HOUSE OF ASSEMBLY

Tuesday, 2 June 2015

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

CHILDREN'S PROTECTION (IMPLEMENTATION OF CORONER'S RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 May 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:02): I rise to speak on the Children's Protection (Implementation of Coroner's Recommendations) Amendment Bill 2015 and indicate that I will be the lead speaker. The bill comes before the house and, according to the Attorney-General and now the newly appointed Minister for Child Protection Reform, as a result of a cabinet meeting following a damning report from the State Coroner, Mark Johns, arising out of the death of Chloe Valentine. Before I address that in particular, I propose to outline to the house the reports that preceded the tabling of that report and, indeed, what became the subject of public discourse and condemnation, media coverage and questioning here in the parliament.

Let's return to 2002. The then Premier Mike Rann advised that as two of the first acts of his government he would convene a drug summit, which took place I think in about mid-2002, and further that he would commission a child protection review. He announced that he would appoint Robyn Layton QC and that she would be commissioned to complete a report and outline a state plan to deal with the protection of children in South Australia. It was a massive exercise. It was one which the opposition fully supported. In fact, I think both initiatives were meritorious and they were undertaken.

'Our best investment', the report prepared by Robyn Layton QC in March 2003, was comprehensive and one for which she should be commended. Some of the initiatives which she recommended were acted upon by the then Rann government. Unfortunately, to this day, her recommendations in respect of the appointment of a commissioner for children have remained on deaf ears with this government.

We then had second and third reports and a fourth, if one refers to an interim report of the Children in State Care Commission of Inquiry by former judge, the late Ted Mullighan QC. He provided an interim report and then his final report on 1 April 2008, together with a subsequent report in respect of children in institutional care arising out of a member of his commission's inquiry on the APY lands.

Again, they were very comprehensive reports with multiple recommendations, most of which were claimed to be taken up by the government but, sadly, we still have the legacy of the government's failings in respect of those children. Certainly, there was identification that followed, some in criminal law proceedings, on which action was taken, prosecutions pursued and convictions obtained. Years later some compensation was made in the form of payments as victims of crime to a number of those children who were then adults.

In 2008 the parliament set up a select committee, under the stewardship of the Hon. Caroline Schaefer in the Legislative Council, on Families SA. That committee reported on 17 November 2009, and if ever there was a damning report prepared by a committee of this very parliament, it was that report. In fact, I will just read into *Hansard* three of its recommendations:

1. The Minister must take steps to address the 'rotten' culture within the Department.

It was referring to then then department of families and communities.

2. The Department must adopt a more cooperative, accountable, transparent and inclusive approach to dealing with foster carers, families, non-government organisations and others.

3. An independent competency assessment and evaluation of minimum training and competency levels for child protection workers must take place.

It then continued with a number of other recommendations including mandatory reporting for independent regional panels, etc., and a number of other initiatives, most of which the government claimed they were going to pursue and which, frankly, even if they did, have utterly failed.

That report was followed by probably the most comprehensive inquiry, the Independent Education Inquiry convened by former judge, Bruce Debelle QC. Again, this was a royal commission arising out of an allegation of child sexual abuse in a western suburbs' school. That was commissioned in 2012. The commissioner was given extra powers of inquiry and investigation, as requested by him, and he reported to the parliament on 21 June 2013. In fact, I think he reported to the Governor on that date, and then subsequently the report was tabled in the parliament.

That report again shed light on the operation of the government department and its failings in respect of the school, in particular the concealment of vital information that was necessary for the proper prosecution and investigation of cases and protection of children within our school system. It shed light on a legal advisory unit which, again, was condemning. It outlined concerns about the failure of staff, including ministerial staff, to advise of the serious incident to the then minister, minister Weatherill, who is now the Premier, and made other recommendations—again, a damning report, again identifying the culture of cover-up that was rampant.

Still without any comprehensive response by this government—in fact, even immediately prior to that, of course—the government had set up its first task force specifically to deal with investigations in other schools. By December 2013, five school cases had been identified in which there had been child abuse, sexual abuse or exploitation. By 2013, the government announced that it would have a review of its department by Mr Peter Allen, who was a former chief executive officer of a Victorian department. He was brought over to undertake a report.

Again that year, the government announced the undertaking by Mr Alan Moss, former chief magistrate, who had conducted a review under the State Records Act. Curiously, to this day, it omitted to consider the ministerial officers and their recording of records—in particular, emails between ministerial advisers and ministers; nevertheless, that review was undertaken.

We then had another litany of disasters in respect of allegations against persons who were either in the department or approved by the department—by that stage, known as Families SA—in relation to which there had been severe embarrassment of the government and again reaction into conducting a number of reviews. Firstly, we had the select committee on Families SA commissioned, which is still continuing. That, as I understand it, is about to report on foster care, which was one of its terms of reference.

In 2014, several months after the election, there was the disclosure that Mr Shannon McCoole had been charged with multiple counts of child exploitation—in particular, child pornography and other offences—to which he subsequently pleaded guilty. Again, the government is thrown into chaos and embarrassment, as they should be by this stage, having recklessly disregarded the responsibility they have had. There had been multiple reports already telling them how bad the situation was.

They rushed into another review—in this case, appointing former police commissioner Mal Hyde to conduct a review in respect of departmental employees because Mr McCoole was, in fact, an employee of Families SA. Not only had this culture been so without transparency and committed to cover-up but we had one of their own exposed, charged and ultimately convicted whilst in place and working for Families SA.

In direct response to that, the Premier came out with his now famous statements about acts of evil against children being exposed and announced that there would be another royal commission. This is the third royal commission in the lifetime of the Labor government since 2002, this time being undertaken by Margaret Nyland QC, a former Supreme Court judge, into child protection systems.

Her commission is continuing, and we look forward to receiving her report in due course which apparently, according to the current minister, is due sometime later this year.

Overlapping that, we have had numerous annual and individual reports: the Public Advocate, annually; the State Coroner, annually; the Child Death and Serious Injury Review Committee, annually since its inception in 2004; the guardian for children; and the Council for the Care of Children. I do not know how many times the government needs reports to tell them that their government department is in a state of dysfunction and utterly failing in its responsibility to children, but if they have not learnt to read yet I suggest they go back and reread some of these reports and understand how severe it is in the circumstances.

This year, we also had the damning report arising out of the death of Chloe Valentine that was tabled in April this year by State Coroner, Mark Johns; I will come back to his report in due course. Let me remind the house that the death of this little girl, and the tragic circumstances leading up to her death, the blind dismissal and ignorance of people who were responsible to protect this child both legally and morally, as was exposed in that report, has resulted in further inquiries, including another government task force—they are good on task forces; we never see what they do in the end but, nevertheless, we have another task force.

In his new role as the child protection reformer for the government, the Attorney has given notice that he will be moving a motion to have another inquiry by a select committee into early childhood protection and the services that are currently either there or failing in that regard. In the wake of all of this, what occurred just a week ago? Just days ago, in fact, we had the announcement on the front page of the paper that a foster care worker was charged and appeared in court on 21 May for child exploitation charges. This is a person who is supposed to be a non-government but contracted employee of an agency, engaged to undertake child protection work as a foster care provider, who has been charged.

What did we have? We had an announcement by one of the department's deputy directors that they will convene another review—another review—into the guidelines under which these employees are to be appointed, continually assessed and annually reviewed. This is obviously wanting because here again we have serious criminal charges being brought against someone who is supposed to be an agent to protect children and who is supposed to be under the supervision and assessment procedures of this same department that has had a history of condemnation by multiple eminent reviewers. I do not know how many times the government has to be told this, but it is damning and it continues, and they just seem to sit there in blind ignorance.

Let me say that one of the most extraordinary elements of this litany of unattended reports, the blind ignorance of what is going on, is the Premier himself. The Premier, when he came into the parliament, was a backbencher, but he soon became the minister for families and communities, on 5 March 2004. He followed the Hon. Steph Key, who was called the minister for justice for the first two years of the Rann government, but on 5 March 2004 minister Weatherill came in as the minister for families and communities, which was a new name, and he was there for just over 4 years, until 24 July 2008.

Then, of course, from 2008 to October 2011 he was followed by the stewardship of the Hon. Jennifer Rankine, who was still called the minister for families and communities. Her reign was a disaster. Then, from 21 October 2011 to 21 January 2013, there was the newly appointed minister for education and child development, the Hon. Grace Portolesi. If minister Rankine's term was a disaster, and we remember her sitting there with her chief executive officer over the 'house of horrors' claims, Ms Portolesi's reign would have to be a close second.

Quite bizarrely to me, after what had been a demonstrable failure under minister Rankine, she was reappointed on 21 January 2013 until February this year. Why they ever brought her back I do not know, and again, if one looks at the history of the reporting and the identified exposed abuse cases by numerous statutory and other appointed persons commissioned to provide advice and recommendations to the government during this period, it is just stunning that she would have been reappointed.

Nevertheless, she has now been retired off and we now have minister Close, who has been newly appointed. I think, sadly for the children of South Australia, even under her reign this year,

having been brought in with the Attorney-General in his new role as the Minister for Child Protection Reform, we have further exposures of shocking cases. The list goes on. We all want to give the new ministers an opportunity to say that enough is enough and that a line has to be drawn in the sand with a preparedness to actually do something about what has become endemic in the culture of the departments. Whether it is concealing from parents, whether it is concealing from governing councils of schools, or whether it is concealing from the proper authorities to protect children in those circumstances, it is just a cancer in this government and it has to be addressed.

The reason I particularly identify the contribution from the Premier is that he has been a minister for over four years in this difficult but important area. He was there overseeing the commissioning and supposed implementation of a number of these reports. He made a number of statements in earlier times on his claim about the previous government—that is, the previous Liberal government—and just recently, on 7 May 2015, he claimed that that government had failed in respect of children in suggesting, in his quote of 7 May this year, 'utterly and completely criminally underfunded'.

I will come back to that in a moment, but here we are in 2015—13 or 14 years into this government—and he claimed it had been deficient in the previous government. What is more, on 6 May 2004—that is, 11 years ago—he had this to say to this parliament about the circumstances that existed in the department he was responsible for and about the government that had preceded his (that is, the Rann government and the Kerin/Olsen government):

> I accept my responsibilities for the children in my care, and we are taking steps to address those very issues. Indeed, at a public forum just a few days ago, I admitted that the child protection system is in crisis, and it is…Frankly, despite two substantial responses to the Layton report—

and he detailed those—

> there remain deep and systemic problems within our system of child protection. But one of the important things we have done [he says] is change the culture of the system. There has been a culture at the very top...

He continued:

> There is an important piece of information that members of this house should be aware of and it concerns the culture that has been endemic within these agencies that deal with child protection. A culture has existed among people at the most senior levels of government—and I am talking now of a period prior to our term of office—where they simply did not want to hear the truth about child protection and they went to extraordinary lengths to prevent themselves being told the truth.

Apparently I interrupted, because he went on to say:

> The member for Bragg invites me to name them. I say that senior members of advisory bodies sought to communicate to the previous government that this system was in crisis and, in fact, emissaries were sent by the previous government to tell them that they should not use inflammatory remarks to describe the child protection system. Indeed, they went further. (The member for Finniss knows this and he should sit forward and listen to it.) They set up structures to ensure that those agencies could not get the message through. That is the way the previous government dealt with child protection—coverups and lies. They created a culture of bullying and cover-up.

He went on:

> We have established a new Department of Families and Communities. This area now has been disaggregated from the Department of Human Services, where many of these unfortunate patterns of behaviour had been perpetrated. Extraordinary efforts have been taken to increase resources in child protection. Our system needs to turn around and face those people at the coal face who deal on a day-to-day basis with families in crisis. Early intervention is at the heart of the Layton report, and further significant responses to the Layton report will be released soon.

That was on 6 May 2004. That is 11 years ago. He knew the problem, he knew how serious the problem was, he claimed it had actually extended back under the previous government, he claimed that his government was doing something about it. As minister of the day he went on to say that, in fact, it had been; they had actually done something that had worked.

Clearly, that was not the case. He may have been hopeful at the time, he may have thought, 'Well, if we do some more it will get better,' but he told the parliament, 11 years ago, that the problem was known about and that he had addressed it. That is not only mischievous, it is completely without foundation, as we now know, with contemporaneous inquiries that were going on at that time,

including the need to move to progress a report for the first select committee in the Legislative Council.

This is complete rubbish from the then minister. And even today, when he is under pressure to answer questions about the failings in respect of the department in his government arising out of the Chloe Valentine inquest, he condemns those who raise concerns about his government's system. And we will remember, emblazoned on this parliament, his despicable statement on 7 May when he said, 'And there is a special place in hell reserved for those who play politics with child abuse.'

It is a disgrace! The ministers should be speaking immediately to their Premier about their displeasure about that kind of despicable statement. He knew what the problem was, he did nothing about it. He gave a gloss-over—at best shallow but nevertheless insincere—report to the parliament in 2004, and he has done nothing about it to fix it up since. And for someone who was so cognisant, allegedly, of the problem that was there to have come into this parliament and made statements not only this year but, of course, back in 2012 and 2013 when he was questioned about his 'I know nothing about the child abuse case in the western suburbs school. My chief of staff didn't tell me anything about it. I've visited the school, I still wasn't told anything about it' is just laughable. It is just laughable.

If it was not so serious and if it was not for the safety and the protection of the most vulnerable people in our community—the children of our state—then it would be laughable. But it is a tragedy that he should go on still trying to claim that he is doing a good job in this area. And what do we have most recently? Let us consider his statement post the Mark Johns' Coroner's report in April this year. He claimed, and I quote, that he's 'done more to shine a light on the evil of child sexual abuse than any other government around the nation'. That is his claim, just this year, just here in May this year.

He claims that his government has been undertaking its responsibility under the Children's Protection Act. That is laughable, because if you read, of course, the Coroner's report that is damning of that, and it is damning even by his own government's departmental annual report to this parliament. This is not just Mr Johns who is exposed to a shocking case of the failings of this government, but the annual report of this government, 2012-13, which is done on a calendar year (it is a little quirk of the legislation) suggests that the number of notifications that Families SA (which is the agency responsible, of course, for child protection) had been growing, and in that year was 37,434 (there had been a 6.1 per cent increase), and that of those 19,120 were screened in notification (that is, the department had identified that they warranted some reasonable suspicion that a child was at risk), but of those numbers only 5,333 were investigated.

That is disgraceful. We are talking about over 10,000 reports where there was confirmation of a child at risk under a preliminary assessment which have just been ignored, the file not even opened, nobody has even gone to see if the child was alive or going to school or being fed or not being hit—the file was not even opened. It is just appalling. Either the Premier is walking around in la-la land and he is completely oblivious to this, or he comes into this house (from 2004, when he was a minister, to date) trying to claim that his government is doing a great job in this area and that it is actually better than any other governments around the nation.

Well, what a joke that is because, of course, again this year we have had the disclosure (which was covered in the media) of information, which has gone to the commissioner (this is Commissioner Nyland who is undertaking the current inquiry), of allegations with respect to the funding of other jurisdictions. So, whilst the Premier comes in here and talks about how great his government is relative to others, in that 2012-13 year, from the information that is available, what is claimed is that South Australia has ranked the second lowest in Australia in terms of expenditure per child on statutory child protection services.

Then, if we look at the per child spending on intensive family support services, because this is another—remember his 2004 speech to the parliament—area of early intervention, etc., we find that in fact South Australia is sixth out of the eight jurisdictions, so we are third to last in that category, and fifth out of eight in the combined child protection spending per capita. I mean, the gall of this Premier to come into this parliament and to try to pretend that they are doing a good job, which is completely defied by the facts, by reality and, tragically, by the continuing and ongoing reports and plaintive pleas from relatives, members of the public and senior people who have conducted these

inquiries. He is walking around with his hands on his ears and with a hand across his eyes, in blind ignorance, refusing to accept the reality that this situation has continued and is even worse than what he claimed it was in 2004.

They have not made an impact on child protection in this state. They have utterly destroyed what thin tissue of fabric of protection we gave to these children over the last 11 years. I ignore the first few years because I think it is fair to say that it was reasonable for them to do those two things: have a drug summit, from which there has been very little outcome but, nevertheless, it was a good idea; and to commission Robyn Layton QC to do that first report. That was very good. They were a new government, they were entitled to review that and they did that, but they have done stuff all since to actually protect children in this state. It is just obscene to me that the Premier still keeps coming into this place, or at the media level, parading his bona fides and his government's commitment to protecting children, when it is far from it.

I look forward with interest to receiving the report of former justice Margaret Nyland QC. As I understand it, there have been comprehensive submissions presented and for someone who has had such a level of experience herself, both as a judge and as a legal practitioner in this field, I have some hope that there will be, not the stinging rebuke that might follow but an exposure of the utter failings of the current system.

After the government's attempt to have an independent families and communities department, they then threw them in with the department of education. Having said that it is important to have a separate entity, that they were going to break down the old department of human services under the previous Liberal government, that it needed to have its own minister, that the importance of child protection needed to be recognised separately, they threw that away. They threw that away after it had been, they claim, a failure and put it back in with education. What has happened since?

I just want to say one thing in respect of education, and that is how concerned I am that the hundreds of children who are in our education system have a department which is now so focused on fixing up the disasters with child protection that it has little opportunity, in my view, to address what is a very significant service provision in this state, and that is public education and the regulation of non-government schools. If anything should tell you that that concern is corroborated, it would be the NAPLAN tests that we are seeing published on a regular basis, where again our South Australian children are missing out.

The government needs to take away the pride, take away what has been shallow comment in suggesting that that experiment was a success and follow the Liberal opposition's lead and the Leader's commitment of the opposition to say, 'Give these children—whether they are in child protection or education—separate ministers and separate departments and give them a chance,' because at the moment both are utterly being failed.

The second thing I look forward to is seeing this government—if it is seriously committed—support child protection in this state and abandon its instruction to be hit with the 40 per cent overall budget savings measures. What is the point in saying that there is a need to prioritise and to strengthen our child protection system and then say to the department, 'But you are not excluded from our budget measures; you are not excluded from the necessity to cut staff, cut services, cut expenditure. You must fall into line with everybody else.' The fact that the government has been engaged in a rampant spending spree, much of which has not been necessary for the interests of the state, and thrown us into a fiscal desert is a matter for which the Premier and his Treasurer (he himself a treasurer for a while) need to take responsibility. There is no question about that.

The Premier cannot stand here in the parliament and say that he is proud of his government's record in respect of child protection and claim that he has actually done more for children in this state, particularly for child sexual abuse, than any other jurisdiction in Australia and then have it exposed that in fact we are utterly failing in the funding provision for child protection in this state. We are down at the bottom of the pack, but not right on the bottom of the pack, as we are in regard to our financial position. We are way down there in that regard. He cannot in the next breath say, 'I require this department to be subject to budget measures.' It is actually inconsistent.

I am looking forward to this year's budget. I expect that if the government is serious about this matter, it will undertake a number of the reforms that have come out of the Coroner's more recent

report—and again, I will come to those in a moment—and, in addition to that, look at its provision for spend. Some of those recommendations, which include training for note taking and further assessment for those who are involved in the child protection area, including requirements for supervision of trainees and a number of other implementation commitments the government has made arising out of Mark Johns report, are going to cost money. There is no point in saying, 'We're going to commit to 19 out of the 21 recommendations, many of which require implementation by the government and in particular by the department,' and then saying, 'We're going to strip it of money.' It just does not work that way.

Let me come to the bill itself and what the government say they are going to do, consistent with the report from Mr Johns. The State Coroner tabled his report on 9 April this year, as we all know, and we will have images of this poor little child probably embedded on our brains forever from the coverage that this case attracted. We have the report of the Coroner tabled into the death of Chloe Valentine whilst in the care of her mother on 20 January 2012, which is over three years ago. This is a tragedy that, as it unfolded, we all watched in desperation, but that could only be a fraction of what had been experienced by her grandmother, Ms Belinda Valentine, and the hurt and pain that she and other members of the family have suffered as a result of this child's death.

I want to mention one thing in this report which has not had much airplay, in the sense that it has been omitted from any descriptions by the government. I am going to refer to some of the passages of Mr Johns' report that I think it is important we be reminded of. It is my contention on behalf of the opposition that, whilst the government purports to pick up three of the recommendations in this bill that require legislative reform, there is an utter failure to deal with some others. I do not know how many reports we are going to have to table to deal with some of these, but let me look at the area which attracted the attention of Mr Johns.

The Coroner made a finding that Chloe Valentine died on 20 January 2012, and he found that the cause of her death was 'closed head injury with possible contributing factor extensive subcutaneous and intramuscular haemorrhage'. He went on to say, in respect of Dr Karen Heath's evidence, the following:

> Dr Heath said it was not possible to determine from the neuropathological findings whether the head injury observed was a result of one episode of trauma or the cumulative effect of several episodes of head injury. She said that other findings at autopsy included extensive bruising of the scalp and face, back, chest, abdomen and upper and lower limbs. She said that in particular there was extensive subcutaneous and intramuscular bruising of the lower back, buttocks and thighs.

She goes on to describe what she called:

> …'a confluent area of bruising', which is actually a large number of bruises that have all merged together into one bruise so that she could not tell where one bruise finished and one started.

There are a number of other findings about blood being trapped between levels of the muscles, etc., which I will not go into, but the Coroner went on to find:

> Dr Heath was unable to attribute how much each of those process contributed to death…

He also found:

> Dr Heath said she had never seen this degree of bruising in a child before in her experience as a forensic pathologist and had only ever seen it once in an adult.

