. I hope that he will take the amendments that we will put forward seriously because they will inherently strengthen the bill, make it a much more workable bill, and make it a better bill.

There are a couple of other issues in relation to the application of the bill which I would like to touch on before I move to the amendment. In relation to the financial implications, it is fairly clear to the opposition that if the extended supervision orders are to be applied to any number of offenders then insufficient financial provision has been made. Last year's budget identified $150,000 in the 2014-15 year and $150,000 in the 2015-16 year. The Attorney has subsequently written to me to identify that, in the budget papers, it is set out in the Attorney-General's Department for the administration of this bill. He writes:

> I am advised that these funds are allocated to AGD in the Budget Papers as I am the lead Minister on this election promise. These funds will be provided to DCS [the Department for Correctional Services, in this context] for the administration of this election promise.

So, $300,000 is the price the government puts on the application of extended supervision orders. This leads to two possibilities: either there is not enough money, or they are not intending to apply for many extended supervision orders. Not even for the 10 that I talked about before would $150,000 for two years be sufficient to supervise them. Firstly, it is only for two years; this funding cuts out on 30 June 2016. There is no further funding provided in the budget at the moment.

The Department for Correctional Services is so overstretched at the moment that they are having to use police cells every single day of the year to cope with their prison overcrowding. The Department for Correctional Services does not have any extra money. They are not even paying for all of their use of the police cells. The police commissioner had to send a begging letter, which we found out about two weeks ago, to the Department for Correctional Services asking them to pay up for their use of police cells to deal with prisoners overflowing from the prisons.

The very idea that the Department for Correctional Services is going to do this on the zero dollars that are provided after 30 June 2016 is a joke. I am sure that the Attorney will be able to respond to this matter when he makes his second reading response and tell us where these mountains of gold are that are going to pay for the administration of the extended supervision orders. I am not saying they are a bad thing; I am just saying you are going to have to pay for them. Apart from anything else, it is anticipated that a number of these will have to have GPS tracking devices applied to them.

The Attorney has in fact identified the money that was in last year's budget for the GPS tracking devices. It may be news to the Attorney, but the Department for Correctional Services is currently using all the tracking devices that they have. They have another 200 coming online

sometime between now and 2018. It has actually been impossible, despite how many times I have asked in estimates or in briefings, to get any sort of sense of when the 200 will be online.

It all depends on future policy decisions, but even if those 200 were all online tomorrow—if G4S, who are the private providers of the contracts, or if the staff at Corrections who are responsible for monitoring the services of the GPS tracking devices and making sure that everyone is going where they should, staying away from where they should and behaving in the way they should, and who are ready to respond if somebody makes the utterly stupid, foolish decision, having been given one of the tracking devices and having that freedom, to try to cut it off—people supervise this. There is a massive cost to that. There is a cost to the budget going into the millions, and if we are going to be extending it, it will be a greater cost.

As to the GPS tracking devices that are currently being used, I will go through how the 410 already in place are currently being used before the other 200 come online. The Attorney-General, the Minister for Police and the Premier have all identified new uses for these GPS tracking devices in relation to domestic and family violence and in relation to getting our prison numbers down.

Before Christmas, the Attorney-General stated there is a body of work being done that is going to identify a number of low-risk prisoners who can be taken out of the prisons and put in home detention, or whatever the current jargon is, and put under one of these GPS tracking devices to reduce prisoner numbers. This is not a magic pudding of GPS devices that are available for anyone the Attorney-General decides, 'Yes, we're going to give another 20 of those to here.' They are all being used at the moment, and if they are used for this purpose, they are no longer going to be available for intensive bail supervision, for which hundreds of them are being used at the moment.

They are no longer going to be available for any of the other range of programs in which the Attorney-General, the Premier and the Minister for Correctional Services have identified they are going to be used. That will mean that those offenders are going back into prison, exacerbating our first problem, which they said the devices would be used to reduce—the prison overcrowding. They could spend enormous amounts of new money over and above what they have already promised to improve prison infrastructure and increase the number of beds in prisons, but they have said that they have already done massive increases in infrastructure and that now they are going to use the GPS devices to deal with this issue.

There is an inherent inconsistency here, and the financial implications need to be cleared up, otherwise the Attorney-General is seeking that the courts will have to deal with these matters through the Supreme Court. His own department is presumably going to have to prepare briefs for him to make these applications to the Supreme Court and make appearances in the Supreme Court, Corrections is going to have to maintain this supervision and the Parole Board is going to have to undertake the supervision.

All these bodies operate at great expense and they are critically important bodies, and that is a necessary expense for the taxpayer; it is just an expense that no provision has been made for past 30 June 2016. Between now and 30 June 2016, the $300,000 to manage this bold new program the government has identified clearly is going to be nowhere near enough if it is to be applied to any number of violent or sexual offenders.

In addition to the extra cost, there will of course be an impact on the workload of the already stretched Supreme Court and Victims of Crime, and of course it will have an impact on those seeking to have their cases heard. I will not go into today the extraordinary deficit of capacity in the Supreme Court this government has created over 13 years; it is a matter for another day. We could go on and on about it, but my time is limited. I know the Attorney is eager to hear the rest of the contributions, answer the questions we have put forward and deal with those matters expeditiously. I am sure he is chomping at the bit to do so and his enthusiasm is noted.

Mr Odenwalder: 'Champing'.

Mr Picton: 'Champing at the bit'.

Mr GARDNER: 'Champing at the bit', 'chomping at the bit'—I was confused. I thought the Attorney might have been discussing some sort of car-related metaphor or French film or perhaps

reading his French poetry, and we will no doubt learn more about *Star Wars*. I am sure he will have some excellent metaphor to do with *Star Wars Episode VII* that we are all just gagging to hear, but in the meantime I will confine my comments to the bill and not let the interjections of the Attorney and his backers dissuade me from focusing on this very important matter.

In relation to the GPS tracking devices, I wish to identify that, as of the annual report the year before last, on 30 June 2014, when there were 353 of these in operation, 247 of those were intensive bail supervision, 86 were home detention, 14 were being used by parole, 4 by probation, one on a home detention bond and one (and I am intrigued) community service. Somebody undertaking community service was also under GPS tracking. As I have said, this is an area where there is now significant expense. These electronic monitoring bracelets are great; they provide a great service. There are also, of course, youth offenders—25 youth offenders last year were operating with a GPS tracking bracelet.

Out of all of those, I suppose the simple question is this. If there is to be a significant number of these without extra budgetary provision being made, I would like the Attorney to identify which ones of those are no longer going to receive the GPS tracking devices and which programs that have been identified for future use, whether it is domestic violence offenders or low-risk offenders in the prison who they are going to release to reduce the prison population, are no longer going to have GPS tracking and how will they manage those as well? So much for the GPS tracking devices.