I found it quite gruelling and chilling to read the evidence and subsequent findings of Dr Heath because, if ever there was a physical and forensic corroboration of what should have been so utterly obvious to the multitude of people in Families SA who failed this little girl, it should have been that. In her evidence, this forensic expert said that this was the worst case ever, and yet so many people were blind and, according to Mr Johns, gave evidence that was very unsatisfactory in attempting to justify their actions or failure to act as the case may be.

I am not going to go individually to those who were involved. The minister is yet to come back to us with some answers to questions raised about what happened to a number of those employees—whether they are still with the department, whether they have been demoted, whether they have been disciplined, or whether in fact they are no longer with the department and have left

that employer. It does raise some serious questions and we look forward to the minister's answers in respect of that.

This is so very important because the first of a number of recommendations the government gave was that there be a recognition in the Children's Protection Act to the words 'cumulative harm'. The recommendation of the Coroner is that pursuant to recommendation 22.11, the act be amended to include cumulative harm as a relevant factor in making decisions about the care of a child—that is, not just one abusive act or gross neglect, but where a child's circumstances suggest a history that the child's care is wanting. That is not a quote; they are my words.

This issue was referred to in other reports, including the Child Death and Serious Injury Review Committee Annual Report 2011-12, at page 39, when considering the gross neglect and abuse in what is now known as the 'house of horrors' case—another example, exposed in that instance by police officers, of the utter failure by the government's departments in education, Families SA in particular, and Housing SA, to name three, that utterly failed that family.

The Child Death and Serious Injury Review Committee undertook a special investigation of that shocking case, providing a detailed report in its annual report, and made a number of recommendations. They made it very clear as well, even though the government have had this for a long time, that this is a factor that has to be looked at. If that was not enough, because of the current provision in the Children's Protection Act, even the Coroner himself said that he wanted there to be clear attention of the department on its obligation to look at cumulative harm, not just isolated incidents. At page 142 of his report, in respect of the proposed amendments to the Children's Protection Act, to make it clear that cumulative harm is a relevant factor he went on to say:

> I agree that this is a sensible proposal, but with this qualification: the inclusion of the words cumulative harm in the objects section of the Act will not achieve anything unless it is acted on. The fact is that there is nothing to prevent Families SA building a case for a care and protection order based on sufficient evidence of multiple instances of neglect. Merely including these words in the Act without more will not solve anything apart from creating the impression that something is being done in response to Chloe's tragic death. Far more than this is needed to prevent a repetition. Nothing less than a massive overhaul of Families SA and the culture and training of its staff will suffice.

He went on, of course, to give us a rather extensive enlightenment as to why it is important to understand that children are not possessions. As parents, we have responsibilities for them; as members of this parliament, we have responsibilities for them; and, as a government, particular ministers in this area have a direct and legal obligation towards them.

He made it absolutely clear that, in relation to the first of the areas of reform in this bill, which is to introduce the cumulative harm in the objects of the act, it is not necessary at the moment. However, he is happy to recommend it but that the department should be acting on it already—they have the power, they know what their obligations are, they have, in fact, been reminded by a number of directives. Apparently, on 1 May this year, as a response to this inquiry, multiple directions were given by email to members of the department. I want to refer to those because Mr Tony Harrison, who is the chief executive, issued these directives by way of circulars, apparently on 1 May and also on 17 April and 13 April.

There was another one, a circular issued on 9 April, which was basically distributing, apparently, to all Families SA staff an electronic copy of the findings of the Coroner and indicating that the state government would be looking at those recommendations. It then acknowledged the work that all of the staff did in the care of hundreds of children in South Australia. It concluded by saying, 'Please continue to go about your work with pride and professionalism.' At that stage, there was no mention of what was obviously a major deficiency of this department or of the failings of a number of people in it.

With respect to the directives of 13 and 17 April and then the one of 1 May, I place on the record as follows. I will not read out the full directive, but they comprise four or five paragraphs just to say that the government had resolved to support 20 out of the 21 recommendations—19 in full, one in principle and one to be referred off for further investigation. It then gave all of the staff of Families SA a copy of the government's response; I do not know what it was, but I am assuming that it was the ministerial statement minister Rau had tabled in the parliament on 13 April, which is the day on which this circular went out in relation to the government's response. So, they got advice

about what the government's response was and that they would be in touch with them again in the near future.

The third directive, on 17 April, was to inform the staff of what is titled 'Chloe Valentine coronial inquest: initial instructions to staff'. This was to tell the staff, firstly, that everyone was required to read the email and that, in respect of the coronial inquest findings—and I will paraphrase this here now—there would be action to assist in the operation of the daily work of Families SA workers, that workers were to have training and that there would be a development of a training program for report writing, including case notes, which, as I said before, was one of the deficiencies exposed, again by Mark Johns, State Coroner, and something which, really, was well known to the state government from the select committee back in 2009 and which, as I have read out, was already well known to the department.

Secondly, an instruction to the staff that they were able to and had a responsibility to ask questions even if the parent or guardian was not granting consent. This was another feature of a deficiency of the implementation of workers' responsibility in this area as identified by the State Coroner. He made it perfectly clear that the claim by the department that they were in some way going to be in breach of privacy as an impediment on their charge and responsibility to investigate matters and ask questions was a complete furphy. It was without foundation and it was requested by the Coroner that an instruction go to the staff accordingly.

The final instruction went out on 1 May, according to what has been tabled in parliament—there may have been some since then. I am not quite sure who this went to, but it says it is a message from the chief executive dated 1 May 2015 and it is titled 'Chloe Valentine Coronial Inquest Update'. This instruction comprises three paragraphs and it says that Families SA should strictly comply with section 20(2) of the Children's Protection Act with immediate effect. It outlines what section 20(2) says, and a reminder that they have an obligation 'to utilise the full existing provisions' within the Children's Protection Act 1993. It goes on to say that it sets out the terms of sections 20(1) and (2) which set out the requirements of investigation and assessment orders including applications for drug assessments.

This is a circular which clearly needed to be sent, but it is interesting that, whilst the government has apparently complied with the recommendation of the Coroner to advise Families SA staff of their obligation in this area, there does not appear to be an indication as to who that has gone to—and I think we need some answers on that. There is no detail in this obligation as to in what circumstances they should be undertaking that recommendation, in particular, whether they should be making applications under section 20(2) or indeed whether they should be even under an application under section 20(1) seeking orders for a drug assessment to be undertaken as part of that application.

Remember that in this area the Premier claimed—as he did again quite recently on 6 May 2015 in this parliament when questioned about his commitment to the parliament back in 2005 when we debated amendments to this parliament—that he had not taken any action to inform his department of the expectation of provision of the detail of that in the annual reports, and went on to say, in short, that they were sitting in the parliament during those debates—and I am sure they were—and that they would 'know what is required of them'.

In other words, even though he was minister at the time, he was sitting down here in the parliament and he had representatives of the department here, as he would have other advisers in the progressing of the bill for the committee stages and the like. Bear in mind that that day, back in 2005, was the last day before the parliament rose for the election in early 2006. It was a Thursday afternoon. We had been debating, and we had a committee of members of the parliament from the other place, which the member for Heysen and I were on.

There had been much toing and froing during that day to resolve the amendments that had been presented in the upper house by the Hon. Nick Xenophon. He claimed, here on 6 May 2015, that he did not need to be telling the parliament what action he had taken because these people were all there; they knew what they had to do. Furthermore, his claim was that the debate over mandatory testing had been included within the assessment process and that, consistent with the contribution

by the Attorney-General, in essence this provision and obligation under section 20(2) was a subset of 20(1) of the act. That was their position.

The reason it is particularly important is that the Premier was the minister at the time of the debate in relation to this, was responsible for its passage through the parliament, was involved in the negotiations and the settlement, if I can describe it as that, of the ultimate provisions and amendments in subsection (2) and the acceptance, when he came back into the parliament in the dying minutes of that parliamentary day, telling the parliament of the commitment in respect of the annual reporting. This had been a feature and a discussion during the day.

In fact, whilst there has been some reference to the fact that there had been no annual reporting of the instances of cases which included drug assessment in the annual reports, if members look at the first annual report after these debates, which I think was in 2005-06, it actually referenced the fact that if drug testing was to take place it was to be done by the drug and alcohol unit in the health department. So, it is true that the department did know its obligations in respect of the reporting. They did report in that next year.

There is absolutely no detail of any drug assessment cases, either the numbers or the details, as per that commitment in subsequent annual reports, and that is a shameful omission of responsibility. I consider that to be an omission for which the government have to take responsibility. After all, the buck stops with them, whether it is the Premier as the then minister or indeed subsequent ministers. If a chief executive or persons below the chief executive, who are feeding up the information, who are working on the preparation of reports, who are collating the necessary and mandatory reporting commitments for those annual reports, are not doing their job, ultimately the buck stops with the minister. It is a shameful omission.

The person who is now the Premier of the state came into this parliament as the minister, confirmed the agreement and the commitment to provide this, and it has been completely ignored ever since. I think that it is shameful that the government comes in here and says, 'We are going to act and we have acted immediately to consider the Coroner's report,' gives a ministerial statement, tables a bill in the parliament and then ignores some other very fundamental issues that are missing from this report. I think is shameful.

What it tells us is that, even if the three proposals they have in this bill have merit (and I think some of them have—some of them need a bit of improvement, but some of them have), what is the stark omission in this bill is the failure to address deficiencies, particularly in respect of the drug testing in cases where a child is at risk because of drug or alcohol abuse in the household in which he or she is living and, secondly, some explanation to the parliament about why this has not happened in the annual reporting, and to provide that data. They have not even done that.

They rushed into here after a cabinet meeting and said tick, tick, tick, tick, tick, 19 times, one in principle, through to the last on adoption—'We will send this over to someone else; it's under a current inquiry and we will have a look at it.' But they did nothing to answer two fundamental questions. They were asked earlier this month, in May, the minister, as he was then, now Premier, and the current minister, how many cases of the 225 assessments that were done by order through the Youth Court last year involved the obligation for a mandatory drug test as a condition of the order? How many?

Mr Harrison was asked on radio, the Attorney-General has been asked, the minister has been asked when we were last in the parliament: still no answers. Not any answers, not one case! If they said, 'Oh, look it will take a little bit of time for us to go back and check those 225 files because we did not keep the data,' fine, but they have known about this for months. It is not just a report that came out even in April. They knew what were these deficiencies because their employees were giving evidence to the inquiry over the last year. They knew exactly what was going on.

We had published statements during the inquiry as each of these tragic, exposed deficiencies was reported in our press on an almost daily basis, and followed up with television pictures again of this poor little girl on her bicycle. We had a constant repeat and reminder of what the deficiencies were. The government has known about this for a long time. This little girl died over three years ago. Notwithstanding that, we still do not know.

What is even worse, we do not even have anything from the government to tell us, since they issued the directive a month ago on 1 May, how many cases have been applied for since in the Youth Court for assessment, in how many of those have they specifically sought a drug test and how many of those have undertaken a drug assessment? Nothing! Complete silence! This is a perpetuation of exactly the problem that Mark Johns exposed in the findings of his inquest, yet the government just stick their head in the mud—it is not even sand, it is mud. They are hiding, closed ears, closed eyes, and will not address this issue.

The second thing I condemn them for is for failing to come in here and account to us, in an addendum to the annual reports, what that data is. But nothing, not even a commitment that they will make sure that they do it. They send out some generalist missive to the department to persons unknown, and they come in here and say, 'Oh, well, we've done our job'. I mean, hello? After repeated reports have said that there is a culture of cover up, that there is a situation which is described as a 'rotten culture' by one of the inquiries, and that it is so persistent, so prevailing and so perverse, if they think that just issuing a general directive to people in the department, an email, to remind people about their obligations to follow the provisions of the act is enough, then they are completely in la-la land.

I think the situation really is that they know what the problem is, they have not addressed it, they will not address it, and they just think that they can keep throwing out these red herrings like, 'Aren't we doing a great job?' to some way pass what has been shamefully inadequate conduct by this government.

In respect of this bill, I am more concerned about what is omitted than what is in it. I am very concerned about what is omitted. In fact, I am so concerned that, on our side of the house, we have looked at the preparation of a bill to provide further amendment to ensure that this government is bound to comply with what was the clear intention of this parliament, and that was that, when there is drug or alcohol abuse in a household in which a child is living in this state, and that child is at risk, then they must act and there must be an order for assessment, including drug and/or alcohol testing—that must happen.

That must be absolutely clear in the act, so that we do not have the Attorney, child support reform minister or other ministers coming into the house saying, 'This is a subset of the other subset.' What rubbish! If that was so true, why have we not had back the response from the Coroner to a letter which the Attorney says he sent to the Coroner, explaining his subset idea? Why has that not been tabled here in the parliament? We do not have anything.

We are being asked to deal with this bill and progress this bill in the absence of any of that stakeholder information. Some has been coming in pretty quickly because people have had to rush around and get some advice because, again, the government's decision to progress this, its trying to pretend to the people of South Australia that it is actually dealing with and addressing the important deficiencies in its department by these legislative reforms, is a desperate attempt by them to save their own image in the public and is not comprehensively dealing with a number of these concerns.

Well, we are and we will look at this issue. Because of the government's failure to address this, because of the government's insistence that sending out a generalised missive to persons unknown in its department is inadequate, we are addressing that issue and, between the houses, we will be looking at what amendment should be introduced in the Legislative Council to ensure that the intent of this parliament is followed.

In the meantime, I will be asking in committee further questions in relation to these drug assessments, and I expect some answers. The people of South Australia expect some answers, and everyone sitting in this parliament should expect some answers, on the government side and on our side, from the ministers who are responsible for this.

The second matter covered in this bill which we consider to be deficient is the tightening of the objects to deal with the paramountcy of protection of children from harm—that is my general paraphrasing of the effect of this. The government has, I think it is fair to say, considered this question of tightening the focus to give the sharp attention that is required to make the primary, paramount, whatever word you want to use but most important aspect under the act to be protection of children before, particularly in 2005.

At that time, consistent with recommendations which stemmed from Robyn Layton QC's report, in the fundamental principles and the objects of the act there was the inclusion of two clauses. One was in section 3(a), under Objects of Act: 'to ensure that all children are safe from harm'.'That was inserted and, under the fundamental principles, subsection (1) provides:

> Every child has a right to be safe from harm.

It then recounts a number of other important considerations. In 2005 this parliament already at that time changed the Children's Protection Act to put right at the top of the list the protection from harm as both an objective and a key principle. Furthermore, it amended this section and added at section 4(2):

> Every child has a right to care in a safe and stable family environment or, if such a family environment cannot for some reason be provided, in some alternative form of care in which the child has every opportunity that can be reasonably provided to develop to his or her full potential.

Subsection (3) provides:

> In the exercise of powers under this Act, the above principles and the child's wellbeing and best interests are to be the paramount considerations.

Frankly, I thought Robyn Layton had it right; I thought the parliament of the day got it right. We made it very clear what the position was but, nevertheless, it seems that privacy, hurting the mother's feelings and other considerations in the actual operation of the investigation and applications for assessment by certain employees of the Department for Families and Communities took a different view. Either they had not read the act, they did not understand it or they did not care about it—and there are all sorts of issues in relation to that—but nevertheless, they did not do it. They did not make sure that the paramount consideration of all was the child's wellbeing and best interests, and they clearly had not read the clause at the top of the list which said that every child has a right to be safe from harm.

The provision in the Coroner's report tells us that the objects in that regard needed to be clear because some were just not responding to it. When the government presented this bill to the parliament, they claimed that pursuant to recommendation 22.12 of the recommendations that the objects of the act be made plain, that the paramount consideration in the administration of the act was to keep children safe from harm. So, what the government did in their bill was to amend the act by removing the fundamental principles as set out in section 4 in the repeal of that section and, curiously, to me anyway, by leaving in the provisions under section 5.

The provisions under section 4 are probably well known to the parliament but they do provide a comprehensive list of commitment to consultation with children, the opportunity to have a voice, to be listened to, to have their view considered if they are of age to be able to do so, and in relation to Aboriginal and Torres Strait Islander children that their child placement principle be observed and a number of other rights to protect for a nurturing and safe environment, etc. I will not go through them all because there are a number of them.

Many of these arise out of our historical commitment to the understanding that living in a family unit, a good family unit, is a good environment for children to grow in. It certainly has benefit, and there is a myriad of research which suggests that, whatever the combination of the family, if there is a warm, loving, nurturing family unit in which the child has a stable upbringing and some consistency that this is good for our child's development and maturity because we want them to grow up to be good responsible parents and members of the community as well. We understand that.

The state also has a responsibility arising out of being a signatory to the United Nations Convention on the Rights of the Child. Australia is a signatory to that and so we have a number of these aspects included in it. I am still unsure as to why the government would seek to repeal section 4, because I think if you are going to prioritise harm or make it clearer, then by leaving it in its current form it would need to have some tightening up in language: it does not mean we have to abolish it altogether. However, it seems that in the haste of the government to rush in and look like it was doing something useful, they just repealed it altogether.

Curiously to me, as I say, they left in the provisions for Aboriginal and Torres Strait Islander children so it seems that those children, who for lots of reasons which I support deserve special recognition, could have the child placement principle which is in section 4 which applies to them

ripped out, but section 5 remain. Again, not a lot of thought it seems. I will give them the benefit of the doubt on that.

In the haste of trying to do this they have said, 'Yep, right, bang, we will strengthen the objectives of the act and we will delete all of these other miscellaneous things which is only a United Nations' convention. Just rip them out and make it absolutely clear.' In their haste they have undermined a commitment to other important aspects for children, including the right for children who have a level of maturity to have their views expressed, recorded, taken into account and given weight, which I think is very important.

The opposition will be opposing the repealing of section 4. We need to consider in the long term how we deal with the correct description to confirm and ensure coroner Johns' recommendation is clear. We need to rewrite the provisions in the objectives in section 3, the other important considerations in section 4, and special provision for Aboriginal and Torres Strait Islander children which has some extra provision in subsection (5).

What happens sometimes when we have an act and we play around with bits of it along the way is that it is often mucked up, especially when it is done in a hurry. We must make sure that we get this right because, whilst it exposed in the Coroner's inquiry a deficiency on the part of Families SA in their claim that they had some obligation to privacy, which was a complete nonsense, further to that, that they had other considerations to take into account as though they were in some way to supersede what the statutory imposed obligation was. We know it is no excuse and we want the department to understand that.

Frankly, I would have thought that a clear and explicit direction by the government to the chief executive to members of the department who are working in this area ought to have dealt with it, but if we are going to do it properly in the legislation, let's make sure it is done properly. The government's failure to do that by ripping out other important considerations is not acceptable to us.

I read in the media that members of the child committee of the Law Society, who are very well briefed and experienced in this area, have also highlighted the imminent breach by the government in pursuing an amendment which repeals section 4. We will not support that. We want this fixed and, if it is not fixed properly here, then we will raise that in another place.

Late Friday, I think, or certainly over the weekend and yesterday, I received a hard copy of an email that was sent from the government and, sometime during the course of the morning, I have had placed here on the desk an indication that it is anticipated that the Deputy Premier will move an amendment to this bill. I have just quickly read amendment No. 1 because, in the letter that was sent to us, it was not clear what the government intended. It just said that it would insert an additional object in section 3 of the act.

It did not say what it was but, in the amendment I have just read, it suggests that decisions must have regard to the views of children. So, it appears they are picking up one of the complaints concerning the United Nations convention obligations, but clearly not all of them. Again, they just rush around and think, 'Well, the Law Society have complained, or somebody else has complained about this in the media.' They have this kneejerk reaction, and again they miss the point. They are so desperate to make it look like they are actually doing something useful in this area that they rush around again.

I fear that, whilst this might provide some improvement particularly in relation to one of the issues I have just been discussing, it does not actually put this in clear language so that the people who are implementing this policy in the department, out at the coalface, hard job as it is, do so correctly. It just seems to me that the government is failing to deal with that.

The third area of reform incorporated in this bill is to follow the recommendation of the Coroner when he proposed that the child protection act should be amended, pursuant to recommendation 22.2, to provide that a child born to a person who has a conviction in respect of a child previously born to them for manslaughter, criminal neglect manslaughter or murder, will, by force of the act, be placed from birth under the custody of the minister.

There is some further detail in his recommendation about how that would operate. It is in the second reading, and I will not repeat it all, but, essentially, as I read it, where someone has been

convicted of one of these heinous acts, if they have another child then guardianship of, and responsibility for, that child should be vested in the minister from their birth.

It is really going to be up to the parent, or the person who has the conviction, to demonstrate, almost like a reverse onus, that they have now rehabilitated, reformed and set up circumstances that are a safe and nurturing environment. Perhaps, having repartnered or got rid of their drug addiction or whatever the issues of concern were, they have reformed and, presumably, some years have passed and they are now capable of being a responsible and nurturing parent.

The concept is not a bad one; it has already attracted the attention of a few other jurisdictions. Coroner Johns does not outline a lot of detail in the substance of his report, other than in his summary and recommendations as to why this is appropriate. I think it is important to look again carefully at what ill this part of the recommendation attempts to cure and whether the government has achieved it; whether we should be progressing it now or whether, in fact, we should be looking at it more carefully; and, if it is passed and implemented, whether the government, is in fact in a position to ensure that it is effective. In this regard, the opposition has some considerable concerns.

During the course of briefings on this matter, the government indicated that the introduction of this new provision relating to how guardianship would work in these circumstances was entirely based on the recommendation given by the Coroner. There had been no significant independent study of this option elsewhere to identify whether it was effective in other jurisdictions. In fact, when I inquired whether there were other jurisdictions anywhere in Australia, it appeared that the answer was no. When I inquired whether they were anywhere else in the world, the government said, 'Yes, in New Zealand.'