In relation to rehabilitation, this is critical to this point because willingness to participate in rehabilitation programs is a key point versus whether an extended supervision is going to be imposed on somebody; and it is, in fact, one of the key reasons that people are in prison. It is not only punishment and to prevent violence against the community for the term of their duration but we also want to prevent violence against the community after their duration. It is the whole point of what an extended supervision order is also about. It is about preventing violence against the community, preventing sexual violence against vulnerable members of the community or any member of the community, and preventing violent offences against members of the community.

The way to do that, the best bang for your buck that you can possibly get, is to take that cohort of people who have committed such an offence and stop them from doing so again in the future—to rehabilitate them. We expend tens of millions of dollars in this area. How we spend it and where it is directed is questionable and whether it is a sufficient provision within the corrections budget is also questionable. It has not been an issue of focus for the government that was so proud of their rack 'em, pack 'em', stack 'em mentality that they kept taking that to election after election as proof of their machismo and their ability to sell a line that focuses the mind on toughened law and order issues.

The reality is that the government's programs have delivered increased danger to the community through their failure to effectively rehabilitate these prisoners. Sixty-five prisoners are undergoing the cognitive behavioural therapy programs offered by rehab services every year. As of today there is no rehab program available for domestic violence offenders in our prison. It was announced last year there was going to be one this year, but I can tell you it has not started yet. They have not yet trained the people who are going to be delivering the program at Cadell and when that happens, how many are there going to be? Ten or 12 out of the 65 places available? Sixty-five out of 2,700?

We have 700 prisoners in the 2013-14 year who meet the offence criteria, according to the Attorney-General, that would make them eligible for an extended supervision order—the worst of the worst, the violent offenders and the serious sexual offenders. Seven hundred of them are due to finish their head sentence and there are 65 rehabilitation places. It is extraordinary and we are not going to hear the end of it. Given that there is a prison population of over 4,000 people going through the prison system every year and 2,700 on any given day, I put the government on notice that this is clearly not enough. It is not satisfactory.

The Law Society pointed out that somebody's inability to participate in a program should not be the basis on which a further condition is set on them into the future. This is an issue that the Parole Board faces every single day. The Parole Board has to deal with violent offenders and sexual offenders, people who are going to get out one day and for whom this bill may help us manage in

the future if it is passed. The Parole Board has to deal with these people and consider that if we let these people out not having participated in a rehabilitation service that may improve their behaviour—that service not having been available in the prison—what sort of behaviour is going to be warranted?

Mr Picton interjecting:

Mr GARDNER: The member for Kaurna thinks it is funny. The member for Kaurna does not want rehabilitation services provided. It is outrageous. What he does not understand and what the government has to face is the fact that rehabilitation services must be provided. The Parole Board will tell you if you ask them that the requirement is that they know somebody is going to be let out at the end of their head sentence. If they are let out without having any supervision and not having undertaken any rehabilitation in prison, then how are they going to do better in the community and how, under an extended supervision order, would they necessarily do better in the community either unless the ability for them to undertake the necessary rehabilitation program is there?

In relation to recidivist behaviour, the outcomes of which this legislation is designed to protect the community, the fact is that we do not do a good enough job of rehabilitating prisoners in the first place. Breaching the conditions of an extended supervision order is to be an offence with a maximum penalty of five years' imprisonment. While ESO supervision is comparable in many ways to parole, it is notable that, where there is a breach of an order and where there is noncompliance with a condition, there is a difference in the way that parolees and people operating under an ESO are to be treated. If a parolee breaches their parole they go back into prison. If these people who are under an ESO breach their ESO there is an offence, and it is an offence with up to five years. However, it is a new offence and it is an offence for which you do not go back into prison immediately; you can apply for bail and this is where we get to some concerns.

In considering whether to support the bill, you have to consider that we are in the business of managing people who are extraordinarily dangerous, people who have committed heinous crimes and shown no interest in rehabilitating themselves. We believe the Supreme Court will take into account the availability of programs and the commitment that somebody has made themselves. The programs help a great deal, but the person must also take responsibility for their own actions and their own rehabilitation to some extent.

When you are managing people who are extraordinarily dangerous, the worst of the worst, the worst offenders, the people who have committed the worst crimes and the people who represent the most significant ongoing risk to the community, then you have to take seriously the community's need for safety. You have to take seriously the community's expectations that people of this nature will be kept in check. Sometimes the rights of victims and potential victims must take precedence over the relevant traditionally accepted legal principles. It is critically important that we do not try to mould our community to suit our laws; we must mould our laws to suit the needs and expectations, to some extent, of our community.

While this bill gives the Parole Board the responsibility to manage offenders, it does not give them the power to do anything about it. When somebody breaches a condition imposed either by the Parole Board, the act or the Supreme Court they are then out again on bail. It is unsatisfactory, frankly. It has been identified as a problem by the Parole Board, and that is why the opposition is going to be seeking to move amendments to the Bail Act when we go into committee of the whole. I have given notice that tomorrow, subject to the passage of the second reading, we will do this. As the Bail Act is not opened by the legislation that the government seeks to pass, we have to give notice in that way.

The Clerk informs me that a day's notice is required. If indeed we are on to the committee stage today then we will seek to suspend standing orders to achieve the same outcome, so that we can look at amendments that are going to be circulated shortly in relation to the Bail Act, which reverse the presumption against bail. At the moment, as the bill stands, the presumption will be for bail and these people who are so dangerous that they need an ESO, if they breach the conditions of the ESO then this bill will leave them back out on the streets. The Parole Board will be waiting months and months—six months. We talked about the delays in the courts. It will be six months before they will even look at the matter again.

There is a range of provisions—there is a whole page of them in the Bail Act—where the presumption is in fact against parole, not in favour of parole. Our amendment simply seeks to add people who have breached a condition of an ESO, which is the new offence we are creating today if the bill is passed. It will be added to those offences for which there is a presumption against bail. This is critically important. This is demanded by the Parole Board chair in her expectations of what this bill seeks to achieve.

There cannot be an ambiguity here. The court has to understand that, in saying that we are going to allow extended supervision orders to be a part of our criminal code and to be part of the impositions on people who break the law in South Australia, we have to take them seriously and the court will have to presume that bail is not suitable. I implore the government to take this very seriously and I implore the government to support the Liberal amendments when they come up. However, before that, because the Bail Act is not opened by the bill and our amendments go the Bail Act, which we are informed is the best by a long way—the only real way that you are able to achieve the outcome that is required to improve the bill in this way—I implore the government to support the reference to the committee of the whole of the house to the Bail Act so that the Liberal Party's amendments can be properly considered and the bill can be necessarily improved.

Given the government has indicated we may be rising at six, and I know that the Attorney-General will break from his shopping for Hummers and other cars that he told us earlier he is interested in buying, to be clear, the Criminal Law (Extended Supervision Orders) Bill 2015 amendments, of which there are three, are very simple. Firstly, in relation to schedule 1, we propose that, rather than just having one schedule with a related amendment, there be a schedule with related amendments.

Secondly, after the heading to the schedule 1 insert, we talk about the amendment to the Bail Act, which adds a new paragraph to 10A—Presumption against bail in certain cases. In 10A(2)—the definition of 'prescribed applicant'—after paragraph (c), we insert a new paragraph (ca), which provides:

an applicant taken into custody in relation to an offence of contravening or failing to comply with a condition of a supervision order issued under the *Criminal Law (Extended Supervision Orders) Act 2015*…

Then, in amendment No. 3, rather than amend a related amendment to an amendment in the long title, we add related amendments to the Bail Act as well. That is the sum total of the amendments that the Liberal Party seeks to impose on this but, in application, these amendments will massively and dramatically improve the bill.

They will mean that, when the government comes to us and says, 'We want to take the most serious offenders and treat them as if they were on parole, under supervision, gaining the benefit for the community that we will be able to check whether these people are drinking or on drugs or undertaking whatever behaviour it was that got them into trouble in the first place,' we will be able to guarantee that, not only can we stop them from living with people or talking to people who we do not want them talking to when they are on parole, after they are on parole, we provide the stick to say, 'Okay, if you breach that condition of your supervision order, you are going back to gaol. We are going to presume against bail, and you are going to be subject to an offence that will send you to gaol for up to five years.'

Otherwise, it is all just words and it is all just talk. Without the stick there, without the fact that your Parole Board is actually going to be given the tool that it needs to be able to impose this discipline on the offenders, the bill is not going to work. The Liberal Party will support the Criminal Law (Extended Supervision Orders) Bill. We will support it in this house and we will support it in the Legislative Council, but we do so saying that, unless the government supports our amendment that will toughen this bill, that will get rid of the ambiguity, that will in fact deliver the stick that the Parole Board needs, it is going to be insufficient.

ESOs are supposed to be restricted to the most dangerous of offenders—offenders whose crimes were so serious, and their negligence in refusing to comply with rehabilitation or lack of remorse was so profound that this new level of post-release supervision is going to be required of them by the Supreme Court. A breach of that supervision order must be taken to be the most serious of offences.

There is a page of them in the Bail Act, as I have said. For discretion exercisable by the bail authority where there is a presumption against bail in certain cases, there is a whole page of offences at 10A of the Bail Act where this is applied. These are the worst of the worst, so they should be included too so that, if they breach their order that is so important that we are moving this legislation, then we are actually going to put them in prison and not just have them jamming up the justice system for six months while they are still out in the community terrorising or traumatising people in a way that we are concerned to try to stop. With that, I support the bill and I look forward to other contributions on the same.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:48): I rise to indicate my support of the Criminal Law (Extended Supervision Orders) Bill 2015 and commend the member for Morialta on his excellent summary of the position of the opposition in supporting the bill, and the basis upon which he foreshadows an amendment to strengthen the effectiveness of the bill.

Can I say that, for the sake of the record, this is a bill consistent with an election promise of the government that they make provision for an extra level of supervision post the release from gaol of certain 'high-risk offenders', as they have anecdotally referred to them. These are people who have committed crimes, for which there is an imprisonment term, usually with a threshold of some five years, involving committing either a serious sexual offence or a serious violent offence.

The extent to which this can apply includes conduct where constituting an offence could actually cause death or serious harm or risk of death or serious harm to a person, or indeed even damage to a property. So, this could be broadly applied, not just to what we would consider to be clearly heinous crimes but also serious property damage. I imagine this would be things such as burning down a house where there would be a risk to an occupant or showering gunfire near a house where somebody may or may not be at risk if they exited the property or the dwelling.

The definition is fairly broad but in essence it is legislation to say in these cases a number will already have applied to them a period of parole, that is a period for which they are not to be released before they can apply for parole of the head sentence. They could lead to circumstances where they have completed a nonparole period, undertaken a process of application to have parole, be granted parole and have conditions set on them. That is all well known, it works fairly well. From time to time people are brought back into custody as a result of breach of terms of parole like consuming alcohol, approaching certain persons who have been banned from their association, etc., and it largely works pretty well.

However, what does the community do with someone who has completed their period of sentence in this category—and there are apparently some 700-odd due in this financial year to be released within this category—and, of those, some have not rehabilitated or demonstrated some capacity to understand the seriousness of what they have done and indicated a capacity that they would modify their behaviour to ensure it does not happen again?

I, for one, do not believe what you see on television frequently. Recently for probably the hundredth time on television was *The Shawshank Redemption* and Morgan Freeman is seen outside the prison with his suitcase, released after decades in prison, presumably standing up in the clothes he went there in when he was originally imprisoned and goes off to live in a hostel and to work in a supermarket, suddenly with the bright light of the outdoors after decades of being shut away. That just does not happen in the real world now. In contemporary times it is fair to say that our corrections officers do a lot of work in helping people after they have been incarcerated for a significant time and, shortly prior to that, work on day leave, discussing with them what skills they might need to secure employment, reasonable accommodation, reassociation or connection with family members or other friends or colleagues to try to help them re-establish some level of normalcy in the general community.

I think they do as best they can and quite a good job at that. Notwithstanding all the protests I hear from the Law Society and what I would call the 'usual suspects' in saying one should caution an approach down here in the parliament of having a double penalty for these people, and that certainly can be interpreted that way, to deflect from that and accept the argument that under the current system we do not really have an adequate way of ensuring that the public will be protected against a small group of this 700-odd a year that are being released. Therefore, how do we deal with it?

Plenty of people give you advice about that. They will say if it is a serious sexual offence, they should be castrated, they should have chemical treatment, drug treatment in relation to their sexual urges. If they are violent, they should be restricted in their capacity to be able to approach anybody they had previously caused harm or threats to, etc.

However, the reality is that there is still that group that even if they were to voluntarily enter into treatment—whether it be drug or even physical removal of genital organs—they will still be a risk, not necessarily of causing penile penetration. Of course, the other problem is that even if they are willing and saying, 'Look, I want to be able to go down a line which will stop me from doing this again to any other child or any other person I might hit or rape or assault,' there is always that group who could move on to other very serious offences—including child pornography and exploitation of children in sexually explicit material—many of which carry these penalties. That is a whole new world not only of criminal behaviour but of exploitation of the vulnerable, usually children and frequently women. So I say that there is a case to provide for some supervision.

The other thing is that I do not necessarily see it as a double penalty. At first blush I did, and I thought, 'This really offends every rule or principle,' but I think we do need to take into account that every one of these people is, one day, going to be released into the community. One day they are going to be living in a home next to someone else's family or near a school, or anywhere where they are going to have some access to people in the community who are vulnerable to their predatory behaviour. In that situation I think they need all the help they can get and in those circumstances having parole conditions—as they are going to be called, an extended supervision order—essentially post the head sentence period, could be seen, I think, as being of some advantage to these people, to ensure that they are given support rather than curtailed. There will be someone allocated to them, they will have a reporting obligation, they will have to meet certain standards, they will be checked upon, someone out there will give a damn about them, and they will actually have a role, whether it is via an electronic bracelet or through personal interaction with somebody or some part of the process which will take some responsibility.