In 2014, the New Zealand parliament passed the Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014 which purported to introduce provision for the care and custody of children where someone had been convicted of the offence, and last week they very kindly sent me a copy of the bill. I thank those who attended the briefing for providing that, in particular Joanna Blake, who is involved in the legislative reform aspects.

It was made clear at that point that the bill had not been implemented in New Zealand. How surprising that was given that, when we inquired about further capacity and intent of how this was going to be applied; it was clear that New Zealand had not worked that out either. As well intentioned as these things can be, unless you have some clarity as to how they will operate, sometimes all they do is produce this mirage of presentation to the public that you are doing something important that sounds good in a headline but does not actually work.

Let's look at a number of the aspects being proposed and how we understand they may work. In his recommendation, at page 152 the Coroner said:

> The Act would then continue to apply to the child in the same way as if the custody had been ordered by the court under section 38(1)(d), so that the parent might apply to the court for a variation or revocation of the custody of the Minister. Furthermore, the Minister would have the same powers in relation in relation to the child as any other child under the Minister's care and protection.

An example is then cited. The Coroner's findings continue:

> In such a case the Minister should be empowered to impose conditions on the convicted parent’s dealings with the child, if the parents are still in a relationship. That would alleviate the risk that the proposal might work an injustice upon a person with no relevant conviction who happens to have a child with a person to whom the section applies.

What has happened in the Chloe Valentine case is that Ashlee Polkinghorne, who is the mother of the child, has been sentenced to eight years imprisonment with a nonparole period of four years and nine months, having been convicted of manslaughter by criminal neglect, and her boyfriend, Mr McPartland, is serving a slightly lesser but still significant term of imprisonment. Under this proposal in the bill, if it is to apply, should either of these two become parents again the guardianship of that child would effectively (under a process of 60 days' preparation, etc.) be vested in the minister.

To the best of my knowledge, Ms Polkinghorne is not pregnant. She is at least four years away from getting out of prison, in which of course she could become pregnant and have another child. The pressing need to protect against the mother, in this case who has been convicted, is obviously not imminent. We do not have to pass this in a hurry to make sure that we protect a child

who is about to be born. During the briefings, I inquired whether the department was aware of any other child who was about to be born to a party who had been convicted of one of these offences. To the best of the knowledge that they were able to advise, that is not the case.

The question in relation to Mr McPartland—well, who knows? Who knows whether he already has other children, whether he knows about them or not, or in fact has fathered other children who are about to be born? I have no idea, and how possibly the department would have any knowledge of that is beyond me or anyone, frankly. But it highlights one of the difficulties of enforcing this provision if it passes, and I do not doubt for one minute (although I am seeking some confirmation from New Zealand) that there are real difficulties in being able to enforce this provision. What we do know is that, to the best of the department's knowledge, it is not urgent.

The second thing we know is that the government already has at its disposal the protections of the Children's Protection Act 1993 which allow it to immediately go to the Youth Court upon the birth of a child to seek guardianship if they were at least concerned and if, in the opinion of the chief executive, there was a risk. Quite frankly, members should be aware that in this state that happens on a regular basis.

Sadly, I think at present on average a child is born every week to a drug-affected mother, frequently at the Women's and Children's Hospital because this is our major public maternity hospital. Frequently, those little babies, often born prematurely and requiring a lot of extra care, born addicted, are the subject of an application to the Youth Court for an order to be made on an interim basis and then followed through.

In the meantime, the children are in the children's hospital—sometimes for a prolonged period of time, weeks or sometimes months—because they are regularly born prematurely and do require a lot of extra care, especially if they are born addicted to heroin. Those babies are frequently placed with a foster care person or agency and the babies then go through a regime—sometimes of regular daily injections—to manage their addiction. It is a sorry saga. It is actually a tragedy that we have babies born in this state every week who need to be on a program to get rid of a drug addiction that becomes clear shortly after birth.

There is a capacity for the agency, namely Families SA, to act quickly if a child is born in those circumstances. I am told that quite often the imminent birth of these children is already well known to the department, so they are ready to deal with it. Sadly, sometimes they already have guardianship protection orders in place to protect other children of the person involved, so they have a bit of an early start and are able to act to protect the baby. Sometimes they discuss this with the person who is about to give birth and there is agreement that there will be a relinquishing of that guardianship or responsibility, in the full knowledge that they themselves appreciate they are in no fit state to provide adequate care to children.

So, we already have a mechanism in the act that allows for their protection; there are no known cases of imminent birth that we need to address, in any event; and, thirdly, on the information I have received there appears to be no set of guidelines regarding how this is to be implemented, other than the suggestion that there is likely to be a list of mothers who are in this category. There might be 10, there might be 50 (I have no idea) females living in South Australia who have had a conviction of this nature. In any event, whatever is on the list it will be provided to the known major birthing hospitals in South Australia.

In some way it will be a high risk alert list, so that if someone of that name presents to a hospital to have a baby they could be in that category, and the various authorities would need to be alerted. Of course, that does not cover what we do with midwives, it does not cover what we do with homebirths, it does not cover mothers who go to Victoria to have their baby, it does not cover mothers to change their name.

We already have, under some of our management rules and legislation regarding child sex offenders, specific rules in respect of their reporting to police and being prohibited from entering certain areas, including, as I recall our debates on this, prohibitions on changing their name without consent. So we have some precedent, and have accepted it is a legislature, for the monitoring of those who need to be monitored, identified and on various lists for the purpose of child protection. It seems to me that there is no reason why we cannot look at how we deal with this for other children

who are to be born to those who have offended, but I am completely at a loss as to how the government would address this. I have not seen any policy or guidelines. There appears to be no mandated or enforceable capacity to make this work even for women in this category; and, unfortunately, in the briefing that I received on this matter, I am not given any confidence that it is anywhere advanced to actually occur.

As for the male offender who might have other children, good luck! How on earth are we possibly going to identify that this person is the father of various children unless that is acknowledged or sought, and what protection is given against children in households where he might associate with the mother in those households? So, just as we currently have child protection restrictions in relation to child-related work, or working with children (which we have all sorts of rules about—having, obviously, to have police checks and various other restrictions on the capacity for them to work if they have been convicted of prior offences), this question of identifying the children who might be at risk it seems to me fails to actually do it in a manner which will be enforceable under this bill.

I am quite prepared to work with the government—and I am sure that people on this side of the house are quite prepared to work with the government—in making this type of initiative work if there is a capacity for its practical application. At present, however, it is not operational in New Zealand; and, as I say, I have absolutely no reason to suggest that they were not well intentioned as well, but these things are practical enforcement aspects which need some further work (and they need a lot of extra work) and in a circumstance where there is no imminent threat and we have got a capacity under the act to protect, then this needs to be done and it needs to be done properly.

The other aspect of this is that it produces a regime of restraining notices which are to be implemented by the department's chief executive and which, again, on a brief perusal of the letter that was received of the government's intent to tidy up some of this, the machinery implications that are proposed in the foreshadowed amendments do not address these significant aspects. They appear to be looking at some of the machinery operations, things such as relieving the obligation to have a family-care meeting, which is otherwise under the act in these circumstances, and the like.

These are, frankly, incidental, and they may be appropriate in due course, but they are not going to deal with the current defect in this legislation, and that is that there is no real capacity to implement this. One of the things I think we should do in this regard is, first, to allow the general public and stakeholders specifically to have a say in relation to this legislation. I note that, again, as of yesterday the Law Society has raised in a letter it has provided to the government its concern about the guardianship where a child is born to a person with a qualifying offence.

The Law Society has raised some other considerations, and, again, we have not had a chance to look at some in detail, but not only are there some practical aspects but also there is the consideration generally of using this as some sort of instrument of protection when in fact it may have some detrimental effect in its application.

People who are experienced in this area, people who have an understanding of the importance of both protecting children and its application, need to have some say when we develop this type of legislation, and they have not, they have been deprived of that because of the government's desperate attempt to make it look like it is doing something useful and complying with the recommendations of the horrendous inquest findings of the Coroner. It is the opposition's view that there should be an opportunity for the public and stakeholders to have a say and we should have some capacity, at the very least within Australia, as to how it is going to work in other states if people jurisdiction hop.

We have seen this so many times before when there has been an application of a law in one part of Australia and we do not follow it up in other states. I have had the government come to me on areas of management of organised crime in looking at how we deal with that. If we have stringent rules in some states and not in other states, how do we stop gangs moving from one state to another to avoid the stringent rules in those states? How do we stop people going interstate to have abortions where the rules are more relaxed, or come to our state to have them because their rules are too tough?

It is the old Irish-London abortion issue. Incidentally, it seems that Ireland has come of age a bit in recent legislation. Many members would be aware, and I do not mean this as any disrespect

to Ireland but, frankly, they had very strict laws, which include that even if you are a victim of a rape and you are impregnated the capacity to have an abortion is frowned upon and does not have legislative protection. So, we had this rather disgraceful situation where girls would go across the ocean to have an abortion in London. I do not doubt that has been going on for as long as it has been able to be procured, but I make the point that if you have a set of laws within this jurisdiction and you do not deal with it as to: how are we going to deal with girls who go across to Mildura to have a baby, in this instance, or fathers who start living with somebody in another jurisdiction who are going to father more children or are exposed to those households, then it will not work.

I would suggest that the government, on its next agenda of discussions of attorney-generals and/or ministers for dealing with child protection, look at this issue. Secondly, that we inquire of former justice Margaret Nyland, the commissioner with respect to child protection systems, as to what her view is as to how that is operating. That in itself may come some months away, but it seems to me that we need to have some clarity about the practical application of this, after there has been general consultation, before we progress this type of regime. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:58 to 14:00.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

WORK HEALTH AND SAFETY (PROSECUTIONS UNDER REPEALED ACT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students and teachers from St Joseph's School, Payneham, who are guests of the member for Hartley and the member for Norwood.

Petitions

BURRA HOSPITAL

Mr VAN HOLST PELLEKAAN (Stuart): Presented a petition signed by 133 residents of South Australia requesting the house to urge the government to ensure there is a competent staff to deal with acute and emergency care at the Burra Hospital at all times.

PLAYFORD HIGHWAY

Mr PENGILLY (Finniss): Presented a petition signed by 108 residents of Kangaroo Island and greater South Australia requesting the house to urge the government to take immediate action to provide safety shoulders on the Playford Highway from the intersection of Hog Bay Road into Kingscote.

CALLINGTON ROAD SAFETY AUDIT

Mr GOLDSWORTHY (Kavel): Presented a petition signed by 53 residents of Callington requesting the house to urge the government to undertake a road safety audit of East Terrace, Callington.

COUNCIL RATE CONCESSIONS

Mr GOLDSWORTHY (Kavel): Presented a petition signed by 649 residents of greater South Australia requesting the house to urge the government to retain and index state government concessions on council rates.

COUNCIL RATE CONCESSIONS

Mr TRELOAR (Flinders): Presented a petition signed by 649 residents of greater South Australia requesting the house to urge the government to retain and index state government concessions on council rates.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard.* The former member for Davenport will be pleased.

PAPERS

The following papers were laid on the table:

By the Speaker—

Rules made under the following Acts
Adelaide Park Lands—Park Lands Lease Agreement—New Royal Adelaide Hospital

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

Regulations made under the following Acts—
Co-operatives (Adoption of National Law)—Co-operatives National Regulations

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

Regulations made under the following Acts—
Work Health and Safety—Prescription of Fee

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

Regulations made under the following Acts—
Advance Care Directives—
Miscellaneous Variation
Referral Variation
Consent to Medical Treatment and Palliative Care—
Health Practitioners
Referral Variation
Rules made under the following Acts—
Motor Vehicles Accidents (Lifetime Support Scheme)—Rules—Lifetime Support Scheme

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

Rules made under the following Acts—
Casino—Gambling Codes of Practice (Premium Gaming)—Variation Notice No. 8 of 2015

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Primary Industry Funding Schemes—Cattle Industry Fund

By the Minister for Communities and Social Inclusion (Hon. Z.L. Bettison)—

Regulations made under the following Acts—
Rates and Land Tax Remission—Remission Variation

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

Regulations made under the following Acts—
Harbors and Navigation—Fees Variation
Marine Safety (Domestic Commercial Vessel) National Law (Application)—
Fees Variation
Motor Vehicles—
Fees Variation
National Heavy Vehicles Registration Fees Variation

Ministerial Statement

CHINA TRADE

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: South Australia's economy is in transition and our future economic growth will in large measure depend on our success in promoting South Australia to the world. That is why we have made international engagement one of our 10 economic priority areas. To support this agenda I have just visited China, along with the largest delegation of businesses and government representatives on a trade and investment mission ever to leave South Australia.

I am pleased to report that it was an extraordinary success. Visiting four cities in six days—Jinan, Qingdao, Beijing and Shanghai—the visit was, I am advised, the first Australian delegation since the conclusion of negotiations on the China-Australia Free Trade Agreement late last year. The final figures on the delegation were: 256 delegates, including 160 from the private sector, cultural and education institutions; 49 state government delegates, including translators, as well as five BioSA and four TAFE representatives; nine from the Department of Foreign Affairs and Trade, Austrade, including the Australian Ambassador to China; 27 local government representatives from 15 councils and the LGA; and two media representatives.

The trip was part of the South Australian Business Month in China that included: a series of seminars on business migration in four cities; a significant South Australian presence at the Shanghai international food exhibition; the Urban Development Institute of Australia's China Study Tour; and the Wine Australia's Coonawarra producers tour. The South Australian Business Month in China, culminated, however, in the South Australia-Shandong Cooperation and Development Forum.

At least 25 MOUs were signed establishing new areas of cooperation in business, research and development, government administration and education. These agreements will result in new trade, investment and, importantly, jobs between our two regions. A number of other commercial agreements were also signed totalling millions of dollars worth of exports in tuna, wine and other food and fibre.

Discussions were also held about the desirability of working towards direct flights between South Australia and Shandong. Our relationship with Shandong is one that is characterised by significant trade and investment but also and, as importantly, it is a relationship characterised by friendship and understanding. As part of this mission, agreements were made between a number of South Australian and Shandong cultural and educational institutions. This included professional exchanges between our museums, cooperation between our libraries and partnerships between our schools, including the new bilingual school we are establishing in South Australia.

Climate change is one of the most significant issues facing the international community today and I am pleased to announce that agreement has been reached with the Qingdao municipal government, the Adelaide City Council and the South Australian government to cooperate on our shared objectives of Adelaide and Qingdao being low carbon cities. The involvement of the Adelaide City Council was crucial to this agreement, as was the involvement of local government generally in the second forum.

The week concluded with the joint launch of South Australia Clubs in Shanghai and Hong Kong. Initiated in London in 2010, the South Australia Club idea mobilises the state's international network of influence in support of our investment and trade objectives. Next year marks the 30th anniversary of South Australia's sister state relationship with Shandong. This is a significant opportunity to further strengthen the relationship and to build on the strategy of Shandong being South Australia's doorway to China and for South Australia to be Shandong's doorway to Australia. I invite all those opposite to participate in this most important anniversary.

SCHOOLS CODE OF CONDUCT

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.E. CLOSE: Mr Speaker, one of the great strengths of our nation is that we have largely succeeded in combining genuine religious diversity with a strong set of shared values. Our shared commitment to democratic values, to valuing all people, rejecting discrimination and promoting freedom within the bounds of doing no harm to others in many ways defines the best of Australia.

Central to how we express both these shared values and our profound commitment to treasuring diversity is our education system. How we treat our children and what we teach them is the manifestation of our ethos as a nation. For these reasons, I believe that it would be useful to have a set of shared values expressed as a code of conduct for our schools. That code would express how we manage the equally important goals of encouraging diversity and safeguarding the shared values in our school system.

The Education and Early Childhood Services (Registration and Standards) Act 2011 allows the Education and Early Childhood Services Registration and Standards Board to endorse such a code and hereafter hold schools to account for it. As minister, as allowed under the act, I recently wrote to the board suggesting that such a code be developed. Following my letter, the board met last week to consider the request. I attended that meeting and conveyed my views about the way this code could strengthen our school system. The board has agreed to pursue this and will now work with representatives from all three schooling sectors to develop the content of the code.

I wish to stress that, while my consideration of the idea of the code has been sparked by recent matters raised at a school in South Australia, in no way does this imply that there is a settled view about events at that school nor whether any such code would have particular relevance. These events have simply prompted my reflection on the importance of safeguarding our school system so that it remains what it has always set out to be: a place where parents can make choices about the schools they send their children to, where cultural and religious identity can form a part of that choice, but that schools reflect, teach and celebrate the values that make our country strong, democratic and tolerant. I believe that a code of conduct would be a useful tool in ensuring that this is the case in all schools in South Australia.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:15): I bring up the 518th report of the committee, entitled New Henley Beach Police Station.

Report received and ordered to be published.

Ms DIGANCE: I bring up the 519th report of the committee, entitled Evanston Gardens Primary School Redevelopment.

Report received and ordered to be published.

Question Time

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): My question is to the Premier. Will the government suspend its changes to the vocational training system given that up to 1,000 job losses are projected in the training sector as a result of the new policy?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:16): No, we will not be doing that because we are a reformist government that is determined to have—

Mr Pisoni interjecting:

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

The Hon. J.W. WEATHERILL: —a first-class vocational training and education system in this state. The principles that will guide us in reforming that system will be first and foremost making sure that the training leads to a job because that is the critical purpose of any training system. The second principle that will guide us is the quality of the training to ensure that people get high quality training. The third thing that will—

Mr Pederick interjecting:

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

The Hon. J.W. WEATHERILL: —guide us will be access, to make sure that especially those people who cannot get access to training in the metropolitan area, in regional areas for instance, or in areas of skills—

Ms Redmond interjecting:

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

The Hon. J.W. WEATHERILL: —that are not being provided by the non-government or the private sector where there is a particular role for government. We believe that there is a strong role for us to support that. They will be the guiding principles. It is worth saying though—

Mr Griffiths interjecting:

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

The Hon. J.W. WEATHERILL: —that there is a responsibility by those people who employ labour to also accept their responsibilities about training the people to have the skills necessary.

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is warned.

The Hon. J.W. WEATHERILL: I am saying that employers should accept their responsibilities in ensuring that they train a workforce—

Mr Tarzia interjecting:

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

The Hon. J.W. WEATHERILL: —that can meet the needs of those businesses, so that is also another important guiding principle here. Just to give you some—

Members interjecting:

The SPEAKER: The member for Heysen is warned and the member for Mount Gambier is called to order.

The Hon. J.W. WEATHERILL: —history of this matter because it is important: South Australia was one of the leading jurisdictions in terms of reforming its higher education, vocational education and training sector. Indeed, it leads the nation in that regard. It has corporatised—

Mr Pisoni interjecting:

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

The Hon. J.W. WEATHERILL: On all of the national assessments of our training system, our training system is regarded—

Mr Bell interjecting:

The SPEAKER: The member for Mount Gambier is warned.

The Hon. J.W. WEATHERILL: —very highly by both employers and students, and in efficiency terms is a relatively efficient system. Having said that, we also need to ensure that TAFE is fully equipped to be able to compete in a contestable way in a marketplace that puts everybody on an even footing except, of course, for those courses where we have an explicit subsidy—

Mr Bell: A marketplace on an even footing—give 90 per cent to TAFE.

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

The Hon. J.W. WEATHERILL: —where there is a role for government in disadvantaged areas or, as I said earlier, those particular needs for access for regional areas.

Mr Knoll interjecting:

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

The Hon. J.W. WEATHERILL: That will be a very substantial reform process for TAFE and it's one that is beginning. There is a transition that begins fundamentally this year. One of the reasons that there is a bit of upset is that the Skills for All program, which was a very substantial injection of resources, has come to an end, and we're now returning to levels of funding that are similar to the levels of funding that occurred prior to the introduction of Skills for All. For instance, this year, the total level of funding across both the TAFE and non-TAFE systems is actually in excess of that which occurred prior to Skills for All, but it is a reduction on what occurred last year and, naturally, there are some concerns about that.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned. Leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Supplementary: how can the Premier say that his government will be delivering a first-class training system when the reality is that we will be going from 165,000 funded places last financial year to less than 81,000 funded places next financial year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:21): This is the natural consequence of the ending of a very substantial investment in skills training. We said we would train 100,000 additional training places and, indeed, we exceeded that. We trained many more than 100,000. That program is now at an end—

Mr Pengilly interjecting:

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

The Hon. J.W. WEATHERILL: —and we're returning to levels of training effort which really existed prior to the establishment of that program.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. J.W. WEATHERILL: We are, of course, putting in place a much better and targeted and, we think, more effective system of funding training and education, making sure there is a direct relationship between the training and the job.

Mr Gardner: It's getting rid of all the competition.

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

The Hon. J.W. WEATHERILL: While it is naturally beneficial to provide a general level of increase in the level of qualification for the workforce—of course that's beneficial, and it's obviously very beneficial if we subsidise it—it's not something that we can continue to do. And now, given the limited resources we have, it's always sensible to make economies, especially in constrained—

Mr Tarzia interjecting:

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

The Hon. J.W. WEATHERILL: —financial circumstances. That's what's been forced upon us. We would like to be able to continue the level of funding that we provided previously in the training and further education system. We simply cannot afford to do so. It's been a beneficial program in terms of lifting skills, but it's no longer sustainable at that level, so we have to return to pre Skills for All funding levels, but we will continue the reform process. We will have a stripped down and much more nimble and efficient TAFE sector.

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned.

The Hon. J.W. WEATHERILL: It will then compete with the private and non-government sector on an equal footing.

Mr Bell: There'll be no private providers.

The SPEAKER: The member for Mount Gambier is a hair's breadth from leaving the chamber.

The Hon. J.W. WEATHERILL: The simple truth about this is that these are reforms that have been urged upon all states and territories by the commonwealth. It's just that South Australia has got cracking with them sooner than most and—

Ms Redmond interjecting:

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

The Hon. J.W. WEATHERILL: —and if those opposite—

Mr Gardner: Have you read the agreement you signed?

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

The Hon. J.W. WEATHERILL: If those opposite were in government, they would be introducing very similar reforms.

Members interjecting:

The Hon. J.W. WEATHERILL: They would be. Of course—

The SPEAKER: Point of order. Questions can't be hypothetical; answers can be.

Mr GARDNER: No, but the Premier is now sincerely indulging in debate.

The SPEAKER: No, I don't think so. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. These are necessary reforms to our further education and training system. They are directed at ensuring that—

Mr Knoll interjecting:

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

The Hon. J.W. WEATHERILL: —there is a very clear relationship between the provision of training and the gaining of a job, which I would have thought those opposite would welcome. Indeed, if I am not mistaken, those opposite were calling for changes to the training and further education system to that very end. So, we are putting in place sensible reforms off the back of a review of Skills for All, which will create a stronger system.

Mr Whetstone interjecting:

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

The Hon. J.W. WEATHERILL: But can I say this, Mr Speaker: this is a government that is prepared to face up to the hard questions of reforming our systems of providing—

Ms Chapman interjecting:

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

The Hon. J.W. WEATHERILL: We are doing this across every service system of government and we will continue to reform the services of government to make sure that taxpayers get value for money but, more importantly, we extract the maximum public value for the services that we provide. This is a reformist government and we will not turn away from reform.

Mr van Holst Pellekaan: From Mao Tse-Tung.

The SPEAKER: I'm sorry, I didn't quite catch what the member for Stuart said.

Mr van Holst Pellekaan: I said it was probably an idea the Premier might have picked up in China—the Mao Tse-Tung version.

The SPEAKER: So are we thinking of the Cultural Revolution or 'let a thousand flowers bloom'? The leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): My question is to the Premier. Given that South Australia has the highest unemployment rate on mainland Australia, how is cutting the training positions in South Australia going to affect the unemployment rate going forward?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:26): We seek to manage our budget in a sustainable way so that we have the capacity to apply our public investments to the things that generate growth and opportunity in the South Australian economy. That is the way in which we seek to manage the public finances so that—

Members interjecting:

The SPEAKER: The member for Chaffey is warned and the Treasurer is called to order.

The Hon. J.W. WEATHERILL: —there is sufficient room to invest in the job-creating activities that exist in the South Australian economy. Building a stronger South Australia through investment in infrastructure and through an investment in the sorts of things that generate growth and activity in the South Australian economy is the thing that will drive growth, and it will also be efficiencies about the way in which we deliver our government services which will also drive growth. So, if we have a better and more effective training and further education system, that will ensure that when there are shortages and vacancies, we are quickly able to train people to respond to the demands of a growing economy.

The great challenge for us is that there are parts of the South Australian economy that are growing very quickly where skills shortages are emerging. It is crucial that we have a training and education system—

Ms Chapman interjecting:

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

The Hon. J.W. WEATHERILL: —that is nimble and responsive that can actually fill the gaps in those skills so that those parts of the economy that are poised for growth can grow more quickly than those parts of the economy that are actually in decline. It's also crucial that those workers who are in declining industries have access to the skills and opportunities that allow them to move into the growing sectors of the economy. In that way, a TAFE system and a training and education system that—

Mr Tarzia interjecting:

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

The Hon. J.W. WEATHERILL: The reason why this will generate growth and activity is it will reduce the friction between people actually seeking work and them actually getting work, and also employers being able to access the labour that they need to actually fuel their growing industry. It is crucial that we have a reformed TAFE system and this is precisely the reform that is being called for at a national level.

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: South Australia is leading the way with some very tough decisions—

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

The Hon. J.W. WEATHERILL: —about us trimming down our TAFE sector to make sure it is nimble and responsive and able to provide the training where it's needed at an efficient price so that it can actually drive growth in our economy. Of course, Mr Speaker, this debate is being conducted in a fashion—

Mr Pederick: You have gutted TAFE.

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

The Hon. J.W. WEATHERILL: I think that those opposite need to make up their mind about whether we have gutted TAFE or whether we are preferring—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned.

The Hon. J.W. WEATHERILL: Mr Speaker, can I say that the purpose of these reforms is to get a stronger TAFE system—a stronger system of training and further education in South Australia in constrained circumstances. Much of this debate has been conducted without the recognition—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.W. WEATHERILL: —that there is a fee-for-service system which also sits on top of this. Training providers can charge for their training services, and people can pay for training and employers can support their workers to actually achieve that training if it is necessary.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, there will be a thriving training sector based on fee for service, which sits on top of the subsidised service that is provided by government.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Supplementary: does the Premier consider that providing the private sector with just one week's notice of these drastic changes to their funding was adequate?

Dr McFetridge: Announce and defend.

The SPEAKER: The member for Morphett is called to order. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:30): Well, they have had five years' notice. We told them that this was a scheme that had a beginning and an end. We wanted to train 100,000 places. We actually trained, I think, well over 110,000 places, so the scheme continues. Indeed, we continue to support the pipeline of people who are already in their training places, so well beyond the 100,000 commitment.

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is warned.

The Hon. J.W. WEATHERILL: We are still supporting in a subsidised fashion the conclusion of the training processes for those people who have begun their courses, which we think is a generous offer. This is the modern Liberal Party talking about how government should be getting involved in the business of subsidising employers for the question of ensuring that they have their workforces trained.

Well, we are prepared to do that to a certain degree to deal with equity and access issues and where there are shortages and where there is market failure, but we do not think that there is a general role for government picking up where employers should be taking their responsibilities to train their workforces. It is odd that that is being urged upon us by the Liberal Party.

Mr Griffiths interjecting:

The SPEAKER: The member for Goyder is warned.

The Hon. J.W. WEATHERILL: We spent hundreds of millions of dollars in investing in infrastructure projects to create jobs, and now we are told that we actually have to train the workers to get those jobs. Give us a break. There is a point at which people need to say that the responsibilities of government end and the responsibilities of business begin. They are making a profit out of getting this work. They do actually make a profit out of getting this work.

Mr Marshall interjecting:

The SPEAKER: The leader will not blaspheme.

The Hon. J.W. WEATHERILL: I know that this is not the modern Liberal Party that actually thinks that the government should be involved in handing out corporate welfare to every single business in South Australia, but we do believe—

The SPEAKER: Point of order.

Mr GARDNER: Standing order 98: debate.

The SPEAKER: Yes, the Premier is debating a bit. Can he return to supplying the house with information.

The Hon. J.W. WEATHERILL: Thank you, sir. It certainly is the case that this is a reform which is directed at improving the quality of our training and further education system in our state.

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): My question is to the Premier. When did his government and the commonwealth agree that there would be changes to the conditions of the National Partnership Agreement on Skills Reform?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:33): Well, I did enjoy the intervention from the good senator, Senator Birmingham. He has obviously read the front page of the paper and decided it was important. Maybe he got a phone call. Anyway, he read the front page of the paper and he decided that something awful must be happening in South Australia because the paper told him so. So, he is then on the radio threatening to tear up a national partnership agreement.

Of course, we immediately contact our counterparts in the federal bureaucracy and say, 'Well, we've written to you about this. This is consistent with your national reform agenda.' They did not know anything about the minister's remarks. They could not see that there was any breach of the national partnership agreement in what we had announced. It seems like the good Senator might have gone off a little half cocked, which is a bit unfortunate, and—

The Hon. A. Koutsantonis: It's not the first time.

The Hon. J.W. WEATHERILL: Not the first time. Of course, there is a precedent—

The SPEAKER: The Treasurer is warned, not a first time but a second time.

The Hon. J.W. WEATHERILL: There is a precedent for this. They did tear up a range of national partnership agreements at the last federal budget; indeed, one on training: $45 million was cut out of the South Australian sector in terms of the training budget—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is very close to going out.

The Hon. J.W. WEATHERILL: The national partnership agreement has been complied with in its terms in all respects. There has been no breach of the national partnership agreement. Indeed, we are acting in furtherance of the national partnership agreement. For those opposite, if they are actually interested in this point, the national partnership sets out milestones and key outcomes. Targets for the number of qualifications completed have been significantly exceeded. Structural reform milestones in relation to information, transparency, access, equity, quality, efficiency and responsiveness have been met.

Indeed, it is estimated that cumulative completions for the three years to 2014 were more than six times the target set out in the national partnership. Higher qualification targets for equity groups have also been exceeded. The implementation of WorkReady will continue, with measures aimed at achieving the milestones over the next two years of the partnership. So, in all respects we are meeting our obligations to the commonwealth. Perhaps this is one of those areas that the much-publicised review of the Liberal Party might touch on when they start to engage in some policy formulation. Maybe this is an area where they might set down—because what we have not heard in all of this debate is what the Liberal Party's position is on TAFE and training reform.

Ms REDMOND: Point of order, Mr Speaker: that surely is debate.

The SPEAKER: Yes. I uphold the member for Heysen's point or order. Leader.

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:36): My question is to the Premier. How do the government changes to skills funding, which lock in 90 per cent of that funding to TAFE SA only, comply with the terms of the national partnership agreement? Paragraph 6d specifically provides, 'public providers to operate effectively in an environment of greater competition'.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:37): Over the period of the transition to these new arrangements, you will see a growing proportion of training being provided by the non-TAFE sector, necessarily because of the nature of the changes that we will be forced to make in relation to TAFE this year. There has been a significant impact because of essentially the end of Skills for All and the return to the more normal arrangements that occurred prior to Skills for All. One needs to remember that the funding that is actually going to the non-TAFE sector this year is larger than the year before Skills for All was introduced. So, we are returning to levels of funding which were higher than when we introduced Skills for All.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, no, it's pre Skills for All. Skills for All was a 2010 program. It is now funded at a higher level than it was funded back then. That is the simple truth of the matter. What will happen over a period of time is that the non-TAFE sector will grow. TAFE will have to compete for its commercial activities on a completely level playing field, which will put a lot of pressure on TAFE. It will have to slim down the way in which it operates to ensure that it is able to compete in that competitive marketplace. People will be able to make judgements based on quality and access and also on a level playing field in terms of price. But there is an important continuing role for the non-government sector and the private sector alongside a new corporatised TAFE sector.

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39): Is the South Australian government in breach of the National Partnership Agreement on Skills Reform, specifically relating to paragraph 6c, which specifically provides that the government will encourage 'responsiveness in training arrangements by facilitating the operation of a more open and competitive training market'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:39): Yes, entirely.

Mr Marshall interjecting:

The SPEAKER: The leader is called to order—no, he's warned a first time; I'm sorry.

The Hon. J.W. WEATHERILL: We're complying with the agreement in its entirety. It's interesting, when Senator Birmingham carried out his interview today and when he was pressed on this point all we had were generalisations. There's been no sense in which he could point to any breach of the agreement because there has been no breach of the agreement. In fact, everything that we're actually doing here—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: I think the noise that's emanating from you is clouding your judgement here. I've said we're complying with the agreement. We signed the agreement. We agree with the agreement. We are implementing the agreement. The senator, I think, is struggling to actually explain in words that are able to be understood about where we're in breach of it. In fact, everything that we're doing is directed at the reform agenda the commonwealth is trying to encourage. If other states were actually pursuing the reform agenda with as much vigour as South Australia we would actually be having a stronger reformed TAFE system and further education system in this nation.

So, everything at the heart of the agreement is to have contestability between the private sector and the TAFE sector. We've already seen dramatic changes in the TAFE sector, dramatic changes which have been managed, I think, very carefully and very sensitively by the managers there. We've seen a very substantial reform agenda already been undertaken by a corporatised board in relation to the TAFE sector. There are going to be many more changes that TAFE is going to have to implement. They need a critical mass from which they can actually carry out that transition.

So, this year is going to be a tough year. We fully accept that. It's a tough year for the private providers and TAFE is also going to be making some further announcements about some very significant reforms that will then emerge, but it's all in pursuance of the agreement we reached with the commonwealth and there's no sense in which we're in breach of it.

INVESTMENT AND TRADE INITIATIVES

Ms VLAHOS (Taylor) (14:42): My question is to the Minister for Investment and Trade. What are the government's plans for investment and trade following South Australia's business month in China?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:42): I thank the member for her question because the government's investment and trade agenda is all about jobs, simply jobs, and it's also about small business because—

Mr Marshall interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: —the government has taken action to establish regular outbound and regular inbound missions to China on a scale not before seen. $1.5 million worth of premium wine sales by Seppeltsfield agreed to this week will deliver jobs across the regions.

Members interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: Ten tonnes of tuna being sold by Hagen Stehr will deliver jobs—in fact it's 40 tonnes of tuna—in the regions, and deals involving hay producers and regional industries for up to $12 million agreed to last week will create jobs, jobs, jobs, and that is what this government is determined to do. We heard from the Premier a moment ago about the success of our activities in China in the last week. They extended to Hong Kong where the minerals and energy sector and industry disciplines attended with me at a forum organised by

PricewaterhouseCoopers. We also attended the Australia-China Business Awards, the South Australia Club was established and, again, it's all about jobs.

Our delegation has sent a very clear message to China, and Shandong in particular, that South Australia is a strong and dedicated partner across the business, education, health and cultural sectors.

Members interjecting:

The SPEAKER: The Treasurer and the leader will cease their quarrel.

The Hon. M.L.J. HAMILTON-SMITH: This builds on up to 30 years of relationships by former governments, both Liberal and Labor, because this is one area where historically there has been some bipartisanship, but it seems that bipartisanship is in the past. Many in the South Australian business community appreciate more than ever that the state government is capable and ready to facilitate real commercial outcomes for their small businesses, for their farms, for their enterprises, in China.

For some of our businesses, it was their first entry into China and, by participating in our trade delegation, they have potentially saved years of false starts to find appropriate business partners in China. I can inform the house that we are now working with the business community—with small business, with farmers—to prepare them for the government's next round of outbound missions, which will be to India and South-East Asia in August. We will be taking large numbers of businesses to create jobs, jobs, jobs, and to grow enterprise within their businesses so that they can expand them, so that they can grow those family businesses.

The department and all government agencies have been directly involved in discussions with Shandong over the next steps for our program as we celebrate the 30th anniversary of this relationship. In September, a significant delegation will be coming here from Shandong where it is hoped further MOUs, further contracts and further agreements will be made to create jobs.

I want to take this opportunity to thank all who were involved in organising the week in China, particularly the international trade and immigration agency's Matt Johnson. I want to thank Jing Li, the officer in charge of this enterprise in China, and also our people in China: Fion Jia in Jinan, Julia Zhu in Shanghai and Alice Jim in Hong Kong. These people are working to create jobs in South Australia. We intend to continue doing so with our regular round of outbound and inbound missions, again to create jobs, because we have fostered strong relationships with our business migration partners, as well as enterprises in Beijing, Shanghai, Nanning, Hangzhou and Hong Kong following a series of informative seminars and activities all about creating jobs and enterprise.

We will soon be announcing the first recipients of the reformed Export Partnership Program, which will further support business development in Asian markets. This government is going to create jobs and enterprise out of trade and investment, and we are going to do it strongly, as never seen before.

INVESTMENT AND TRADE INITIATIVES

Mr PICTON (Kaurna) (14:47): My question is to the Minister for Agriculture, Food and Fisheries. What was the result of the South Australian citrus industry's participation in the Premier's trade mission to China?

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) (14:47): There were some very fruitful discussions over in China with the citrus industry, and I want to congratulate the South Australian delegation who joined in the wider trip to China. We heard earlier today of some outstanding successes and some deals that were signed; other things are going to take a little bit longer to do. What we did with the citrus group, including Con Poulos, who is the South Australian regional head of Citrus Australia and does a great job in promoting the citrus industry, Andrew Harty, the manager of market development from Citrus Australia, Jeff Knispel, the Managing Director of Nippy's, and Steve Burdette, the Business Development Manager at the Costa Group, was to sit down with some really high-ranking Chinese officials to talk through South Australia's very special circumstances in terms of biosecurity.

We are the only mainland state that can go around the world and say, 'We are phylloxera free, we are fruit fly free and we are GM free.' When we say those things the Chinese sit up and take notice because, just four months after the Premier came in and listed premium food and wine from our clean environment as one of our economic priorities, we had the new Chinese President, President Xi, come in and lay out his plan and his vision for China for the next five years, and included in that was providing the Chinese people with safe food to eat. So it is a beautiful marriage of what China wants and what South Australia has.

We sat down with the China inspection and quarantine association—some of the senior people; not just the heads of those areas but also the people who are at the coalface; the people who are doing the testing and everything else—to explain our situation about how we spend millions of dollars each year keeping South Australia fruit fly free, how we spend lots of money marketing the fact that we have this terrific status and how hard we work to maintain that.

We spoke in the context of Australia being a very safe producer of food with strict national quarantine guidelines and regulations, but we broke it down to South Australia. We were asked the question why our citrus growers have to cold treat our produce for 16 days at 1º when we don't have fruit fly in South Australia—it is a cost to the industry here and it means that the fruit is at least 16 days older by the time it gets over there. The Chinese are interested and really keen to get fresh fruit, so we put all that to one of the senior agricultural people whom we met with, Mr Deng Guanglian, and Mr Deng advised us that they are quite happy to look at a special arrangement with South Australia.

While we haven't signed a deal yet, we did sit down and have a discussion and put our case and put it quite strongly. It was a really good example of seeing government and industry working side by side, and the Chinese loved seeing that. Obviously, the growers are going over there with their industry associations but to have government there telling the Chinese government and the leaders of their Chinese enterprises that the government is working side by side with the industry is a really important message as well. I have said it in here before but whenever anyone from either side of this chamber is heading to China or anywhere else in the world, we are happy to give—

An honourable member interjecting:

The Hon. L.W.K. BIGNELL: You knew we were going. You could have put your hand up and rung up—you have my mobile phone number—and asked for an invite. We can give you plenty of speaking notes whenever you want to go up there because this relationship has been going on for 29 years with Shandong.

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

WORKREADY

Mr PISONI (Unley) (14:51): My question is to the Minister for Education and Child Development. Can the minister guarantee that the changes to supported skills funding, announced by minister Gago in the other place, will not affect school-based programs such as school-based apprenticeships and the training guarantee for SACE students?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:51): The first point to make on this matter is that for students who are undertaking their study this year there will be absolutely no impact at all. From next year, the arrangements are that there will be free courses in certificate II for those that have high public value—that is, for those that are deemed to be the courses that will lead to work.

WORKREADY

Mr PISONI (Unley) (14:52): Supplementary: did the minister make contact with the Premier when he was in China last week to discuss the changes to WorkReady funding?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:52): No, I made no contact with the Premier last week. I was already aware of the changes prior to his departure and had assured myself that students who were wishing to undertake VET, particularly in the context of completing their SACE, would be able to do so in a fully subsidised course that was designed to get them ready to work.

WORKREADY

Mr PISONI (Unley) (14:52): Does the minister support the changes that were announced under the WorkReady program?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:53): This is a cabinet decision. What was foremost in the deliberations about these changes is that there would be no disadvantage to something we're very proud of, which is the school retention rate for students finishing year 12. One of the great achievements of this government was to take the abject failure of year 12 retention under the previous government, which fell to as low as 67 per cent and now take it up to over 90 per cent—I think 96 per cent.

One of the reasons why staying to year 12 in high school is so attractive now is that the new SACE provides for a pathway for people who don't just want to go to university. It provides for vocational education in those last two years of school, which is a very powerful offering for those young people who don't necessarily see an academic career as their future. For too much of the past those last couple of years of school were really about preparing young people solely for university and not for other elements of working life. So, now, many young people see a relevance in years 11 and 12 that they didn't previously see because of the way in which the new SACE is constructed.

That in part has been the way in which we've introduced into our schools the vocational education and training arrangements; so we did satisfy ourselves about these changes, that they weren't going to damage that very substantial achievement.

Mr Marshall: The question's whether the minister supports the changes.

The Hon. J.W. WEATHERILL: Well, we're a cabinet, you see, and we speak with one voice, unlike those opposite who leak things to the paper when they want to undermine their leader.

The Hon. J.R. Rau interjecting:

The SPEAKER: The Treasurer is so close to leaving.

WORKREADY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:55): Supplementary, sir: given that the Premier's explained to the house that the changes to the new SACE provide access to vocational education and training in the last two years of that qualification, can he inform the parliament whether the new WorkReady changes will in fact reduce the access to vocational education and training? Can he outline to the house how many positions are currently available this year and how many positions will be available next year and in subsequent years?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:55): I'll take those other questions on notice, but I already answered that question. We are actually making sure that our system of SACE continues to protect the capacity for our young people to continue to get the training and qualification they need in the high school context. We satisfied ourselves about that when we introduced these changes.

Mr MARSHALL: Supplementary to the Minister for Education and Child Development.

The SPEAKER: Let's just make it a separate question.

WORKREADY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:56): Can the Minister for Education and Child Development make it clear to this house whether there will be fewer vocational training positions at the SACE level next year than this year and, if so, what is the quantum difference?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:56): Notwithstanding whether there's been some cuts from the federal level, which may in fact have had an impact, my understanding of the way in which WorkReady affects these students is that there will remain the offering of courses that are fully subsidised in the high public value category for those students who wish to undertake them.