I heed the words of the member for Morialta, who says that $300,000 is a drop in the ocean for what will be required for this, and that does concern me. Just what the member for Morialta advised our side of politics would happen has happened; that is, the provision for electronic bracelets and so on for the general community could easily be absorbed by a number of offenders with these particular characteristic who apply under this. That is a shameful situation, where we will be using up that small bit of money to provide for the supervision of these offenders by taking it away from others who deserve it.

I have sat on juvenile inquiries here, looking at how we might better make available electronic bracelets and the like as a means by which we are not having people locked up but able to still participate in the community, and it does concern me that that could be absorbed. In short I see it as a circumstance where there is a possibility of this being better utilised as a supervision and support rather than a restriction and impost, as the Law Society has seen it.

The other aspect I think is important is, as mentioned by the member for Morialta, the ability to act as though it were a parole provision and be able to withdraw the freedom of the person in the event that there is a breach. If we are talking only about the pointy end of the pencil, we are talking only about the most serious offenders, then this has to be dealt with.

In dealing with this issue, I place on the record one circumstance with which I am personally familiar. Some years ago there was a person—sadly, one amongst a number—who was incinerated in a major bushfire in South Australia. Prior to his death he had served a short term in prison for digitally raping a six-year-old girl, a girl who was actually known to him (it was not his daughter, but it was a child who was known to him). As I said, he had served some time. Subsequently, totally independent of this scenario, he was burnt to death in a bushfire. I can remember him saying to me, 'I'm afraid of myself. I don't know how I can control myself in dealing with this situation I'm in.'

The tragedy of this case is that during the time he was in prison (about two years) he had no treatment whatsoever, and this case occurred 21 years ago. I feel very sad that I still hear today about these types of people in prison, and there are a lot of them because of the historical cases. We changed the law about 10 years ago in order to go back in time, over the old limitation of action

time, to capture a whole lot of people, from 30-odd years ago, who were able to have their cases heard, so we ended up with a whole lot more people in prison with this profile.

We have to deal with that fact and understand that we must be prepared to invest some money while they are incarcerated to be able to deal with the issues of containing their violent predilection or sexual orientation towards children or vulnerable people, certainly without the consent of other adults. If we are serious about dealing with this, there must be an investment while these people are in prison, and what better time to do it, than when they can be re-educated and taught skills for future employment. We need to provide them with therapy and interventions that can assist them to go back into the community, act in a respectful manner, and no longer act in reckless or criminal behaviour that is going to result in someone's ongoing harm.

It seems that all we are doing is standing here making speeches, providing for a piece of law, but with none of this working unless the government is prepared to say, 'Yes, we have got a problem and we do need to address it.' The best time to address it is while these people are incarcerated and captive in that circumstance, to help them become decent citizens in the community, otherwise this is going to happen all over again.

As it turned out, the person I referred to did die. That is a terminal way of interrupting his behaviour, of course, and no-one would wish that upon anyone. But what if he had not? Would he be back in prison today for reoffending, for behaviour that he claimed he had no capacity to control and that he worried about managing in the future? No; it is unacceptable that, as part of the leadership of the community, we allow this to continue to happen and do nothing about it.

I commend the member for Morialta for thinking through about what really has to happen here, and going past the promises of elections and the razzmatazz of pamphlets and actually thinking about what it is we are trying to do. And what we are trying to do is make sure that, when we have already been on notice, been alerted to and have a clear understanding of someone who has got a problem in re-entering safely into the community, we do something about it. It is incumbent upon us to do it, and it shows a reckless indifference, in my view, if we do not insist that the governments of our day address that issue and address it urgently.

Ms COOK (Fisher) (17:03): I rise today to speak in favour of the Criminal Law (Extended Supervision Orders) Bill. These laws will allow for a new kind of order to be made which would be placed on serious offenders who are about to come out of traditional mandated supervision only. Coming out of this supervision may mean the end of an offender's full sentence or that they are about to come out of parole supervision. The proposed laws are aimed at very serious offenders where there is a high likelihood that they will reoffend and pose a risk to community safety.

The aim of the legislation is to provide a mechanism for ongoing supervision of high-risk offenders who pose a threat to our community. These proposed laws are a part of a suite of legislation that this government has introduced since being elected to make community safety central to our justice system. It is a great honour to sit in a government that has pursued this new strategic direction for the way justice is delivered in our state.

The proposed laws are aimed only at the criminals who exist in two categories: serious sexual offenders which include offenders who have been convicted of rape, indecent assault, abduction, unlawful sexual acts involving a minor and incest; and serious violent offenders, which refers to offenders who have been convicted of a crime which has caused death or serious injury, or has put people at risk of death or serious injury.

If throughout their time spent incarcerated or on parole offenders have avoided the opportunities provided to rehabilitate themselves and the Attorney-General considers that they may reoffend, the Attorney-General may then apply to the Supreme Court to have an extended supervision order placed upon them, only once their time under supervision has been completed. The application by the Attorney-General must be made within the last 12 months of the offender's supervision.

The central consideration that the Supreme Court must have when assessing an application is community safety. The Supreme Court must also hear from a medical practitioner about the likelihood that the offender will reoffend. This will take into consideration their psychological state, as well as their ongoing commitment to rehabilitation during their time in prison or programs during

parole. The term of an extended supervision order can remain in force for a maximum of five years, as determined by the Supreme Court. The penalty for violating a supervision order, on my understanding, is a maximum penalty of five years imprisonment.

So why do we need these laws? Last year the world saw the insightful yet gut wrenching campaign on Twitter under the hashtag 'Why I stayed'. It provided the world insight into the lives and decisions made by those who were victims of domestic violence. Some of the testimonials made by women included:

- He manipulated me and controlled me for so long he brainwashed me into thinking the beatings were my fault.
- I was determined to make it work, wanted kids to have their dad, convinced myself that what he did to me wasn't affecting them.
- Because he made me believe no one else would understand.

Only this weekend in our community we have seen a 27-year-old mother of two children lose her life allegedly at the hands of a partner. This is a stark reminder of the real and present danger that women are facing in our community. What can we do to assist these women who may have been through so much, potentially over many years, prior to an incident resulting in the incarceration of an intimate partner?

If applied in such cases, these laws will go some way in ensuring that women are more effectively protected from abusive partners once they have been released. This kind of ongoing supervision and protection of women will most certainly assist the survivor to feel safer as they move forward with their lives. The perception of safety is vital to a victim's wellbeing. These kinds of laws are the very least we can do to assist those who have been so badly affected by some of the most awful circumstances.