VOCATIONAL EDUCATION AND TRAINING

Mr WINGARD (Mitchell) (14:56): My question is to the new father and the Minister for Transport and Infrastructure. Given the significant infrastructure announced for South Road, will TAFE SA be able to meet the demand for appropriately skilled workers now that private training providers, such as the Civil Contractors Federation SA, who currently meet much of the demand, have had their training services defunded?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:57): Thank you to the member for Mitchell for that very kind introduction to that question and also the question itself. The Premier made this point a little earlier today in question time when he made reference to the fact that we are spending an extraordinary amount of money on infrastructure over the next four years. I realise that some people obviously think that that's a false economy, but we think it is important to do—

Mr van Holst Pellekaan: He's asking about training.

The Hon. S.C. MULLIGHAN: Well, I'm interested that some members of the opposition front bench think that is not a false economy when the Leader of the Opposition thinks it is a false economy; but, anyway, we saw the divisions laid large on the front page of *The Advertiser* this morning, Mr Speaker. Nonetheless, we are spending over $2 billion over the next four years on infrastructure projects.

The CCF has obviously made their views known publicly, but given that we are spending in the order of $2 billion on construction projects over the forward estimates and given that in concert with that spend we also require successful tenderers to have very stringent requirements about local workers and local participation in building those projects, I'm interested to hear from the CCF how, in the event of the government spending this money and in the event that we require the contractors to use local workers, they also require the government to fund the training for all of the workers many of whom will be transitioning from recently completed significant construction projects that we've seen around South Australia that we've also invested in. Anyway, I will wait to hear from the CCF and see what their points are.

VOCATIONAL EDUCATION AND TRAINING

Mr WINGARD (Mitchell) (14:59): My question is again to the Minister for Transport and Infrastructure. Was the minister consulted about the reduction in supported training places for civil construction in South Australia under the changes announced by minister Gago in the other place and, if so, what was the advice?

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) (14:59): I am a cabinet minister, so of course we considered the issue of these reforms but, as I have said, I am waiting to hear from the CCF as to what they believe the impacts to be on their industry, notwithstanding the billions of dollars that this government and the Treasurer are making available to make sure that we can employ thousands of workers in construction jobs across our state.

Mr Goldsworthy interjecting:

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

VOCATIONAL EDUCATION AND TRAINING

Mr WINGARD (Mitchell) (14:59): Supplementary: my question is again to the Minister for Transport and Infrastructure. Did he seek advice from the Training and Skills Commission about the number of skilled workers required for civil construction in the next five years and, if so, what was the number?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:00): The advice I have on the number of people that we anticipate to be employed on these jobs is: approximately 480 people on the Torrens to Torrens job, approximately

370 people on the Darlington job, approximately 200 people per year on the O-Bahn job, and approximately 200 people on the Convention Centre build. That is in addition to the approximate over $80 million a year we are spending on road maintenance across our state every year. So yes, I do have estimates of the job impacts of this government's record spend on infrastructure, and yes, we do realise that without that spend the CCF and its members would be doing it very tough.

VOCATIONAL EDUCATION AND TRAINING

Mr WINGARD (Mitchell) (15:00): My question is again to the Minister for Transport and Infrastructure. Are the 10 TAFE-funded positions in Certificate III in Civil Construction and the 40 Certificate III in Civil Construction Plant Operations enough to fill the demand next year that you talk of and also offer new career opportunities to any of the 300 staff recently laid off by GMH?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:01): That would be a question more accurately put to the relevant minister, but I reiterate that we are providing billions of dollars over the forward estimates, as we have provided billions of dollars over previous years, to support a level of economic activity and to support rebuilding this state's infrastructure. That means that we are keeping South Australian businesses, South Australian construction firms, in business and keeping them busy. In the last 12 months we have now awarded Bardavcol a third contract related to the South Road upgrade works across both the Torrens to Torrens and Darlington works. That is but one example of the economic benefit of investing in these construction projects.

I will reiterate my point a third time. I am told by my office that I have a time in my diary to see the CCF. I look forward to hearing what their arguments are about why, in addition to spending billions of dollars to support activity and jobs in their sector, they also need us to train workers so that there is a supply of South Australian workers which we require in our contractual arrangements with these firms.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

Ms SANDERSON (Adelaide) (15:02): My question is to the Minister for Education and Child Development. Has the minister reconsidered her department's employment conditions that require a driver's licence for a receptionist position or a job as a social worker at the Child Abuse Report Line call centre?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:02): While not wanting to comment on the particular case that has been raised publicly, which I believe is being looked at by the management in the department, it is the case that frequently social workers in the department are required to undertake a multitude of roles, including being able to go out and assist a child who is in difficulty and needs immediate assistance. In fact, we will recall that part of the Coroner's report related to the need to be able to be responsive to a call that comes in and he was critical of the arrangements that were in place then and we have improved those arrangements subsequently.

In general practice I can completely understand why that is a requirement for social workers employed in the Public Service. However, I accept that we must constantly be vigilant about discrimination that is unnecessary and I will make sure that that particular case is looked at appropriately to see whether there is any latitude that would be able to be extended in that circumstance.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

Ms SANDERSON (Adelaide) (15:03): Given the Strong Voices report that indicated that all government departments should be accessible for people with impairments, will you agree to give a vision impaired qualified social worker an interview given that you are recruiting right now? There must be a job that is suitable within the department for someone who cannot drive.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:04): I think my previous answer fully covers that question. I appreciate the desire to not discriminate against potential workers. I also appreciate the absolute

necessity for certain qualifications and certain capacities for some jobs that involve being able to quickly get out and support children. I've also indicated that I'm prepared to have a look at and discuss with the management the particular circumstances in this case.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

Ms SANDERSON (Adelaide) (15:04): Are you saying that there is only one person ever working on the Child Abuse Report Line, so that that one and only person would have to drive and there wouldn't be anyone else available to drive in that instance?

The SPEAKER: Well, I'm not saying it. The allegation from the member for Adelaide is that the minister is saying it. Minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:05): No, I'm not saying that.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:05): My question is again to the Minister for Education and Child Development. Was the 56-year-old foster carer charged with child exploitation who appeared in court on 21 May 2015 the subject of an assessment process pursuant to the DECD guidelines, including screening? If so, when was this last reviewed?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:05): Can I make it very clear from the outset and fairly early in my term that I will not be discussing an individual case in this public forum—

Ms Chapman: Rubbish!

The Hon. S.E. CLOSE: —and I will certainly not be discussing—

Ms Chapman interjecting:

The SPEAKER: The member for Bragg will withdraw for the remainder of question time.

The honourable member for Bragg having withdrawn from the chamber:

The Hon. S.E. CLOSE: I will particularly not be discussing an individual case where there are matters that are relating to either police investigations or court action. What I can say, although I suspect it's all on the public record and my friends with the internet could look it up for me, is that there is a standard practice and procedure for people who wish to become foster carers. It is, as one would expect, a reasonably exhaustive process. It involves not only the three yearly working with children screening but also other forms of assessment both by the government and by the foster care agency—the non-government agency through which they undertake foster care.

That said, I never wish to be complacent. I never wish to assume that a process that we do now will be the process that we should always do in the future and, if there were anything I could ever do to prevent the assault of a child in the child protection system, then I would be very interested to hear what it is and very interested in reviewing our process.

One of the challenges of the child protection system is that not only do the behaviours of people who harm children change over time, as does their capacity to hide from government and from other eyes, but so too, quite rightly, do community standards. For our child protection system, we need to be constantly vigilant to ensure that we are maintaining the best possible practice. When things go wrong, and go wrong they do, we must learn from them. We must not be defensive, and I wouldn't wish my answer to be in any way interpreted as being defensive. I do want to make sure that we're constantly improving our practice.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:07): My question is again to the Minister for Education and Child Development. Why didn't the minister make a public statement at the time of the arrest of the foster carer charged with child exploitation on 20 May, or his court appearance on 21 May, as occurred when the Families SA carer, Shannon McCoole, was arrested? Instead, we had to find out through the paper.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:08): I don't believe it is my place to make announcements about when people who are in the foster care system are being investigated by the police and what point that process is at.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:08): Supplementary: it was Family SA's process when Shannon McCoole was arrested, so I am just wondering what the difference is in this instance.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:08): I've indicated that I do not believe it is appropriate for me to speak about where a police process is up to.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:08): My question is again to the Minister for Education and Child Development. Further to the statement by the department's deputy chief executive, Etienne Scheepers, that another review of the department's processes has been launched, who is conducting the review, when did it start and what are the terms of its reference?

The SPEAKER: Terms of reference. Minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:09): I would either like more information now or to take that on notice to be clear which statement of Mr Scheepers the member is referring to.

CHINA TRADE

The Hon. S.W. KEY (Ashford) (15:09): My question is directed to the Minister for the Arts. Minister, how will our local arts and cultural institutions benefit from last week's delegation to China?

The SPEAKER: The cultural attaché.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:09): To the Court of St James—who will be in Adelaide very soon, I am happy to say, at the Cabaret Festival. Can I thank the member for Ashford for her question. She is a true champion of cultural exchange. The strong historical relationship between South Australian arts and cultural organisations and their counterparts in our sister province were further cemented during last week's trade mission. While some connections are still in the infant stage and some outcomes are yet to be realised, I would like to fill the house in on just a few of the results we have achieved over the five-day trip.

The delegation was led by Alex Reid from the Department of State Development and Douglas Gautier from the Adelaide Festival Centre. Since the focus on Shandong during last year's OzAsia Festival, Douglas and his team at the Festival Centre have been pivotal in forging relations between the Shandong Province and South Australia. I am pleased that, during the trip, they were able to establish groundwork for an SA cultural showcase to be held in Shandong in 2016, as well as connecting with the National Centre for the Performing Arts in China, which will see more of China's best performers tour our city and our state.

One of the biggest outcomes of the trip was the State Library signing a historic memorandum of understanding with the Shandong Library to progress the implementation of the One Card system into Shandong (as opposed to one child). This new partnership will see information trading and staff exchanges between the two libraries, with the first staff from Shandong looking to arrive in South Australia later in the year.

History SA was successful in reaching an agreement with the history and cultural heritage department of Shandong University to organise a joint international conference on cultural heritage management, which will be managed jointly by History SA, University of South Australia and Shandong University, in collaboration with Artlab. Along the same vein, the South Australian Museum is in the process of negotiating an MOU with Shandong Museum. It will look at exhibition exchange and staff training, the conservation of objects—also working with Artlab—and general museum management and skills exchange.

There were positive conversations between SALA Festival Director Penny Griggs and Nici Cumpston from the Art Gallery of South Australia's Tarnanthi Festival with Shandong Galleries around visual arts and artists exchanges, and in the area of screen development. Chief Executive of the South Australian Film Corporation Annabelle Sheehan progressed plans to hold a writers' workshop in May 2016.

This is just a snapshot of the work that our cultural institutions achieved during their time in China. I look forward to updating the house on other successes that stem from the delegation in the near future.

STATE EMERGENCY RELIEF FUND

The Hon. T.R. KENYON (Newland) (15:12): My question is to the Minister for Communities and Social Inclusion. Minister, how are donations to the State Emergency Relief Fund assisting the members of our community affected by the Sampson Flat bushfires?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:13): I thank the member for Newland for his question. The State Emergency Relief Fund Committee has been working to administer and distribute moneys donated by the community to assist people who suffered significant loss or damage as a result of the Sampson Flat bushfire. I can advise the house that, on 25 May, more than $1.87 million has been deposited into the SERF from approximately 3,171 donations. In addition to that figure, all of the interest accrued will also be utilised to assist those affected by the bushfire. To date, we have received around 390 applications and we have received, on an average rate, about six per week. Applications will close on 30 June, and the SERF itself closed on 31 May.

The information provided in the applications must be verified through a stringent checking process, and a set of eligibility criteria has been developed by the committee under three categories to ensure that the donations are distributed in a fair and equitable manner:

- Category 1 adults and children whose principal place of residence was destroyed receive $4,000 per adult and $1,000 per child.
- Category 2 owners of property within the fire footprint and residents who experienced partial damage to their house and/or property receive $2,500 per household.
- Category 3 households who derive their principal income from the affected property receive $4,000.

The SERF Committee, an independent committee, has established a planned approach for the distribution of donated funds while taking into consideration further applications that may be received.

I am advised that in March $202,000 was distributed by the SERF Committee to Payment Group 1, then in April $184,500 was distributed to Payment Group 2 and in May $277,500 was distributed to Payment Group 3, followed by $120,000 to Payment Group 4 and $289,000 to Payment Group 5. It is anticipated that in early June $192,500 will be distributed to Payment Group 6.

Mr Speaker, over the next couple of months a second payment will be made to category 1 applicants totalling $66,000, whilst a second payment to category 2 and 3 applicants totalling $400,000 will also be made. Additionally, an allocation of $50,000 for community projects designed to support the recovery of those affected by the bushfire will also be disbursed.

I commend the important work undertaken by the SERF Committee to ensure that very generous donations made by the South Australian community and the corporate sector to assess those affected by the Sampson Flat bushfires are distributed in a fair and equitable manner.

REPATRIATION GENERAL HOSPITAL

Dr McFETRIDGE (Morphett) (15:16): My question is to the Minister for Health. Can the minister tell the house will Ward 17 need to be moved off the Daw Park site and co-located within an acute hospital given that the PTSD Advisory Panel, chaired by Professor Susan Neuhaus, is agreed that the new model of care for PTSD will include an in-patient component?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:16): It may need to be. I am waiting on advice from the committee. It will provide me with advice not only as to whether the Ward 17 being rebuilt at Daw Park is an option or whether it needs to go to another site, but I am still waiting on the committee to get to me with that advice. I hope to have that soon.

Grievance Debate

WORKREADY

Mr KNOLL (Schubert) (15:17): I rise to grieve today about the government's disastrous decision in regard to WorkReady replacing Skills for All. Can I say that this has to be in my time in this place, which is just over 12 months, the worst decision that I have seen this government make.

I have heard today in the media some softening from the Premier, and I understand that he needs to clean up the mess that minister Gago from the other place made, but it does not seem to go far enough. In fact, the statements in the house in question time today reiterate that that does not go far enough.

I have been contacted by local training providers in my electorate and they are absolutely appalled at this decision because it threatens their very existence, and the idea that there is somehow some other way that these private providers can continue to exist on 5,000 training places is an absolute joke and it will mean nothing short of the complete decimation of the entire industry.

In the same way that the government said in question time today that TAFE needs a critical mass in order to survive, surely those same conditions apply to private providers, maybe on a lower scale but certainly critical mass does still need to apply, and 5,000 places spread across the entire private RTO system does not carry, it does not wash.

Comments were today made by Senator Birmingham, the federal minister. He talked about his issue and his being underwhelmed with the reply to the minister in response to the heart of the agreement that has been put in place. He stated that the heart of the minister's arguments seem to be that we will have it fixed by 2019, but the truth is that the agreement they signed with the Gillard government was an agreement that runs from 2012 to 2017.

The reality is that the theory behind the agreement is that the operation between the market and the choice for students and employers is meant to be better in 2016 than it was in 2015 or 2014, whereas the WorkReady model is taking it backwards and removing a lot of that choice.

He goes on to say that 74 per cent of places were contestable under the old scheme but now we go back to 90 per cent being uncontested and given over to TAFE. What private providers tell me is that Skills for All was the program that was supposed to put TAFE on an equal footing with the private system. Skills for All, which has been running for three years now, was supposed to give TAFE the opportunity to be able to compete with the private sector. Clearly that has not happened, because here we are three years down the track and the government announces after one week's notice to private providers that they are going to change the entire system under the guise of helping to prop up TAFE to make it competitive.

If Skills for All was supposed to do this and if TAFE has had three years to do this, I do not understand why the private sector should be punished for providing a more efficient service. This government talks about wanting to be the friends of business and about creating jobs. In other areas of public policy it talks about competition in the market. In fact, the Treasurer has stood up and bullied us quite often about the sale of the MAC and about why we would hold on to a public institution when private operators are able to do a better job. The hypocrisy of the government on this matter is outrageous. This is, to quote another minister, hypocrisy at its greatest.

I really struggle to understand how the government can keep a straight face on this. When we go back to the National Competition Policy and a review that was done in 2005 by the federal government, where the original National Competition Policy study was actually signed off by then Premier Lynn Arnold on behalf of the then Labor government in the dying days of the State Bank disaster, the report said that it had delivered substantial benefits to the Australian community which

far outweighed the costs, and that benefits from the National Competition Policy had flowed to high and low income earners, and to country as well as city Australia.

I think the most damning assessment of this decision comes from the group of people who have come together to oppose it: from Business SA to the Mental Health Coalition, Regional Skills Training, Ross Womersley from SACOSS, the Construction Industry Training Board, the RDNS, the Civil Contractors Federation, the Master Builders Association, independent retailers, workplace advocate Gary Collis, employment psychologists, the CEO of Sport SA (Jan Sutherland), and the Road Transport Association. The fact that all of these groups have come together to damn this disgusting decision says what it is, and I implore the government to reverse its decision.

Time expired.

CHINA TRADE

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:22): I could comment in considerable detail on some of the policy positions, or lack thereof, from those opposite, but I am going to focus on their response to our trade mission to China and our exports program because some criticisms have been made that warrant a response. In particular, the Leader of the Opposition, in an opinion piece, has basically attacked the government's Public Service officers by saying that it was wrong for them to have been involved in the China trip. He has also called for the reinstitution of overseas trade offices, at considerable expense, in all of our trading destinations.

There was a further attack in *The Advertiser* fuelled by Sir Lunchalot (David Ridgway) in the other place, who seems to have interrupted his long lunch to criticise the government yet again for being involved in overseas trips—

An honourable member interjecting:

The DEPUTY SPEAKER: Order! I remind all members that the member is entitled to be heard in silence and, according to the Speaker's notebook, you are all basically on two warnings, so enough.

The Hon. M.L.J. HAMILTON-SMITH: It would be nice, of course, if the Hon. Mr Ridgway in the other place could get his facts straight. He has told *The Advertiser* that I have been to Sweden, Denmark and Italy, which I have not, but let's not let the facts get in the way of a good yarn. I just want to make it clear to those opposite that—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.L.J. HAMILTON-SMITH: —the government actually wants to create jobs and enterprise and encourage small business, particularly in the regions. For that reason we are actually doing what the opposition is not doing, or cannot do, and that is setting about a program—

Mr Bell interjecting:

The DEPUTY SPEAKER: The member for Mount Gambier is reminded.

The Hon. M.L.J. HAMILTON-SMITH: —of actions to make sure that farmers, food producers, winemakers, aquaculture industry operators, manufacturers and service industry providers are all given the opportunity to export their goods and services overseas. One of the first steps I have taken as Minister for Investment and Trade is to organise a calendar of regular outbound and inbound missions to China and India.

Mr Whetstone interjecting:

The Hon. M.L.J. HAMILTON-SMITH: I wrote it; I wrote it, and I am implementing exactly what needs to be implemented.

The DEPUTY SPEAKER: The member for Chaffey can leave the chamber for 10 minutes, thank you.

The honourable member for Chaffey having withdrawn from the chamber:

The Hon. M.L.J. HAMILTON-SMITH: The member for Chaffey is very anxious—

The DEPUTY SPEAKER: Order!

The Hon. M.L.J. HAMILTON-SMITH: And I just say this—

The DEPUTY SPEAKER: Order! I am on my feet. The member for Chaffey is leaving for 10 minutes and your contribution needs to be back on track.

The Hon. M.L.J. HAMILTON-SMITH: I just say this to members opposite, particularly the member for Chaffey: we would be delighted to have the opposition come on a trip if they would show some bipartisanship, some good-spirited—

Mr Tarzia interjecting:

The DEPUTY SPEAKER: The member for Hartley will be joining him shortly.

The Hon. M.L.J. HAMILTON-SMITH: —and not use it as an opportunity to score political points, and I fear that is exactly what they will do; the criticisms they have been making about our initiative suggests that is exactly what they will do. I know there are some opposite who would not do that, but there are others who would, and the people who have launched these attacks are two examples of those who would.

I would just say this, that there are two things that should be bipartisan in this place: our trade and investment initiatives, because that is about jobs, jobs, jobs, particularly for farmers. The second thing is our approach to defence industries, because nothing is more important than winning those ships and submarines, and you should be on our side on both of those issues. If you are bipartisan, we will involve you in everything. It will be close—

Mr Knoll interjecting:

The DEPUTY SPEAKER: Order! You are not in your place.

The Hon. M.L.J. HAMILTON-SMITH: —and it will be intimate, but if you score political points it will go nowhere. I get back to the simple point, getting to the substance of the criticisms raised. I am with minister Robb. I am with placing South Australian officers within Austrade as part of the Team Australia approach, which is exactly what we have done in China and India and what we plan to do in Singapore, Malaysia and Thailand.

I am not with actions condemned by the Hartleys report; that is, setting up expensive overseas offices that drain money out of our trade and export initiatives into setting up people and offices and infrastructure all around the world that effectively do nothing and who lose favour when the regime, or the government, changes and who have been proven to be ineffective—just read the Hartleys report—but that is what the Leader of the Opposition wants to reinstitute. He has now committed the opposition to it; it is one of their policies. It will cost millions, probably tens of millions, and all of it will go away from initiatives that actually create jobs, jobs, jobs.

So, we have a very considered strategy for promoting jobs and investment through trade and investment. Look at it carefully. I urge you to be bipartisan about it because it is going to affect farmers in Schubert, farmers in Mount Gambier, farmers in every country district, because that is who we are batting for. It does not matter who is in government, we should all want the same thing for them.

Time expired.

WORKREADY

Mr BELL (Mount Gambier) (15:27): I rise today to grieve on the WorkReady skills training scheme. This is quite unbelievable when you sit down and start looking at the content of it and, more importantly, how it has been announced and is being delivered. I want to say right up-front that I am a major supporter of TAFE SA, particularly in regional areas. Having lived in Mount Gambier for all of my life, I have seen TAFE absolutely gutted by the Skills for All program. In fact, having been involved in the training sector when Skills for All was being rolled out, the words that were fed to us were: 'The government has just copied the Victorian model.'

What has happened in Victoria? It has sent Victoria broke. Victoria were then changing their system but, no, the government went headlong into the Skills for All space. I think people will forget, in terms of TAFE, that 377 lecturers, or staff, were given the boot at an average of $120,000 per redundancy, or voluntary separation, whichever way you want to call it, at the cost of $30 million. We talk about not having enough money for training, there is $30 million that disappeared over the last three years.

Of course, many of those lecturers (competent lecturers) left the system and in some cases started their own training organisations, but there is a little kicker when you take a voluntary separation package and that is a period of time that you are not allowed back in the public sector or training space.

It is clear to me that this government has no idea how a business is run. A business in any sense of the word looks for stable governments. Whether it is international business or businesses within this state, they look for stable governments, because they are putting their hard-earned money on the line and the last thing they want is a policy backflip or a thought bubble from a premier or a minister that will decimate their business, and that is exactly what is happening.

We have had—and it is quite unbelievable—a minister in the other house announce this huge change in direction, then get on a plane and fly halfway across the world. I have heard of the old 'announce and defend' mantra and policy, and give credit where that is due, but this is a new one: the 'announce and depart' mantra, where you leave it for the rest to pick up all the pieces. This announcement is absolutely disgraceful and it will lead to more job losses at a time where unemployment in this state is around 7.1 per cent. I know of private training organisations that will be laying staff off in our regional areas. In some cases the government might be saying, 'They could go back and work for TAFE, even though we just got rid of 377 of them to the tune of $30 million, but they will get a job back at TAFE.' However, under the proviso of their voluntary separation package, many will not be able to do that.

I want to put on record that I was absolutely disgusted by the Premier's responses today, and I do not say that lightly, because I normally stand up here and try to support or add value to some of the government's decisions. The idea that now this is the employers' fault and the employers need to be responsible for their own training in part is true—have no doubt about that. However, what the Premier fails to realise is that this current state government has both its hands around an employer's throat, strangling the life out of their business, so the last thing they will be doing is taking on more staff. Of course, if you are not taking on staff you do not have to worry about training them. This is another handbrake on our economy. Businesses will stop employing people because they will not be able to afford the training spaces.

The other issue is that private providers provide niche markets. I have an employer in the South-East that I am trying to advocate for, even though the Minister for Employment, Higher Education and Skills has not been here, and trying to work with her department on this very specific business, a motor rewind business. This business has two apprentices. They do not offer any training in South Australia, so the training has to come from Victoria. If we cannot get some type of assistance, this business will be letting two of their apprentices go because they cannot get the training: assistance so the young people can head interstate for the training or to get Bendigo TAFE over here to help with training.

There are courses that are just not going to be offered through TAFE, even though TAFE do a wonderful job, because they are niche markets. This is a huge impediment to many people's businesses. I would like to briefly mention some of the fantastic registered training organisations in the South-East that will be affected by this decision: Limestone Coast Training; LITA, a specialist harvest and haulage operator; Ascent Training; Di-Monty Training Solutions; Gramac Solutions; and Interskills.

Time expired.

O-BAHN TUNNEL

Mr PICTON (Kaurna) (15:34): I rise to speak about a fantastic project that is being implemented in South Australia, the O-Bahn City Access project. As members may know—

Members interjecting:

The DEPUTY SPEAKER: I am on my feet and remind members on my left of the standing orders and the fact that you are almost all on your second warnings.

Mr Knoll interjecting:

The DEPUTY SPEAKER: You will be on your second warning really quickly if you defy me.

Members interjecting:

The DEPUTY SPEAKER: Order! You are back to the beginning, are you? Alright. You won't take long to get to two. The member for Kaurna.

Mr PICTON: Deputy Speaker, I know you know this, but members opposite seem to be interjecting, that the O-Bahn is the most successful form of public transport in South Australia. It is sad to say that more people use it than the Seaford rail which obviously I am very accustomed to—

An honourable member: So far.

Mr PICTON: So far, and that is, of course, increasing all the time thanks to the investment that this government has made in that. We have invested close to a billion dollars in the Seaford rail line and I think it is fair enough that north-eastern suburbs residents should have investment in their public transport, particularly since we know that 31,000 people use the O-Bahn to get to and from work in this city every day. That is over 1,000 buses going up and down the O-Bahn and trying to get into the city.

Of course, it is a great system but it is only a great system once you get to Hackney and get on the O-Bahn. Before that it is like any other bus trying to fight its way through eastern suburbs peak-hour traffic. I think it is vital that we invest in fixing this problem and separating those 1,000 buses from that peak-hour traffic. This project will, of course, involve a 500-metre tunnel under key intersections and a bus priority lane on Hackney Road.

What is the problem we are trying to fix here? The speed limit across Botanic Road is 60 km/h and on North Terrace it is 50 km/h. How fast do morning O-Bahn buses travel along these roads? Not 50, not 40, not 20, not even 10 km/h. These buses are travelling at the moment at 8 km/h, just eight. Now, compare that to a brisk power walk. Anyone who has used a treadmill would know that 8 km/h is not that fast and that a walker would beat the bus.

I thought: what about other animals? I am informed that a backyard chicken can travel at a top speed of 14.5 km/h. If you line up an average backyard chicken and our most well-patronised form of public transport at 8am Monday at the National Wine Centre, the chicken would make it to Frome Road (700 metres away) two minutes and 21 seconds quicker than the O-Bahn bus at the moment.

An honourable member: Why would it cross the road?

The DEPUTY SPEAKER: Order!

Mr PICTON: So we are talking here about much more than a few minutes to be gained by O-Bahn commuters on this project. The estimates are that this will mean a saving of some 20 minutes peak-hour delay every day, which is almost two hours a week or some 86 hours a year stuck in unnecessary traffic. Sometimes the delays can be much worse, and surveys have them up to 30 minutes every day. This is because the O-Bahn currently competes with thousands of cars that have one passenger each on the same roads trying to use the same traffic lights.

That is time that thousands of South Australians could be spending quality time with their children, out walking their dog or volunteering for community groups—but, no, they are stuck in traffic. Not to mention the delays every year in the lead-up to the Clipsal 500 race, delays which will be substantially eased for O-Bahn users in the future because of this project.

It will also encourage more car users to leave their cars at home and catch the O-Bahn to work, further reducing traffic snarls. We know that when public transport gets more reliable more people will use it and when it gets faster more people will use it. No wonder this project has received

such a positive cost-benefit review, showing that for every $1 we spend on it there will be $1.60 worth of benefits for the state.

What about the protesters we saw on the weekend? I heard one report that there was some thousand people protesting this on the weekend, although when you look at the photo of this protest—

The Hon. T.R. Kenyon: They just wanted to get face painting.

Mr PICTON: That's right; they might be face painting, the member for Newland said. When you look at the photos it looks much more like 150 to 200 people who were there. This anti-public transport protest was supposedly to protect the Parklands, but guess what: the Parklands will be bigger after this project. There will be a new road but a bigger existing road will be returned to the Parklands, so it will be a net plus for Adelaide's Parklands. That is a net 3,500 square metres more space going into the Parklands, something that some of these protesters seem to forget.

This will also mean more space for Fringe and other community events right at the feet of our East End business precinct, because we want the Parklands to be not just preserved for the exclusive few but to be used and enjoyed by people from all over South Australia, not just those who live in the immediate precinct. Despite what people may have heard, as well, Rymill Park will still be there. It will still be accessible for families and still be a great place to relax with your family.

I was a bit surprised to see some of the people who were there at the anti-public transport protest, including members of the Greens party. I hope they can turn around their view on this.

Time expired.

HARTLEY COMMUNITY CLUBS

Mr TARZIA (Hartley) (15:39): Today I rise to commend and pay tribute to two wonderful organisations in my electorate: firstly, the Rotary Club of Magill Sunrise and, secondly, the Glynde RSL sub-branch. I had the great pleasure of attending The Reel Event. I know, Deputy Speaker, that you are a fan of short films, as I am. On 20 May they held a function at the Regal Theatre on Kensington Road featuring some of our best and sharpest artistic minds. I would like to go into some detail to explain the sorts of films that were shown that evening.

Firstly, *Ringbalin: Breaking the Drought* was about drought in Australia. In 2010, Australia was facing the worst drought in recorded history. At the end of a river in the Coorong, Ngarrindjeri elder, uncle Moogy, grew tired of watching his ancestral home die, and so united a group of different Aboriginal river nations in a 2,300-kilometre pilgrimage to dance the spirit back into the river and into themselves.

That was followed by *Motorbike*, which featured a young man on an old motorbike who was struggling to reach a date on time. We obviously do not want to do that, Deputy Speaker. That was followed by *Love 2.0*, which featured a young gentleman, Sam, and it was about the events that young people sometimes go through in adolescence. That was followed by *Hazelwood*, a particularly good film. The producer was Peta Kealy and the director was Veronica Buhagiar. It was based on a classic fairytale, *Hansel and Gretel*. *Hazelwood* in this instance was a modern retelling of the story told from the witch's perspective, with a twist. *Hazelwood* is a film about love, revenge and deceit and it focuses on issues surrounding women during World War II.

There were several other films. There was *I've Been Everywhere, Man*, produced and directed by Cameron Edser. *Hi* was produced by Tim Carlier and Matthew Cropley and directed by Heather Maggs. *This is Africa* was produced and directed by Benjamin Dowie. *Coffee?* was produced by Pia West and directed by Steve Lockley. Finally, *Super Sounds* was produced by Chloe Gardner and directed by Stephen de Villiers.

It was a wonderful evening attended by several hundred people. I would like to pay tribute to the Rotary Club of Magill Sunrise because they have run this event for several years and they donate funds, much of the time, to charities and organisations that are very worthy causes. I thank them for the invite and commend them for the good charity work that they continue to do. They are a breakfast club, Deputy Speaker, so if you are ever free on a Tuesday morning, I would implore you to visit the Rotary Club of Magill Sunrise. They meet at the Hectorville Hounds clubrooms just off Arthur Street.

I also wish to speak about the Glynde RSL, a wonderful community club in my electorate, who recently held their annual dinner. I would like to thank the president, Douglas Stewart, and the new president Geoff Peirce, as well as John Seeliger, the secretary, and the whole committee who put together a wonderful evening. Wonderful food was provided by the Kafé Schulze catering team, and great entertainment was provided by Vogue Duo. I would like to thank the honoured guests who visited that evening and also spoke on that occasion: Steve Larkin, the deputy state president of the RSL, as well as John Seeliger and president Geoff Peirce.

Marina, one of the lovely residents of the area, arranged beautiful flowers that night. They were wonderful, and I thank her for her good work. The Glynde RSL, like many RSLs in my area, have raised their concern about the way that this state government is treating veterans and the way it looks to treat the Repat Hospital. I would like to reiterate and put on the record that those concerns need to be listened to. It is about time that the state government took the concerns of our veterans in this state seriously.

I would like to thank the Rotary Club of Magill Sunrise and the Glynde RSL, as well as the array of other community organisations in our area for the wonderful services they provide. They are the backbone of our community, and I thank them for their service to our local area.

NATIONAL RECONCILIATION WEEK

Ms HILDYARD (Reynell) (15:44): I rise today to speak about one of the most important weeks in our Australian calendar, Reconciliation Week, celebrated each year between 27 May and 3 June, dates chosen as they represent two important milestones on our national journey to reconciliation.

Of course, 27 May is the anniversary of the 1967 referendum in which over 90 per cent of Australians voted to give our commonwealth government the power to make laws for Indigenous Australians and provided the ability for them to literally be counted by including them in our census. The date of 3 June is also significant because it marks the anniversary of the High Court delivering the 1992 Mabo decision. This landmark case officially recognised the special relationship that Aboriginal and Torres Strait Islander people have with the land and, finally and importantly, paved the way for native title.

The theme for Reconciliation Week is 'It's time to change it up'. It encourages all Australians to 'change up' the way we think about reconciliation and systematic discrimination against Aboriginal and Torres Strait Islander people. Reconciliation Week this year invites us to also join the Recognise campaign, a growing campaign focused on ensuring that Aboriginal and Torres Strait Islander people are officially recognised in our Australian constitution.

Australia's story is one of the richest and longest in human history. It spans tens of thousands of years and at its heart is the oldest living culture on our planet. It is an inspiring and impressive history, but Australia's constitution, our set of rules, our founding document which symbolises on the local and global stage what we are about, does not recognise that culture. It is silent about tens of thousands of years of history. It does not recognise Aboriginal and Torres Strait Islander people and, shamefully, it also gives governments the power to discriminate against groups of Australians voting based on race.

We need to remove that discrimination and we need to include recognition of Aboriginal and Torres Strait Islander people because it is the right thing to do and so that Australia can lift its head and authentically live the values we so often pride ourselves on having as a nation: fairness, inclusivity and diversity. It is our generation who can do this. It is our generation who can break the silence and who can proudly shape a better and fairer future, and we in this place have a strong role to play in doing this. We are in a unique position to talk about this campaign in our communities and I have been heartened to hear this conversation and conversations about reconciliation happening in my southern community continuously over the past week.

Leading up to Reconciliation Week, I worked with the Southern Football League, all clubs in that league, and particularly the Noarlunga Football Club to host the first SFL Reconciliation Round game to commemorate Reconciliation Week. Our celebration that day included a welcome to country by Kaurna elder, Auntie Leonie Brodie; a performance by outstanding local artist, leader and

musician, Allan Sumner; and really important words about our Recognise campaign by Joel Bayliss, a fellow Reconciliation SA board member and outstanding community advocate and activist. Many people in the league said that this was the first time they had been part of such a conversation and they looked forward to continuing to talk about reconciliation.

I attended the Reconciliation SA breakfast and hosted exceptional Wirreanda High School students Cheyenne, Victoria and Nathan and their teacher Azra. My conversations with these students who have worked hard this year to ensure that Aboriginal veterans are appropriately and respectfully remembered gave me great hope for the next part of our journey to reconciliation.

In the lead-up to Reconciliation Week I worked with community organisations, council and local Aboriginal elders on our local southern community celebrations at Ramsay Place which were widely attended by southern schools who participated in an artistic competition focused on bringing to life in visual art and words the meaning of reconciliation. I saw some of this artwork at an incredibly special assembly at Christies Beach Primary School and left this assembly, in which every year level had explored reconciliation, feeling very hopeful that our future generations of leaders will collectively progress a truly reconciled Australia.

I also had the great pleasure of attending the Christies Beach High School reconciliation assembly, with an acknowledgement of country by students, moving speeches from Uncle Jim Snow and Jessica Wishart, a beautiful performance by the very talented Ellie Lovegrove, and a lunch cooked outdoors by students and teachers. I left my last reconciliation activity for the week knowing that our past will be remembered and honoured, that our present is understood, and that our future will be one in which the issues we still face will be resolved and one in which Aboriginal and non-Aboriginal Australians will work together respectfully towards a truly united Australia.

Bills

CHILDREN'S PROTECTION (IMPLEMENTATION OF CORONER'S RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:49): I consider it quite a privilege to have been the lead speaker in this matter on behalf of the opposition, because one of the important responsibilities for any parliament is to ensure that our most vulnerable are protected. My greatest concern about this bill is that it has been introduced following the flood of embarrassment that this government has had to face as a result of a penetrating and very important report by the State Coroner.

It may have been embarrassed into action and that in itself is not a bad thing. My concern, however, is that they did so without consultation and that they do so without even awaiting the response from Margaret Nyland QC, the former judge who has been appointed in the latest and third royal commission on children—in this case, children's protection systems. Why is this particularly concerning, apart from there being a history of a number of reviews and reports? This is particularly concerning because the government has seen fit to consult on other areas of reform, including the reform as to who should comprise the judiciary in the Youth Court.

The Youth Court, of course, is an arm of the District Court and is led by a District Court judge. Additionally, the judicial officers are supported by magistrates in two areas of law. One is child protection and one, of course, is the criminal cases in relation to children. That bill proceeded with reform and was passed through this house and I am uncertain as to its passage through the other place. I do not make comment on the substance of the bill today. I simply make the point that the government saw fit to consult with the royal commissioner, Ms Nyland, on that issue and also on another act that they sought to amend recently in respect of children's matters.

It does concern me that, on an area specifically relating to the protection of children arising out of this Coroner's inquest and the findings thereon, the government has not sought even an interim report or consideration by the royal commissioner. It is such an important area of law reform. It is without consultation with those who would normally have a stake in reform in this area or the public

and, therefore, the one person who would assist the parliament in considering these reforms, it seems to me, would be the royal commissioner.

The second person who, I would have thought, ought to have been consulted at least to identify whether the reforms proposed in this bill do meet with the recommendations of the Coroner is the Coroner himself. Why would it not be appropriate to put a copy of this bill to the Coroner and obtain his view as to whether he is satisfied that this complies with the recommendations that the government say they are undertaking?

I would have thought that was a fairly simple exercise and that the parliament ought to have that information before us and, furthermore, ought to consider that advice. After all the government have said, 'We're introducing this bill in response to the recommendations.' Surely, if they are genuine and bona fide in that regard, they would also have with that either a letter from the Coroner or an indication that he had been consulted and that that is satisfactory.

Why have they not done that? My guess is this: he has made a number of recommendations and, whilst he might even agree with the tenor or flavour of what has been presented in this bill, I would be very sure that he would be concerned about the government's lack of action in dealing with other parts of the enforcement that he has recommended, in particular in respect of section 20(2). I would also be quite confident in thinking that he too might be concerned about the ravaging of the objectives and principles of the act, which has been a direct consequence of them forcing this matter into the parliament in a hurry. So, I for one would be keen to hear his view, too, as to what is missing and what should be improved in respect of the reforms in this bill.

With that, I can count and confirm that we are satisfied that the government will win the ballot in relation to this bill passing through this house. It is not the opposition's objective to in fact hold up reform that will help to protect children. Indeed, we will support the government in initiatives that work. At this stage, they have not demonstrated that the principal area of reform here will work, and we are concerned about the construct and presentation of the reforms in respect of definition within the act as to harm and cumulative harm. That is the position from the opposition's point of view. Let's have some serious consideration of this from the stakeholders and, in the absence of there being any evidence of high need for the urgency of the progress of this matter, that matter should be delayed.

I confirm that we will object to the repeal of section 4 in the vote on this. During the course of the balance of the debate, I will read through carefully the amendments that have been tabled and, if they are on the face of it an improvement, they will not have any objection from the opposition.

Ms SANDERSON (Adelaide) (15:57): I rise also to speak on the Children's Protection (Implementation of the Coroner's Recommendations) Amendment Bill. The government's approach to the Coroner's recommendations on the Inquest into the Death of Chloe Valentine have been vastly inconsistent. On the one hand, they have advised all recommendations have been referred to the Royal Commission into Child Protection Systems as per the State Coroner's request; however, they are only waiting on the report on recommendation 22.13 to consider adoption as an alternative placement option.

They have now introduced this current bill to parliament for debate, which includes recommendation 22.11. This amends the act to include cumulative harm as a relevant factor in making decisions about the care of a child, and of course I would be very supportive of this change. However, this was recommended back in the 'house of horrors' case, discovered in 2008. So, now in 2015, yet another child has died and the government is only just now considering this change. Any person off the street would know that being safe at a point in time, especially for a pre-arranged home visit, does not mean that a child is safe and that, obviously, the history of the case should always have been considered, so it is disappointing that this needs to be put into legislation and that it was not done earlier.

As we know, putting something into legislation does not even mean it will be used, so it is imperative that the minister, through her department, enforces this, unlike section 20(2) with the drug testing that was not used at all, even though it existed in legislation. So, whilst I welcome cumulative harm being added, it is disappointing that we would even need that. It should have been in the policy

and it should have been implemented many, many years ago. It is 13 years since this government has been in power and it is 13 years too late.

Recommendation 22.12 amends the objects of the act to ensure the paramount consideration is to keep children safe from harm, and again, anyone off the street would have assumed that the Children's Protection Act was entirely about making the child the most paramount person in any situation. Again, it is quite ridiculous that we have to legislate for this. It should be part of the policy; and, if it was to be legislated for again it should have been done 13 years ago after the first Layton report. The whole point is to keep children safe from harm; so, of course, I do support that albeit 13 years too late. Recommendation 22.2 that amends the act to include the provision:

> ...that a child born to a person who has a conviction in respect of a child previously born to them for manslaughter by criminal neglect, manslaughter or murder will, by force of the Act, be placed from birth under the custody of the Minister.

This is as Mark Johns, the Coroner, recommended. However, the government has actually expanded this recommendation to include endangering life and causing or creating risk of serious harm.

It was also expanded to capture any convictions for an attempt to commit the preceding offences. The government admittedly does not know how such legislative changes would be implemented or regulated. It suggests that it is similar to legislation that has been passed in New Zealand, but that legislation has not even commenced as a way for us to see how this would be implemented or policed or work in any way, shape or form.

The government is happy to sit tight and wait for the royal commission report on some of the handpicked matters yet is rushing this recommendation through without adequate consideration of the actual effect and the changes. It will be four years before Ashley Polkinghorne or her ex-partner leave prison, so there is no particular urgency to rush this through without proper consideration.