Having been so deeply affected by violent crime against a family member, I have enormous empathy for survivors. I have spent many long nights over the past seven years supporting young people who have faced situations of violence and threats of violence following the loss of their mate. I know the anxiety and crippling panic that ensues. I can only imagine what it must be like to have experienced the physical and emotional trauma intimately, and to be faced with the prospect of the offender's supervision ending without any assurance of behavioural change, remorse or recompense. A terrifying and also very crippling prospect.

Of course, I want to see offenders in South Australia get the best possible assistance to help rehabilitate themselves. I am absolutely committed to a system formed on the principles of restorative practice. I am absolutely committed to work from within government to ensure that we prioritise justice reinvestment. But recidivism is a problem that I would like to see wiped out completely. Unfortunately, at the moment, 60 per cent of people in prison have been in prison for a prior offence. Given these recidivism rates, these laws are integral in ensuring that we are doing everything we can, firstly, to protect our community in the best way, whilst also trying to protect the rights of those who have served their sentence. I commend the bill to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (17:09): I know that all members who rise to speak on this bill will do so very genuinely, because it is a very important issue. I would like to highlight particularly the contribution from our shadow minister, the member for Morialta, who as always has put a lot of time, effort and research into thoroughly representing us exceptionally well on this issue, and of course the member for Bragg knows these types of legal issues extremely well.

For my part, just to be really clear about what we are talking about, I will just go through a quick summary. The Criminal Law (Extended Orders Supervision) Bill 2015 talks about where an offender, who has either not sought or has not received parole, might come under such an order. When would this happen? We are really just talking about high-risk offenders. It would be a shame for anybody outside of this place to be under the misconception that this could be applied to just anybody. We are talking about serious sexual offenders, lesser sexual offenders, serious violent offenders and, of course, those who might breach an ESO (extended supervision order).

How would one come into place? The Attorney-General would have to apply to the Supreme Court for an ESO to be applied within the last 12 months of an offender's sentence, whether they are

in prison or on parole. An application may also be made in relation to an offender who is the subject of a current ESO, so long as the application is made within 12 months of the expiry of that ESO.

The Supreme Court then of course would have to consider (and I know it would do this very seriously) many aspects, including: the likelihood of reoffending; the medical practitioner's report; the Parole Board's report; any other report required by the court; any evidence or representations put by the offender (very important that the offender would have the opportunity to put forward things from their own perspective); treatment and/or rehabilitation programs undertaken (including willingness or otherwise to participate in those programs); the extent to which the offender has complied with conditions of parole, ESO or child sex offender registrations where applicable; and, the offender's criminal history and remarks by the sentencing court.

Offenders subject to an ESO may be subject to the following conditions: the person must not commit an offence (seems pretty straightforward); the person is prohibited from possessing a firearm or ammunition or an offensive weapon; the person is under supervision of a community corrections officer (and they must obey their reasonable directions and submit to tests for gunshot residue and perhaps other tests as well); and, any other condition imposed by the court.

That is a quick summary of what exactly we are talking about here. I know that the member for Morialta and the Attorney-General have gone into far more detail. It is important for anybody who might be listening or reading these speeches later to just get a quick snapshot—that is what we are talking about. The legal argument is incredibly important. I am not legally trained and I do not pretend to be, but I think I have a fair grasp on principle and on what is right and what is wrong, and I understand very well the concept that, when a person commits a crime, is convicted and is given a sentence, if they serve that sentence then maybe they have done what they need to do. As some people put it, they have repaid society; other people might put it that they have done their time, but one way or another there is a pretty fair belief held by most people that, if you are sentenced and you fulfil that sentence, you are allowed to have a fresh start.

I certainly understand that very well, but of course there will always be situations where that is not quite enough, and that is really what we are talking about here: the situations where it is not quite enough. It is very likely that, if this bill is passed and if these ESOs become part of the world as we know it with regard to corrections and sentencing, we will not actually have that argument for too much longer, we will not have the argument to say, 'Oh well, a person has been sentenced to a certain time in gaol', or whatever the sentence might be.

The ESO could almost become part of the sentence down the track, if that is what the court chooses. The court, the judge, the magistrate or whoever it is might actually say, 'I've decided that a certain gaol term is appropriate for you and an ESO might be appropriate down the track as well.' It might well be that the judge says, 'No, that's never how it was intended to work; it's only something that would be considered in the last 12 months of a gaol term based on how the person has lived their life in prison or how they have fulfilled the conditions of the ESO.'

Of course, leave all that up to the courts down the track, but it may well be that the legal argument about whether it is appropriate to tack something on the end could, in years to come, actually disappear because they might be able to be amalgamated, but that would be the subject of another bill at another time.

We are really talking about the likelihood of somebody reoffending, the assessed risk of somebody reoffending and we are talking about community safety. When you are faced with those very difficult decisions to make and you just cannot come up with a clear-cut, easy explanation to everybody—from the offender and the offender's family and friends all the way through the community to the victim and the victim's family and friends at the other end of the scale—you have to err on the side of community safety.

If the Attorney-General, advised by, I assume, whoever would like to put a proposal to the Attorney-General that the Attorney-General go to the court and seek an ESO, if it is determined that it would be warranted in regard to ongoing community safety, then I would support that and we would support that as the Liberal opposition.

As the member for Morialta mentioned, currently, based on the prison population of approximately 2,500 people, there are approximately 100 people who would be considered for an

ESO. That does not mean they would get it because, of course, it is up to the court, but there are roughly 100 people who would be considered. This would not apply to approximately 2,400 existing prisoners but, if you have to make a difficult decision, I would always want to err on the side of community safety.

In today's world, the imposition of an ESO would be far less restrictive and far less invasive upon a former prisoner than it would have been in years past. Today's technology, with GPS tracking and other means, means that I think the assumption that the broader community might have out there about what the former offender would have to go through to comply with an ESO would not be nearly as difficult to comply with as people might suspect.

This is about community safety and it is about recidivism. It is about preventing recidivism, and the member for Fisher touched on that. It is certainly high in my mind that, potentially, we could have a very significant impact upon recidivism through the use of these ESOs. These ESOs are not proposed to be established so that we can catch people. It is about encouraging people not to reoffend and it is about giving them a very structured framework within which they can be encouraged not to reoffend.

Some people need a very clear, structured framework so that they do not reoffend. It would be lovely if everybody who left prison with or without parole finished their time and said, 'Thank goodness, that's over. I've turned over a new leaf and I'll move on.' But, unfortunately, we know it does not happen and every member of this chamber, I am sure, thinks about that from time to time.

I know it is incredibly high in the priorities of the Department for Correctional Services in this state—both the people who are dealing with prison facilities and, very importantly, the people dealing with community corrections. It is very high in their minds. This is not about trying to find a way to catch people when they reoffend: it is about trying to stop them from reoffending and giving them the clear structure that they almost certainly need so that they will not reoffend.

I do actually have a fair bit of faith that the courts—advised by the Department for Correctional Services, the Attorney-General, and that whole list of people I mentioned who would be entitled to make representations when considering whether an individual person should be the subject of an ESO—would be able to make pretty good decisions. As former shadow minister for police and correctional services, I dealt with an enormous number of people who could genuinely spot the prisoners who were going to come back. They really did know. They had no hand in what the person did after they left prison, but they did not find it too difficult to identify who they thought they were going to see back in a few months or a few years. So, I do have some faith in the system that this would work.

I would also like to say that this is not entirely new. I am sure all of us are dwelling on the ethical issue of why a person who has done their time needs to be the subject of anything else other than the laws that apply to everybody else in the community. I have put my views forward very clearly on where I stand on that. We have something operating in our state, and have had for many years now, and it has worked incredibly successfully: Operation Nomad.

Operation Nomad is a program whereby, on high fire danger days and some other days as well, people who are known to be very likely to be attracted to lighting fires are watched incredibly closely. The numberplates on their cars are scanned as they go through highway checkpoints to see where they are—were they at home, were they a long way away, or were they anywhere near a bushfire discovered later to have been deliberately lit by somebody? They are phoned up to find if they are at home or if they are somewhere else.

Sometimes, somebody goes and knocks on their door to see if they are home and to actually say to them, 'Now, you need to be careful today, because we know that you will be incredibly tempted today, and you need to know that we know that and we are looking at you.' It works. It does not stop all deliberately lit bushfires—far from it, unfortunately—but that is a program that has improved the situation for the benefit of all of us by reducing the number of deliberately lit fires on high fire-risk days by known fire bugs.

Deputy Speaker, I mention that, because do you know what that is? It is almost an ESO. It is almost an extended supervision order, where a person who is known to be likely to be tempted to

reoffend is, if nothing else, observed, tracked, watched and very often spoken to. It works. I know all of us can see the difference, but in principle it is just about the same thing: it is taking a previous offender who is at risk of repeating their offences and putting them into a structure at times of greater risk.

I support this bill, and I know that my colleagues support this bill. Let me say, once again, that it is not about catching people and not about putting a system in place so that when they reoffend you have got them and you can send them back to prison; it is actually about helping them not reoffend.

Mr SPEIRS (Bright) (17:24): I rise to make a few brief comments. I do not have a huge amount to say on this bill, but I did want to reiterate some of the comments of my colleagues on both sides of the house, and also, in particular, to thank the member for Morialta and our shadow minister for his very detailed contribution. I think it went a great deal of the way towards summing up the views of this side of the house on this piece of legislation. It is certainly a piece of legislation that we are happy to support, and one that we have had time to consider and to look at its potential impacts.

From my own point of view, as a student and graduate of law from the University of Adelaide, in that sort of traditional legal training, we were always cautioned about legislation that would create retrospectivity. While this is not retrospective legislation, my concern is that it does drift down that track a bit by adding something perhaps unexpected to existing sentences. Obviously we do have checks and balances in place. Hopefully we do, because these extended supervision orders will be administered through our courts system, a system in which I have huge confidence. However, the idea that there is an unexpectedness within the system and that something unexpected can be potentially added on to existing sentences does not sit 100 per cent well with me. Regardless, this is something that my colleagues on this side of the house and I are happy to support as a community safety initiative of our state government.

As the member for Stuart said, speaking immediately before me this afternoon, this does, at the end of the day, come down to community safety, and community safety has to come first. Anything that will look at increasing community safety and being more vigilant around high-risk offenders is, I guess, something that we should be mindful of. We should give due consideration to it. We have a responsibility in this house to ensure that community safety does come first, and that was something that the member for Stuart belaboured quite considerably, and I would like to repeat it as well.

I would like to take the opportunity, with this bill before us today, to consider particularly the role of our judicial system and our prison system and just canvass briefly the question: does prison work? I believe that the gap in our judicial system, in our penal system, is definitely the need for restorative justice to be built into it in much more structured ways and the need to look at ways to rehabilitate our prisoners. I do not think that happens in a systematic way.

I believe that prison should have two goals. First, it should keep our community safe. It should keep away those who might cause harm to our community and our citizens. Equally as important, I think, is that our prison system has a significant role to play. It has the most important role to play in rehabilitating offenders and getting them to a position where they can re-enter society and be able to become productive members of society again. Obviously that will not work for some people who are in prison. There are some who cannot be rehabilitated, but I guess I hold out hope in the human race, that most people can, with the right support and the right frameworks around them, be rehabilitated.

I cast my mind back to year 12 at school in Scotland. I did a subject in year 12 called Modern Studies, which was a combination of politics and sociology. I had to write a dissertation for that and I picked the topic: does prison work? I spent quite a chunk of my year 12 writing a 6,000 word thesis on that topic. It was certainly my conclusion back then, as a 16-year-old student, that prison absolutely did not work and that rehabilitation was not happening.

Obviously, I was looking at the British prison system back then but, looking through the statistics here and looking at the rate of reoffending by those who leave prison in Australia, particularly in South Australia, it causes you huge concerns when around half of those people who

have left prison reoffend within one year. I think that is about the current stat, and it is obviously incredibly concerning.

The younger a prisoner is the more likely they are to reoffend in the first year after leaving prison. Unfortunately, rather than rehabilitate prisoners, our prison system often becomes a school for crime, teaching them new methods, techniques and approaches. I do not want to be a supporter of a judicial system which results in people leaving prison with more skills to become better criminals than when they first entered prison. That should not be what it is about.

What worries me most of all is the fact that, when people start to talk about restorative justice and rehabilitation in prisons, we actually find a very archaic sort of political argument emerge, that if you are too keen on rehabilitation in prison somehow you are soft on crime and you are soft on the causes of crime. I think that is really very troubling. I cast my mind back to (I think it was in the lead-up to the 2010 election) when the member for Heysen was the leader of the opposition and she expressed quite considerable interest and passion in rehabilitation within prisons and restorative justice. The 'rack 'em, pack 'em and stack 'em' mentality of those in government—

Mr Gardner: Still in government.

Mr SPEIRS: —still in government, absolutely—seemed to suggest that the member for Heysen was soft on crime and that if she became the Premier of South Australia there would be this terrible rise in crime. I actually remember DL flyers being distributed into the street where I lived at the time that condemned the member for Heysen for her interest in this area of the law and for her desire to have more emphasis on this part of the judicial system. That really concerned me hugely because I thought not only was it backward but it was a very harsh and selfish way to conduct politics, and of course it played directly to the politics of fear and that old emotion of fear to try to scare people into voting a particular way.

I think that if you support rehabilitation services within our prison system being expanded, it should not be something that then means you are automatically soft on crime. Having a desire to fix people and to make people better, to rehabilitate people to the point where they can re-enter society, is not something that should be shied away from. It is actually, I believe, a great opportunity for those who are in charge of our judicial system and in charge of our prisons. It is something that should be embraced and not shied away from.