We are here to debate this bill yet the government is completely unprepared to actually identify the regulations and practices to enforce the new provisions. Why wait for a report from the royal commission on one matter but not others? Why introduce something you are completely ill-prepared for? Why introduce laws similar to other jurisdictions without adequate consideration of their effect or witnessing their implementation?

There are a lot of 'whys' here in regard to the government's actions. How will it police this? What about people who change their name or move interstate to have children? What about men who subsequently meet a new partner who has existing children? How will they find them? How will they police this? In the briefing the government was unable to give us any answers. I think it is a very hasty kneejerk reaction to the Chloe Valentine inquest after having 12 years since the Layton report to do something about this very important issue.

The government has not gone out to consultation on this current bill, it has merely reacted to media attention and public outcry for change. While I strongly believe in the need for urgent change and the complete overhaul of our child protection system, the government's approach to the introduction of this bill is questionable. The hasty introduction and subsequent removal of section 4 of the Children's Protection Act has also attracted critical media attention.

InDaily has continued criticisms of Families SA, such as on 11 May 2015 when it stated 'Ignores 10,000 notifications a year'. Now that 10,000 notifications is a lot of cumulative harm that is being missed. Also, on the same day InDaily stated, '...the bill is undermining international law by undermining our commitment to the UN Convention of the Rights of the Child by removing section 4' and the following day on 12 May 2015, 'and South Australia's poor performance on child protection'.

Given that the government is yet to consult with major stakeholders, I have begun the process of seeking feedback on this current bill and approach which the government has taken. I have sought feedback from Anglicare SA, Save the Children, Centacare, the Child and Family Welfare Association of South Australia, Connecting Foster Carers, Life Without Barriers and the Guardian for Children and Young People. I note also that the member for Bragg had already contacted the Law Society and the Bar Association of South Australia along with several others.

I am curious to understand their positions on the proposed changes given that it will likely affect their operations. The government has had 13 years of opportunity to introduce change in the

shambles of a child protection system. It started with the Layton review of child protection in South Australia, which delivered a report in 2003. Among other things this report urgently called for a commissioner of children and young people—something the government only took the liberty of investigating some 11 years later and we still do not have a result.

The Layton report was then followed by not one but two Mullighan inquiries in which both reports were handed down in 2008 after he was appointed in 2004. One was the Children in State Care Commission of Inquiry and the second was the Children on APY Lands Commission of Inquiry. Next, we had a select committee on Families SA, appointed in 2007, and a report that was delivered in 2009. Then we had the Debelle inquiry, which was an independent education inquiry. The report was delivered in 2013.

Following this, we had the Select Committee on Matters Relating to the Independent Education Inquiry, and now we have the Statutory Child Protection and Care in South Australia select committee, appointed last year, with a report due later this year. Last year we saw the implementation of South Australia's Adoption Act review, which has been carried out by Associate Professor Lorna Hallahan, with a report due on 30 September this year.

Last but definitely not least, we currently have former Supreme Court Justice Margaret Nyland QC carrying out the Royal Commission into Child Protection Systems. This is an exhaustive list, and it is eight major inquiries into many different aspects of our child protection system, yet we are yet to see any real change. Each and every one of these inquiries were damning of the government in their own right.

The government gives the excuse of cost for not agreeing to the Liberals' model for a commissioner for children that is independent of government and that has investigative powers. How much money has the government spent on all of these reviews and royal commissions and how many children's lives have been lost because of their inaction? Perhaps a children's commissioner 11 years ago would have stopped many deaths, which is immeasurable in its value to the community.

On top of all of these government reviews and royal commissions, they have also had reports and recommendations from the state Coroner on an annual basis, the Public Advocate, the Child Death and Serious Injury Review Committee, the Council for the Care of Children, and over 100 reports and publications produced by the Guardian for Children and Young People, in addition to her annual reports. We also have the Australian Institute of Child Protection Studies and multiple research facilities preparing endless reports on how the system should be improved, yet nothing has been done.

We have not seen any adequately thought-out change to our child protection system after all of these knowledgeable people have provided it to the government in plain and simple terms. It is appalling that we have had to wait for the death of an innocent child and an inquest into her death for the government to get moving, but they still have not learnt. They are still not implementing adequate change, just having knee-jerk reactions. After 13 long years of this Labor government, they are still delaying the introduction of a children's commissioner. This time they are waiting on the report from Commissioner Margaret Nyland, yet in this case they are happy to rush through these other recommendations without any idea of their practical implementation.

The government's own response to the Layton report was: 'Our key agency responsible for child protection lost capacity when it was subsumed into the Department of Human Services and lost its way.' Using the government's own words, our current child protection agency is now subsumed by the education department, which has had enough issues of its own, which prompted the Debelle inquiry. They are also delaying the recommendation of adoption being considered as a practical placement alternative to wait on the royal commission report. Again I say that they are hastily rushing through these recommendations and, by their own admission, they do not know how they will practically implement such changes. It is quite puzzling to work out the thought process of the current government. I can only assume that it is politically motivated rather than having the best interests of all South Australians in mind.

The bill raises one of the major issues in the department at this time. We have a department that is not acting in accordance to the legislation we currently have. A prime example, as outlined by my deputy leader, is that of applications for drug assessments. Legislation already exists to drug test

people, yet Ashlee Polkinghorne was never tested under section 20, part 2, therefore leaving Chloe Valentine in danger, which led to her subsequent death.

So, if the minister is not going to ensure that her staff act according to the requirements of the current system, how will any of these legislative changes make for meaningful change for our children? This government needs to stop hiding behind reviews and royal commissions and actually make changes to the child protection system they have presided over for 13 years. There is no-one else to blame for this mess, not even the federal government. This has been the failing of successive ministers since 2002. We had Steph Key from 2002 to 2004. From 2004 to 2008, we had our current Premier Jay Weatherill holding this portfolio for the longest term of four years. From 2008 to 2011, we had Jennifer Rankine, who again had the portfolio from 2013 to 2014, which also totals four years. It was with Grace Portolesi from 2011 to 2013 (being two years) and, currently, we have minister Susan Close. The government needs to implement—

The DEPUTY SPEAKER: Order! You do need to refer to members by their electorate.

Ms SANDERSON: Okay. I will have to get—

The DEPUTY SPEAKER: Port Adelaide.

Ms SANDERSON: Port Adelaide. The government needs to implement meaningful change now. We do not need another kneejerk reaction that does not adequately protect our most vulnerable children. We need a properly thought out plan and we need to see that now.

The DEPUTY SPEAKER: Minister.

Members interjecting:

The DEPUTY SPEAKER: The minister has the call. I am the one calling and I called you. What is going on here?

Ms Chapman interjecting:

The DEPUTY SPEAKER: No, it is not alright. I am calling and it is her.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (16:10): Deputy Speaker, the bill before the house addresses a number of matters raised by the Coroner following the inquest into the tragic death of Chloe Valentine. In child protection the care, safety and development of children is our first and most important priority. It is the driving motivation for hundreds of dedicated Families SA staff who are on the frontline, delivering services to the most vulnerable members of our community.

For a majority of children their best interests are served when their families are supported to care for them and provisions are put in place to allow them to stay with their parents, but there are times when this is not the case and the best interests of the child do not coincide with maintaining the family as a unit. This is an incredibly delicate balance and one that it is imperative we strive to get right because we know that when we get the balance wrong in either direction the consequences can be truly tragic.

The bill seeks to provide clarity that in the administration of the Children's Protection Act the paramount consideration is the safety and wellbeing of children and that, while still a consideration, the importance of family is a secondary object. This government also believes that the voice of the child should be considered in decisions that affect them. I have worked with the Attorney to ensure the inclusion of this within the government amendments that have been filed.

This bill makes a number of significant and important amendments to current legislation, with the aim of further ensuring the safety of vulnerable children within our community. I trust this is something that all members in this place will support. I commend the bill to the house.

Mr TARZIA (Hartley) (16:12): I reiterate the points made by the members for Bragg and Adelaide. It is a shame for the good children and families of South Australia that, unfortunately, this government has only taken the issue of child protection seriously when it hurt the government politically and not before that point. The state government can have a different minister in this area, the state government can have a different name for the area, but deep down, below all of that, there

are fundamental problems and this government has failed the people of South Australia with regard to this area for far too long.

As we have heard, the bill was introduced in this place by the Attorney on 6 May and in February the Premier appointed a different minister as Minister for Child Protection Reform. The bill implements recommendations from the state Coroner in his recent report of 9 April 2015. We all know that he investigated the shocking case of the death of Chloe Valentine, who died whilst in the care of her mother on 20 January 2012. As the member for Bragg alluded to, these injuries were shocking. Young Chloe died from head injuries accumulated over a period of time of abusive acts and, quite frankly, gross neglect. The Coroner was especially damning of the failure of Families SA to protect the child.

We have also been told today that Ashlee Polkinghorne was sentenced to eight years, with a nonparole period of four years and nine months, for manslaughter by criminal neglect. There were 21 recommendations in the Coroner's report. I understand the government has resolved to support 19 of these recommendations, with in principle support for recommendation 22.13, to consider adoption as an alternate placement option, and also recommendation 22.9, which would be the subject of further investigation.

The government reported to parliament on 5 May, identifying its position on the recommendations, and it established a working group which comprised the chief executive of DECD and representatives of AGD, DPC and the Crown Solicitor's Office. The government was clearly desperate, in my opinion, to present this front to the public that, all of a sudden, they took this matter seriously and, all of a sudden, they want to be seen to be acting with responsibility and with urgency. Quite frankly, though, the government has failed the people of South Australia for far too long in this regard and it is absolutely shameful that it only takes these concerns seriously when it thinks it hurts them politically.

The bill proposes a number of amendments pursuant to recommendation 22.12, that the objects of the act be made plain and that paramount consideration in the administration of the act was to keep children safe from harm, and the bill amends the act accordingly but it also removes the fundamental principles as set out in section 5, which I will speak to in just a second.

Further, pursuant to recommendation 22.11, the act is amended to cumulative harm as a relevant factor in making decisions about the care of a child—that is, not one abusive act of gross neglect, but where children or a child's circumstance suggests a history that the child's care is wanting. I note that this issue has been referred to in a number of other reports, including the Child Death and Serious Injury Review Committee Annual Report 2012-13, when it considered the gross neglect and abuse in cases such as the 'house of horrors'—which the member for Bragg has also mentioned.

Pursuant to recommendation 22.2, the act is amended to include a provision that a child born to a person who has a conviction in respect of a child previously born to them for manslaughter by criminal neglect, manslaughter or murder will, by force of the act, be placed from birth under the custody of the minister, and the minister will have power to impose conditions on a convicted parent's dealings with the child.

Notably, this proposal is unique in Australia and I would say that the government's capacity or capability to instigate it, to implement it, particularly identifying the children to whom it will or will not apply, remains to be seen and remains unsolved. I thank the government for enabling us to be briefed on this issue and I also note that it has put out the bill for consultation.

I want to particularly speak of the Law Society of South Australia's comments in regard to the bill which I found most helpful. The Law Society of South Australia has raised its objection to the repeal of section 4 of the Children's Protection Act. They claim it to be actually removing the principles set out in one of the conventions that Australia has signed up to: the United Nations Convention on the Rights of a Child. I note that Australia is a signatory to that convention.

Section 4 reflects those principles, including the best interests of the child and, not only that, but that those interests should be a primary consideration. Further, it says that the state must afford children who are capable of forming their own views the right to express those and be given the

opportunity to be heard in judicial or administrative matters affecting them. They also consider that the bill should be presented for public consultation.

With regard to section 4, they have pointed out that it sets out the fundamental principles underlying the act. These are in addition to the objects of the act which are set out in section 3. The society does not agree that it is necessary to remove the fundamental principles in section 4 to achieve the aims of the bill. I note that only today we were, in the current Attorney-General's typical fashion, slipped his latest amendments to a bill. He has had years and years to consider these things, yet we are given these amendments at the eleventh hour, right before debate today.

It is simply not good enough. I really wish that the government had put out this bill to the public for consideration. This is an issue that is quite serious. There is not much that is more serious than child protection issues. The government should put this out for public debate. They should consider the submissions of the learned groups who have commented on it. I believe that the bill should be amended to retain section 4 of the Children's Protection Act. I commend it to the house.

Mr KNOLL (Schubert) (16:20): I rise today to speak about the Children's Protection (Implementation of Coroner's Recommendations) Amendment Bill because it is something that, as a new father, has struck a chord. When there is bad news on the TV, whether it is news of homicide or murder or whether it is news of aggravated assault, I tend to try to not listen to the details because it can sometimes get rather depressing. The reason the Chloe Valentine case has garnered attention is its ability to strike at the heart of any parent or grandparent in South Australia. To contemplate the things that happened to Chloe Valentine and to put them into our own context, into our own lives, really does bring home some awful truths about what happened to Chloe.

From the outset, I would like to say that there is no ideal situation when it comes to dealing with these matters. It is never a case where we get to an ideal circumstance, because in an ideal circumstance we would never have to delve into these issues in the first place. What we are attempting to do as lawmakers is, in this instance, deal with the least worst and try to find the best of what is otherwise a bad situation.

The bill itself makes three recommendations that have come from the Coroner's report. The three things that this bill seeks to do is to change the fundamental principle of the act from essentially keeping families together to using the act to keep children safe from harm. That is quite an interesting move and one that I certainly agree with, but I think that we have to understand the context of this act being used when family relationships and children's situations within a family have broken down. I want to speak to that a little later.

The second thing that it seeks to do is to bring in the provision for cumulative harm. The idea is that a series of events can culminate in the child being taken away, essentially strengthening the ability for Families SA to look at situations where parents continually breach their obligations to their own children and using that as a method of taking them away. The third is for the minister to take into state care a child who is born to a mother who has been convicted of criminal neglect, manslaughter or murder.

If we take a couple of steps down the road to when this bill is enacted and becomes law and is acted upon by Families SA, we are going to see an increased number of children taken away from their parents. The three things in this act strengthen the ability of the state to take away children from their parents. I think that, when we reflect on Chloe Valentine's case, we can see that this is not necessarily a bad thing. On that point, I would like to reflect on an article that Tom Richardson wrote last year on 26 September when dealing with this issue. I thought his article at the time struck at the heart of where I think South Australia was in their response to this issue. I would like to read an extract. He said:

> Yes, there has been a failure. A child has died. But it's interesting that the first reaction of so many is to blame the authorities, rather than the child's own mother by whose hand she was killed. Addressing the systemic flaws in this case is a matter for the coroner. But Families SA functions in a hideous, imperfect realm; there is no ideal outcome.
>
> As a country, we have spent much of the past two decades rightly berating misguided historic policies to rip 'at risk' Aboriginal children from their families and into the guardianship of the state. And yet with each child protection failure that hits our headlines, we shake our heads with dismay that the state couldn't summon the fortitude to remove the child before they came to harm. And again, there is the ripple of a silent undercurrent not of racial prejudice, but of

class condescension, bubbling deep below the genuine fears for children's safety. Some people shouldn't be allowed to breed.

Questions of staffing and resourcing are another matter, but the fact is, Families SA has operated under the general assumption that children should, where possible, remain with their families. If they operated differently, there would be a different kind of uproar. In the case of poor Chloe Valentine, though, this assumption had fatal consequences.

I do not agree necessarily with everything that is written in that paragraph, but I think it does sum up where the community's attitudes are with this. The member for Bragg outlined the failure of the government in this case. Let's make no bones about it: the government failed Chloe Valentine and the hearings by the Coroner confirmed that the government failed Chloe Valentine. I think that we can deal with it and we can press that case, but I think we need to look at the next steps and I think that that is what this bill seeks to do.

When looking at what is going to happen in this bill, we need to realise that there are three separate things that governments should be doing to help deal with situations like this. This bill seeks to deal with what I call the second part of family relationships and parents looking after their children and that is dealing with what happens when parents do not fulfil their obligations to their children, where the family unit, as such, breaks down. This bill seeks to strengthen the government's position in being able to deal with those cases and that is very worthy, but there is the 'before this' and there is the 'after this' that I think we also need to take into consideration, and I hope it becomes part of the broader debate. The 'before this' is dealing with prevention.

When I was looking deeply into this topic I came across a report by Professor Patrick Parkinson of the University of Sydney. He wrote a report called 'For Kids' Sake' in 2011 that dealt with the family unit and the social fabric in our society and how the family unit has progressed and issues that there are with family breakdown. I would like to read a couple of bits and pieces from his report. He states:

One of the reasons is that any report card on the wellbeing of the nation's children is likely to be mixed. Australia remains the Lucky Country in many respects. The wellbeing of Australian children has improved on a number of measures in the last decade or so, in particular in terms of physical and economic wellbeing. Yet overall levels of wellbeing, and even upward trends for the majority of the population, can disguise increasingly serious problems for many children. When the position of the nation's most troubled children and young people is considered, there are indications that all is not well, and that on numerous measures, the situation is deteriorating at an extraordinarily rapid pace. There has also been a decline, more generally, in the psychological wellbeing of young people. As a society, we may be healthier and wealthier than a generation ago, but contentment has proved more elusive.

He goes on to say:

There is a canary in the coal mine that provides early warning about the extent of social problems we are facing, and this is in the child protection system. There has been a dramatic increase in the last 15 years in the numbers of children who are reported as being victims of, or at risk of, child abuse or neglect, the numbers of children where that abuse or neglect has been substantiated after investigation, and the total numbers of children in state care. That increase has been seen in every State and Territory in the country, indicating that it is not just the consequence of changes to legislation, policy or practice within one State or by one child welfare department, even if those changes are contributing factors.

It basically says that what we are dealing with here, what we are trying to grapple with as a parliament, is one of the leading indicators of broader issues within the family structure within our society more generally. He goes on to recommend a series of things and talks about at-risk behaviours of teenagers, the breakdown of marriage and the family structure, and the rise in less stable relationships through de facto relationships and the like, but what I really wanted to focus on is where he starts to talk about prevention.

The child protection act probably tried to deal with prevention when trying to keep the objective of keeping families together at the heart of it, but unfortunately the nature of the child protection system is such that it is dealing with the people who are at risk, so it is probably more appropriate that we move to a situation where we look after the child first and foremost. That does not diminish the fact that we should be continuing to focus on prevention as a way to stop these issues from happening in the first place. He says:

There is now a consensus in Australia, as well as other western countries, that in order to make a lasting difference to the levels of child maltreatment, as well as other problems that children face, there has to be a focus on

prevention. This emphasis has been endorsed by the Council of Australian Governments in its strategic plan for child protection (2009). Achieving a shift towards prevention is, however, easier said than done. This is because of the enormous and increasing demands for services targeted at children who have already been identified as having suffered harm.

What I do not want to get lost in this debate, as we move the child protection act to being more about cure than prevention, is the fact that we cannot lose sight of prevention as an important tool so that we can stop these things from happening in the first place, but I do understand that that is not always the case, that we are not always able to solve these problems before they start, because otherwise I am sure this entire parliament would spend so much of its time trying to do just that.

I have talked about prevention and what happens before children fall into a situation where they are at risk of harm. We have talked about this bill and what it is trying to do when there are children at risk or who have suffered harm, but I think in this debate we also need to look at what happens next. I said at the beginning that this bill is going to lead towards an increased number of children going into state care, and we have to look at that not necessarily being the most ideal outcome.

We have seen issues with institutional abuse. In fact, there is a royal commission going on now into institutional sexual abuse, and I think that has some ramifications for institutional care. We hear reported cases of foster parents of Families SA workers abusing children and, again, we have to look at that and how we deal with that. Once we have taken these children away from their parents, we have to understand what we are going to do next.

We need to very much have the philosophy of providing a child with a stable, loving family environment. That has to be at the core of what we seek to achieve once we have taken them away from their biological parents. That is where I think part of this debate has to move to making it easier for that situation to occur.

Interestingly, on the weekend, the journalist Kate Legge wrote in *The Weekend Australian Magazine* an article about the difficulties with open adoption, the difficulty with adoption, and some of the cases where we see less permanent forms of care for children where children are taken from foster-parent to foster-parent, where there is no stability and they start to exhibit all sorts of behavioural difficulties and a lack of behavioural development because of their lack of a stable, loving, structured family to support them. Again, I would like to read a paragraph. She writes:

> Adoption in Australia is at its lowest since data collection began in 1968, while the number of children who have been removed from unsafe homes has never been higher. This paradox has gingered support for more open adoptions, shirking the taboo that has immobilised a country still grappling with its sorry history of forced adoptions and stolen generations. Given what we know now about the critical link between attachment in early childhood and healthy neurological development, advocates are demanding a better model for securing children at risk.

I could not agree more. That paragraph really strikes home to me how much work we as a society still need to do to find the real answers to grappling with this issue.

I understand that a select committee will be proposed in coming days and, not wishing to talk or discuss that bill, I hope that it is an opportunity to discuss these issues, whether we are talking about more permanent forms of foster care where we are able to place children for longer periods of time, or whether we are able to move to different forms of open adoption, such as is outlined in Kate Legge's article, where there are different models for how we are able to keep children away from harm.

I hope that, through that discussion, we can talk about the fact that, if we are going to take children away from their parents, it is best that it is done as early as possible, because the longer we leave it, the more harm there is to the child. I hope that, in making that awful decision to take children away from their parents, we are able to give them somewhere else better to go, that is not just three eight-hour shifts on rotation in 24-hour care or being shopped around from foster parent to foster parent, but a stable, loving, family environment that is able to help these children develop as normal human beings into adults who are able to exist and contribute to society. I think it is through that that we are going to be able to break a lot of the cycles of abuse and neglect that we tend to see in generations of families.