I just wanted to put those remarks on the public record because it is something I have a particular interest in. It certainly does not mean that I am soft on crime and soft on the causes of crime. That is something that I think will be quite the reverse: invest in rehabilitation and invest in restorative justice and you will actually get a far safer society in the longer term, and I wanted to put that on the public record today.

Moving back to the Criminal Law (Extended Supervision Orders) Bill, which is before the house today, as I said earlier, at the end of the day this is a piece of legislation which is primarily about public safety. I guess it gives the judiciary another instrument in their remedies, something they can mete out if they feel required to and if they see that there is a need to add that further level of protection to our communities because of particular high-risk offenders. I think there is still a bit of explaining to come from the government and I am sure that will occur as this piece of legislation moves into the next stages within this house but, in the meantime, I would like to close and commend the legislation to the house.

Mr TARZIA (Hartley) (17:35): I also rise today to talk about the Criminal Law (Extended Supervision Orders) Bill 2015. I also rise to support the bill. I wish to talk a little bit about conditions under ESOs and also draw upon some of the principal arguments that have been raised in relation to ESOs, then I would like to speak to the house about some financial implications of the bill and also potential amendments.

As we have heard, the bill was mentioned during the last election campaign as part of Labor's bold agenda and justice policy. Major reforms, if Labor was elected, were promised, and the provision of $300,000, I think it was, over two years was made in the 2014-15 budget. I note that the bill was introduced on 11 February 2015. Good things take time. It is already late, but that is okay. Good things do take time: I understand that.

As we have heard, this bill provides for the creation of extended supervision orders and will, in theory, allow for certain offenders (and many of these offenders would be high risk in the community) to have supervision orders placed on them at the end of their sentence. It is usually at the expiration of their parole. In a practical sense, it would almost seem that the order would actually extend the parole period for the offender, even though the situation is also dealt with where an offender who has neither sought nor received parole may also come under such an order when they are released.

There are many different categories that fall within the definition of someone who you would call a high-risk offender (and that someone, as we have heard, would fall into the category here) who may be subject to an ESO (extended supervision order). We have heard some of them may include serious sexual offenders, for example, where the top sentence would include gaol for at least five years. There are also the less serious sexual offences as well. Then you have violent offences, indictable offences, where the maximum possible sentence includes, say, gaol for at least five years where the conduct constituting the offence involved, for example, death or serious harm.

Under the bill, I understand that the Attorney must apply to the Supreme Court for an ESO (as the member for Morialta pointed out) and, in assessing an application, the Supreme Court would determine that the offender poses an appreciable risk to the safety of the community if not supervised under the order. In relation to the actual numbers that this would affect, it is my understanding that the government has suggested in a prior briefing that there may be many hundreds of offenders who may have committed the necessary offences to qualify for an ESO. However, I believe that the actual numbers would be small in this case.

A number of things would be considered, such as what is the likelihood of an offender going out into the community and reoffending; what are the medical practitioners' reports in relation to the offender; what have the Parole Board reports been like, as well as, perhaps, any other expert report that the court might deem fit; any evidence or representations put forward by the offender; and, any prior treatment and rehabilitation programs. I will talk about rehabilitation programs and why that is important in just a second. Also considered would be, perhaps, the extent to which the offender has complied with conditions of parole, or the ESO, or the child sex offender register, whatever register is relevant or applicable, as well as the offender's criminal history and remarks by the sentencing court.

There are many issues that we need to consider here. I made mention of the fact that I was talking about the different kinds of conditions under an ESO, but it really does put into question the things that can be considered. It highlights to me that what we can see here is a failure amongst this government's policies of the past, especially its policy of rack 'em, stack 'em and pack 'em. You can see the weakness of that approach to continually keep our gaols full. You can see that it is all well and good and, no, I am not weak on crime at all. I believe it is important to be tough on crime, of course, but you can see how that mentality—when one of the leaders of the party says, 'Rack 'em, stack 'em and pack 'em,' and that is the approach, that is the ethos of the Labor Party in recent times, and it is more and more towards that and less and less towards things like rehabilitation—presents certain problems, does it not?

Mr Gardner: Consequences.

Mr TARZIA: Consequences. One of them being financial and one of them being rehabilitation of the prisoner. It is a fundamental legal argument. I am not really taking a view here, but some of my colleagues to the extreme left, and to the left, would say, for example, that they might believe in things like Hegelian retribution, where punishment annuls the wrong done. So, if punishment annuls the wrong done, then why do we have ESOs? These are the sorts of arguments that people in the law profession, criminal lawyers, especially criminal defence lawyers, are raising. If punishment does annul the wrong done, why do you need ESOs? If someone has served their time, why do they need an ESO? These are the sorts of arguments that it is important to enlist here.

There are many theories of punishment. Some say you need to be more focused on deterrence, some say you need to be more focused on rehabilitation, some say you need to be more focused on isolation, some say you need to be focused on education and others talk about retribution. It is a worthy cause that we actually talk to these sorts of things and work out what is best for society and the community. At the end of the day, as the member for Bright pointed out, I think you have to

be practical and balance this whole notion of the ESO. Obviously, for someone who is dangerous to start with, it is fair to say: have they done their time? Yes, they have done their time. However, for good reason, the Attorney is saying that perhaps an ESO is appropriate, and I commend him on that.

I would admit, and be the first to admit, that sometimes these prisoners slip through the cracks of the system and that is why I am prepared to support the ESO concept because, at the end of the day, it is extremely important that we provide the safest environment for our community. So, whilst the traditionalist argument of: you do the crime, you serve your time, you are let off and you are free to go, I think there are special cases where we have to be practical and put these traditional theories of punishment to the side and consider what is in the best interests of our community.

In saying that though, there will be financial implications for this. You do need to be pragmatic and consider the financial point of view. It appears, and some of my esteemed colleagues in the house may be able to elaborate on this, that the government has not made sufficient budget provision for the introduction of ESOs in any substantial way. I could be wrong there, but I would like to allow them to draw our attention to that. I understand that the 2014-15 budget made $300,000 available, $150,000 in each of 2014-15 and 2015-16, to implement new laws that will allow the courts to impose ESOs on serious offenders.

However, it has become clear that this funding would cover admin support and potential legal costs, but it would not be spent—out there in the street—on supporting the extra cost that would be incurred by Community Corrections or by the Parole Board in undertaking the supervision that is required here. In any case, it is my humble opinion that it does not look like $300,000 would cover that. The member for Morialta would probably agree that it does not look like that would be enough to cover, but I could be incorrect there.

Let's not be political, but it is highly probable that there will be a budget impact on an already stretched Department for Correctional Services if this legislation proceeds, and I acknowledge the good work of the people in our gaols, the workers, who do a good job under these tight fiscal constraints. They are restricted in many ways through these tight financial situations, so when you have a government that says, 'Let's rack 'em, pack 'em and stack 'em. The gaols are full. We do not want to build any more gaols. We want to impose ESOs, but we do not have the funding to really do so,' surely it is only going to put more stress on an already ailing system. It goes without saying that, whilst I understand where the Attorney is coming from and I support the general concept of the ESO, the final implications certainly have to be addressed.

There has been a little bit of talk about proposed amendments. I will not add any more to that. I think it has been covered already, but I hope that I have sincerely addressed some of the issues in the bill.

We would all agree that sometimes doing the time is not enough. We do need to keep an eye on these dangerous offenders and that is why I can see valid grounds for ESOs; however, we certainly need to consider those arguments of principles. If you are going to put your principles by the side then when else are you going to depart from the general principles of criminal sentencing? When else are you going to do that? It is very important. We do not want to create a precedent for too many of them, I would have thought. I can understand that there are always exceptions to the rule and there are financial implications. There are certainly financial implications that need to be addressed, and sooner rather than later, because the system is already broken in many respects. It is important that we get on top of these things straightaway. It is with those remarks that I am happy to support this bill and commend it to the house.

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, Minister for Child Protection Reform) (17:47): I thank all of those members who have contributed in relation to this matter. I will address some of the questions that have been asked in a moment, I hope, but can we just get really clear who the target group for this is. The target group is people defined in section 5 as being a high risk offender. We are talking here about a serious sexual offender or a serious violent offender.

The philosophy underpinning this is basically that the corrections system and the supervision system should be trying to maximise community safety, and it is undoubtedly the case that there are

some people who choose to serve their sentences and walk out of gaol—they are not on parole, they are not in any form of supervised environment, they have no restrictions on their behaviour—and yet, we know from the records of these individuals, and there may not be many of them in any particular year, that they are a risk to their fellow citizens by reason of their demonstrated track record of misbehaviour. This is about risk management.

There is another group who are, if you like, in the grade above this. These are the section 23 people, the people who are unwilling and unable to control their urges. They are in a very small group as well, but a very worrying group because if these people are released it is basically children in our community who are potentially the victims of these people.

Up until the provision of this bill, there has really been a gap between the section 23 stuff, and quite properly, because you are talking about indeterminate detention for people. There has been a gap between potentially indeterminate detention beyond a sentence and walking out of gaol saying, 'Goodbye, my period's finished, see you later,' and there is nothing in between. What this is seeking to do is to say in the case of high-risk offenders there can be something in between and that something might be very much in its appearance similar to the sort of conditions of parole; it might be.

To give a classic example, if we had a person who was a repetitive domestic violence person, who served out their sentence and was therefore no longer in any way restrained—there may or may not be a restraining order, and I guess that is a separate matter—that might be an appropriate circumstance for this type of application to be made, that that person can go about their business as they wish, but they cannot go to certain places and they cannot contact certain people.

I think a question was asked about how many people. It is really hard to say; it is very hard to say. My gut feeling is that there will not be a lot of them. Of the section 23 people, who I admit are a category above this, one or maybe two a year pop up. They are pretty infrequent propositions, the section 23 people. I obviously accept that there would be more of these people than the section 23 people, but it is virtually impossible to say how many more would be sufficiently worrying for me to have corrections ask me to make an application, and if I did make an application whether the courts could actually grant the application. It is a difficult thing to say, but my guess is that we are talking the fingers of one hand, maybe two, at most—more likely one.

Mr Gardner: Per year?

The Hon. J.R. RAU: Per year. I accept that is a very difficult thing to quantify. The interaction with this and registration as a child sex offender person: if there is any overlap at all in that, it would be a matter to be dealt with by the court and/or the Parole Board in setting conditions for an ESO. Obviously, common sense would need to bring itself to bear in that way, but there is no inconsistency between those two things.

The third question is that it has been suggested that there would be no condition in which the Supreme Court would vary or revoke the condition re not possessing firearms. I accept, on the face of it, it is highly unlikely, sitting here and thinking about it in the abstract, that they would, but all I am doing is leaving that discretion with the court. I would expect it would be exercised infrequently.

There has been a question about the requirement for the person to be afforded the opportunity to make submissions to the Parole Board if they are setting conditions. The situation here is that the Parole Board does set the conditions of an ESO and that ensures that I am notified of the intention, as is the offender. This does not make the act unworkable, but rather ensures scrutiny and opportunity for submissions to be made. I can indicate that the chair of the Parole Board did not raise any issue about that particular matter.

The Law Society apparently raised a couple of issues. Basically, we disagree with them. The first is the double jeopardy point. This is not to be characterised as a double jeopardy or a second punishment. This will exist once a person commits an offence that results in them being eligible. To get into the target zone for this sort of order, a person has to initially commit an offence and on committing that offence they bring themselves within the ambit of this legislation. A person is not receiving double punishment, in the same way that a person who assaults their partner and is punished for that can also be the subject of an intervention order to protect the victim, and so on. So, I do not accept that.

It has also been said that there are currently no DV perpetrator programs operating in Corrections. There is some suggestion that there are not enough rehabilitation places. One of the things we do have to look at as a parliament is the way we are managing this DV problem. It is something which has been an emerging problem. It has been emerging in the sense of it having been recognised. It has been emerging in the sense of it having been taken seriously. It is emerging in the sense of us getting, by reason of legislative changes, more information about the nature and extent of its prevalence.

I suspect some of it is emerging partly due to social things, not the least of which is the explosion in amphetamine abuse in our community. I do not think we can identify there really having been an epidemic of domestic violence in an abstract sense. There is a reason for this: part of it was previous under-reporting, but I also believe that part of this is actually that we are seeing the horrible consequences of the abuse of amphetamines occurring in our community. Whether or not the programs that are running are ideal for the resolution of that problem I think is a conversation we should have and should continue to have.

There has been a note that it is an offence to breach one of these and that the offender can apply for bail. I want to indicate that I will not be supporting that proposal at this stage, but I do want to talk between the houses about it. My main concern about it is basically this: one of the problems we have in the bail system at the moment is these trip-wires we have set up for bail breaches. We are getting very good at detecting breaches of bail conditions, and that is very good, but if the bail condition is, for example, 'You will be home by 6pm,' and you get home at 6.30, that is a breach of the bail condition—no question. The question is: should the consequence of that breach be indistinguishable from the consequence of the breach, 'You will not approach your former partner's house,' or, 'You will not consume non-medication drugs,' or, 'You won't consume alcohol,' or, 'You won't hang around with certain ne'er-do-wells'?

My point is that not every breach of bail is equally worrying, and we need to be careful that we do not set up a whole bunch of trip-wires in here where people, just through normal human frailties which are not risky, find themselves automatically incarcerated. To take away the discretion of the court to consider the gravity of the bail breach is a matter that I think we should reflect on because otherwise we might be kicking an own goal here. That is the conversation I would like to have with the member for Morialta between the houses. I do appreciate that generally there has been support for this bill. I do think it fills a gap in our current arrangements. I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 17:59 the house adjourned until Wednesday 18 March 2015 at 11:00.