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) (16:36): I would like to start by in particular thanking the member for Schubert for his contribution. It had all of the attributes of a great contribution in this place: it was brief, pithy, to the point, and absolutely on the money.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: It is refreshing that, amongst some of the contributions from the other side, we have a contribution from a new member of the parliament who is able to capture all of those things and put a very powerful argument in but a few minutes, completely devoid of vitriol and hyperbole, and constructive. I find it difficult, member for Schubert, to disagree with anything that you have said. In fact, I feel you might have been reading my notes, because I was about to say a number of those things.

I will summarise a few things very briefly. First of all, a little bit of context: we are here at the moment in respect of certain recommendations made by the Coroner which the government undertook to consider, considered them quickly, resolved to do something about them and brought a bill to the parliament as soon as possible to give effect to those resolutions. In fact, recommendations 22.2, 22.11 and 22.12 are the backbone of the bill that is before the parliament. If anybody wants to argue with the Coroner or the Coroner's findings, they can do so by disturbing the bill.

There are 13 other ones that are in progress. The working group, comprised of representatives from DECD, DPC, AGD and Crown Solicitor's Office, are monitoring the implementation of these reforms and are regularly reporting to cabinet about these ones, and these are 22.4, 22.6, 22.7, 22.8, 22.10, 22.14, 22.16, 22.17, 22.18, 22.19, 22.20, 22.21 and 22.22. Three of them have been completed, which are 22.3, 22.5 and 22.15, and recommendation 22.9 has been referred to the working group for it to conduct further work before reporting to the ministers. Recommendation 22.13 is awaiting the outcome of the review into the Adoption Act.

I did not bring this bill to the parliament on the basis that this bill is going to solve every problem in the child protection area—far from it. This bill is designed to deal quickly with a number of particular issues identified by the Coroner and that is exactly what this bill does, but I want to place it on the record that there is a lot more to be done. I may be quoting somebody here, but then again these could be completely original words, but I want to make the point: this bill is not the end, it is not the beginning of the end, but it is the end of the beginning.

There are other matters that we will need to be considering beyond this; I think the member for Schubert covered off on them pretty well, actually. But without this being an exhaustive list of other matters that we need to turn our minds to, we need to turn our minds to the question of mandatory reporting and all of the nuances attached to that question.

We need to turn our minds to the idea of more proactive oversight, a matter to which the member for Schubert did refer, and in particular the importance of early intervention and if removal is required, early removal. We need to turn our minds to the separation of the issues of family support on the one hand and child protection on the other, and to consider whether some rebalancing above and beyond what is occurring in this bill needs to occur in the whole scheme of things as between those two important priorities.

We need at some point to have the maturity and, I guess, the stamina—and I say that because no-one should underestimate the difficulty of this—to have a serious consideration of issues of guardianship, both state guardianship and non-state guardianship, foster care and adoption by whatever name it is to be called and all of the complexities that go with that, and I do not pretend for a moment that any of that is easy; it is all hard—really, really hard.

There are no easy answers to any of those questions. I think that if you look around there is no place in the world that gets this right because what you are starting with is something that is very, very wrong, and so all you can do is to try to do your best in good conscience to make things better,

and that is exactly what we intend to do. This is a beginning of it, though. It is not the end of it, it is a beginning of it.

I understand that some contributions—and I will not go into them—were quite negative about what we are doing, and carping and demonstrated a sort of 'all-care-no-responsibility' sort of attitude, and basically were taking the easy option which is to grizzle about what we are doing and to pretend that there is some magic way that these things are going to solve themselves. Well, they are not. They are not going to solve themselves, at least in this package, which I say to everybody here is not the end of the road by any means. This is just an incremental step, and I have tried to outline for members some of the other very difficult steps that lie ahead that we are going to have to grapple with, all of us, and I hope we do that in the right spirit and in due course.

This is just a beginning, and what is the beginning? Okay, it is delivering on what the Coroner said in relation to that shocking case of Chloe Valentine. Yes, it is doing that, but what else is it doing? What this is doing is unequivocally rebalancing this legislation to say that first, second and third are the interests of the child—point No. 1; and there does not need to be some sort of brain arcing conflict going on in the minds of anybody looking at this or anybody administering this about whether the family keeping together is more important than the interests of the child or anything of that nature. They need to be crystal clear about that.

There is a trump card and it is called the interests of the child, point No. 1. I think that if you look at this piece of legislation the wording—which is about as explicit as it could possibly be and which talks about the paramount consideration being the interests of the child—does as much as we possibly can to make that clear. The second point I wanted to make is for those people who have raised questions—and I will not use any pejorative terms—about the removal of section 4. I do acknowledge that in consultation issues were raised about the views of the child being taken into consideration, and I have happily taken that into account and I intend in due course to move an amendment to give effect to that proposition.

However, I ask members this: if we are going to put the interests of the child as the paramount consideration, I would be absolutely gobsmacked if anybody can tell me—if that is what we are doing, and we want to be crystal clear about that—how section 4, and in particular subsections (4) and (6) fit in with that, because the answer is they do not. What they actually do is confuse the issue and detract from the primary object which we are trying in this amending legislation to make crystal clear to everybody: the interests of the child are paramount. We are trying to make it clear.

In the Chloe Valentine case people were perplexed. I make it clear that I am not having a go at any person who works for the department, because they had to work with what I am trying to repeal. People were perplexed as to where their duty to hold the family together or support the family ended and where their duty to look after that little girl began. What I am trying to do is to remove that ambiguity completely.

If anybody wants to come in here and start arguing about putting some of that stuff back in, I think they should think very carefully about that and think very carefully about what the Coroner actually had to say about what ultimately, from a policy point of view, led to this disaster with this young girl. The answer is: how can you expect the people who work for the department to have a clear vision about what the interests of the child might be and to pursue those interests absolutely and without question when their directions from the parliament are so ambiguous that they cannot be clear as to when they have to stop propping somebody up and start taking their child away? I just do not understand how anybody here, in the context of this debate, could not get how destructive that ambiguity is and will continue to be until we remove it.

I have listened to representations that have been made. Of course, if you do anything in this parliament about pretty well anything, there is bound to be somebody who will complain about what you are doing. We all know that there are some real hot-button issues out there. Some of them continue to surprise me, such as dogs and cats, for instance. But this one, by any definition, is a hot-button issue, and so it should be. I am not surprised that people out there are writing about this. I am not surprised that people out there are expressing views. Quite frankly, I am happy to come in here, and the government is happy to come in here, and say, 'We actually have a very clear view about the way forward here.'

We actually agree with the primary proposition put by the Coroner. That primary simple proposition is this: the child's interests come first, full stop, and we are not going to allow the statute to then say, 'But when we use the terminology "child's interests" we don't actually mean that at all. We mean subsection 4 of subsection 6 of the present section 4.' No, that is not what we mean. What we mean is that the child's interests come first, full stop, end of story.

As a result of consultations, there have been references made to the fact that the relevant conventions say that the views of the child should be considered. Fine, I do not have a problem with that. We have an amendment, which I intend to move shortly, which says exactly that. There is no problem with that. It is entirely consistent.

I believe also that, for reasons that I am not entirely sure, a perhaps rhetorical question was asked as to why, if we are removing subsection (4) and all of the clutter and ambiguity that subsection (4) contributes to this piece of legislation, why are we not removing subsection (5), which is the bit dealing with Aboriginal people. I think the answer to that should be pretty obvious. There was a royal commission held some time ago, and Justice Wilson, if I remember correctly, presided over it. It has had impacts which have been echoing for decades now across this nation in relation to Aboriginal people.

My view is that the Coroner did not enter into a conversation about the parts of this legislation dealing with Aboriginal people. If the opposition wants to have a conversation about that, I am okay about that but let us have that conversation as we go on with these other conversations we are going to have over the next couple of months. Let us have a discrete conversation about that, but please do not piggyback that conversation onto this because the Coroner was not talking about Aboriginal people. I accept that when we are considering whether or not these rules should have exactly the same implications for Aboriginal people as others, we need to give that some thought.

The reason I have not disturbed section 5 in my bill is because I have not had an opportunity to consider that, the cabinet has not had an opportunity to consider that and the parliament has not had an opportunity to consider that. I would have thought, given the fact that it would have a major impact on Aboriginal people, it would be intelligent for us to have a serious conversation with them about that before we do anything about it. That is why I have not touched it.

This is intended to be a surgical incision made into this legislation to touch the bits we are requested to deal with by the Coroner and to leave everything else alone, but acknowledging that we will in due course have to come back and look at the rest of it. This is not the end of this, not by a long shot. So, that is the way that I would hope the parliament can approach this debate. We are going in, it is a surgical intervention to deal with issues identified by the Coroner. It is going to do positive things for this whole child protection regime because it is going to do one very important thing that has been, up to the present time, not made clear enough; that is, that the rights of the child, not as defined by subsection (4) but as defined by common sense, are primary, full stop. If we cannot agree on that then, frankly, I wonder what this place has to offer.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: I ask, in relation to the bill, whether it has been presented to the Coroner for consideration, and, if so, what was his response, and will you table it?

The Hon. J.R. RAU: No, it has not. This is a matter for the government not the Coroner. The Coroner is not part of the executive government. The Coroner has made recommendations. We, as the executive government, have made decisions on this. We are pursuing these decisions. They are in line with his recommendations. It is not his role to be a commentator on government policy nor our legislative framework.

Ms CHAPMAN: At any time has the Coroner identified in his report or in separate correspondence to you that section 4 of the Children's Protection Act should be repealed, and, if so, where?

The Hon. J.R. RAU: The Coroner's involvement in this matter is contained to a single public document called the Coroner's report into the death of Chloe Valentine.

Ms CHAPMAN: So, anywhere in that report, apart from under his recommendation 22.12, which does not mention the repeal of section 4 of the act, is there any identification of that request?

The Hon. J.R. RAU: I have already answered that question. The position is this: if the Coroner says, 'Look, you have to make the interests of the child the primary consideration,' that is what he said.

Ms Chapman interjecting:

The CHAIR: Order!

The Hon. J.R. RAU: It us up to me, my colleagues, the cabinet and parliamentary counsel to work out how we best give effect to that proposition. It is my judgement and it is my absolutely firm conviction that we could not possibly deliver on that without doing what we are doing with section 4.

Ms CHAPMAN: Prior to introducing the bill or indeed since, has the government consulted any Aboriginal organisation in respect to the repeal of section 4 which includes subsection (5) in respect of the Aboriginal and Torres Strait Islander Child Placement Principle and, if not, why not?

The Hon. J.R. RAU: I think you will see that we have actually retained that. We insert in section 5(1)(a1) that in dealing with matters relating to Aboriginal or Torres Strait Islander children, etc., the principle is to be observed and we have left everything else there, precisely because we have not talked to them and we have not sought to disturb anything specifically there for them because that is a completely different body of work which we have not begun.

Ms CHAPMAN: Perhaps the Attorney could identify where in the bill the retention of subsection (5) of section 4 is being retained.

The Hon. J.R. RAU: Page 3, section 6, amendment of section 5.

Ms CHAPMAN: What action has been taken in respect of consultation with Aboriginal or Torres Strait Islanders in respect of this amendment to include it in section 5?

The Hon. J.R. RAU: None, because section 4 has a lot of bits in it—this was one bit. We have gotten rid of the rest of section 4 but we have kept this little bit, and we put it back so that inasmuch as this legislation has any specific work to do in respect of Aboriginal people, nothing has changed. So, given that we are not changing anything, there is no reason for us to sit down and have a chat with them about not changing anything. If it was the case that we were going to change something, then absolutely we would be out there talking to them, but because we have been at great pains to not disturb any part of this fabric, inasmuch as it is to do with Aboriginal people, there is nothing to talk to them about.

Ms CHAPMAN: Can the Attorney explain to the parliament how it is that a member of Families SA is able to distinguish between the paramountcy of the protection of the child against harm who is Aboriginal relative to these other subservient obligations but not be able to do it in respect of non-Aboriginal children?

The Hon. J.R. RAU: The paramountcy provision remains for everybody—that applies to everybody. I have to say that all parliaments, all members of parliament and all executives need to be very careful about making specific rules for particular groups of people. As a general proposition there are issues about that. That said, there is a particular history that goes with Aboriginal people and there has been a particular well-documented series of issues relating to Aboriginal people. This provision, in my view, would now say in respect of Aboriginal people, 'Be clear: the fact that they are an Aboriginal person does not in any way mean that the primary objective is not looking after the kids.' That is clear.

If that represents a change from where we have been before, it should not, and I do not apologise for it if it does. But beyond that, the other provisions which require them to have regard to the Aboriginal placement principle and the provisions in subsection (5) as it presently exists, are intact and they would provide a subsidiary matter of consideration—but the primary consideration is the welfare of the child.

The CHAIR: Before we go on, I am mindful that clause 1 is actually the title and our debate is moving into clause 5, so can we put clause 1?

Ms CHAPMAN: I am not happy about that. I will ask questions in respect of clause 2.

The CHAIR: Later on, yes; so you have a question for clause 2.

Ms CHAPMAN: Yes.

Clause passed.

Clause 2.

Ms CHAPMAN: When this bill does commence, how is the Families SA person expected to deal with the subsidiary principle to be taken into account, in particular in section 5(1), which provides:

> No decision or order may be made under this Act as to where or with whom an Aboriginal or Torres Strait Islander child will reside unless consultation has first been had with a recognised Aboriginal organisation, or a recognised Torres Strait Islander organisation, as the case may require.

If, in fact, as you say, the intention of this amendment is to ensure that harm or prevention against harm is paramount and that the obligation in 5(1) alone could delay the implementation of necessary and urgent intervention to take that child, it is exactly the same position as what a Families SA person, you say, is left with at present in respect of an ambiguity of obligation as to contacting families or keeping families in contact versus harm.

The Hon. J.R. RAU: Can I come back to the point I made before? I have deliberately left everything to do with Aboriginal people alone because I regard it as a discrete topic and I did not want to turn this into something it was not and to masquerade the Coroner's decision as being some sort of general reflection on the whole legislation, including Aboriginal people, which clearly it was not. The second point is that this legislation presently—and I am not saying it should always, and this is a matter that is up for grabs in due course—does not contemplate as, for example, the intervention orders legislation contemplates, the issue of an immediately operative order which then might subsequently be the subject of some review by the Youth Court, for instance. This does not now do that.

What it does do is to say there must be an application to the Youth Court and certain evidence needs to be assembled in order to make the application to the Youth Court to obtain the order for the removal of the child. That is how it works now. My understanding of the way this would work is simply that one of the pieces of evidence that the caseworker seeking to remove the child would have to accumulate above and beyond what they would accumulate for another child would be some evidence in respect of the matters contained in subsection (5). It simply means the preparation of the brief has an additional layer to it.

Is it the case that in some particular instances the preparation of that additional matter may require a little bit of time? It may do, but the answer, member for Bragg, is that if it would in the future it certainly does now. So, we are not making that any more than it presently is. We are not disturbing that. This requirement is already there. This requirement would have to be met now under the existing rules in order to properly prepare a brief to take a child away. What we are saying is that in the future, for the moment—and I come back to what I said before that this is not the end of this reform process by a long way—given that we are not opening the can of worms about Aboriginal people in the context of this very limited debate (that is something we need to talk to them about and everybody about in due course, if we are going to do anything at all about this), there is no change at all. The process of getting an order now and in the future will be no quicker or slower by reason of a person being Aboriginal, because the same piece of evidentiary underpinning for the application would have to be made now and it will have to be made in the future.

Ms CHAPMAN: But, of course, the Coroner's recommendation, which you say is the basis of this bill being brought to the parliament, does not say remove section 4 of the act, Attorney. I can point to plenty of circumstances where the suggestion is that we ought to be looking at those in the Aboriginal and/or Torres Strait Islander communities, but specifically the Aboriginal communities, namely, the royal commission report from the late Ted Mullighan QC, who clearly found the situation

endemic in respect of child sexual abuse on the APY lands. Nothing has been done by this government to rectify that to the extent of protecting children against that shocking behaviour.

Not only that, we also have had reduced information available. We have the Nganampa Health Council that is protected against freedom of information. We have no disclosure of drug and alcohol abuse records from that agency. We have no detail of what is reported at Coober Pedy or any other place that is close to the APY lands in respect of child sexual abuse, allegedly because the government does not keep a record of where the child is resident, which is just a complete nonsense.

Let's talk about the urgency of dealing with child abuse in this case in respect of Aboriginal children, which has been completely ignored by this government. You say to us that you have to urgently deal with the Chloe Valentine coronial recommendations, rip out section 4 in respect of non-Indigenous people, and say, 'We will leave Aboriginal children to another day.' It is just scandalous the government's avoidance of its responsibility in both areas and to be pretending that this bill is consistent with what the Coroner has asked for when, firstly, it is not disclosed in his report what you have done to it and, secondly, you have not even had the decency to go back to him to ensure that you have got it right.

The Hon. J.R. RAU: The Coroner is not some sort of commentator on government policy. The Coroner makes—

Members interjecting:

The CHAIR: Order! Order, the member for Kavel.

The Hon. J.R. RAU: Madam Chair, can you protect me from the member for Kavel?

The CHAIR: I am trying to protect you from the member for Kavel.

The Hon. J.R. RAU: Thank you.

The CHAIR: I may have to get the Serjeant-at-Arms to come in and do something about it.

Mr Gardner: He's looking forward to the opportunity.

The CHAIR: I have a standing order just for you too, member for Morialta.

The Hon. J.R. RAU: I need protection from him as well.

The CHAIR: I am protecting you.

The Hon. J.R. RAU: Thank you. I have tried to explain this. The Coroner said that there must be primary consideration given to the welfare of the child. We have done that. It is my absolutely firm conviction that to do that we could not leave section 4 unamended. Section 4 had to be fixed, in my opinion, and I am absolutely convinced that is correct.

I agree with many of the things the member for Bragg has just said. I too am absolutely appalled at some of the things that Aboriginal people in this state endure. I am appalled at the level of violence that they endure. I am appalled at the level of child abuse they endure. I am appalled at the notion that we have young kids with sexually transmitted diseases. I am appalled that they have levels of life expectancy 20-odd years below everybody else, if not more. I am appalled the levels of diabetes are what they are. I am appalled that half the people having blood transfusions and being on dialysis machines are Aboriginal people. I am appalled at all of these things. If the member for Bragg genuinely believes that by removing section 5 she is going to make some contribution to that, then, by all means, move it.

What I am saying to you is that I want there to be, in due course, a debate about everything the member for Bragg is talking about in the context of child protection. I want that debate, but I have not had the opportunity to consult with my colleague the minister. I have not had an opportunity to consult with the cabinet. I have not had an opportunity to consult with my caucus colleagues. I have not had an opportunity to talk to Aboriginal people. I am not going to come in here and go off half-cocked about Aboriginal issues. I am just not going to do it.

I admit that what I am doing is not solving the problem. I admit that. Nothing I am doing today is making anything specifically any better for Aboriginal children. I accept that except that we are saying absolutely clearly that the interests of those kids are number one. That is a difference and that is a difference for them too. But am I going into the weeds about helping Aboriginal people? No, I am not, and the reason I am not is that that is a very big conversation and I want to have the primacy of the interests of the child within weeks.

I do not want to wait until we have had the necessarily lengthy consideration of this in consultation with Aboriginal communities. I do not have the same experience of consultation with Aboriginal communities as some of my colleagues have, but I am reliably informed that for us to do that properly it is going to take a little bit of time, and if it needs to take a little bit of time, it needs to take a little bit of time. I am not going to try to shove something down Aboriginal people's throats without talking to them and I am not prepared to have this legislation be held hostage to a conversation about something completely different which might take a very long time.

The CHAIR: Clause 2 is 'Commencement' and it is procedural, so can I put clause 2?

Ms CHAPMAN: No, I am going to ask a further question, if I may.

The CHAIR: On clause 2?

Ms CHAPMAN: On clause 2.

The CHAIR: To do with commencement?

Ms CHAPMAN: In relation to clause 2, which outlines 'a provision under a heading referring to the amendment of a specified Act amends the Act so specified', whatever that is—

The CHAIR: That's clause 3, so can we put clause 2? Is clause 2 okay?

Ms CHAPMAN: I have a further question on commencement. In respect of the commencement, why is it necessary, Attorney, for you to claim that they—meaning the Families SA workers who are referred to in the report from the Coroner—were perplexed about their duty to family and their duty to protect a child when clearly the Coroner's report has not identified that there was a level of perplexity about that? The report in fact pointed out that, in particular Mr Kemp, as I recall, who is not an employee of the department but someone who had formerly been employed and did understand quite clearly what the department's obligation was but also was capable in his current work to be able to understand that, so much so that the Coroner recommended that the evidence of Mr Anthony Kemp as a whole be considered and included in part of the redesign process referred to by Mr Harrison in his evidence.

The Hon. J.R. RAU: I did say they were perplexed. Perhaps I should have said they had a right to be perplexed. I have not spoken to each one of them.

Ms Chapman: Ah!

The Hon. J.R. RAU: I'm not pretending I have.

The CHAIR: Order!

The Hon. J.R. RAU: They had a right to be perplexed. I say this to members: some years ago, wearing a slightly different hat, I used to spend quite a bit of time in the Coroner's Court and I know, from personal experience of being involved in matters before the Coroner that involved child protection, that there was a lot of evidence to the effect that people who were employees of the department who were trying to do their job had an apprehension that, because of the way subsection (4) in particular was written, they would not pass the threshold to get an order.

I am saying to you that I have read this many times. I first read this, actually, about a decade ago and it is something I have thought about many times. This legislation cannot be all things to all people. It cannot say, 'We're going to look after families and we're going to hold families together come what may and we're going to look after children come what may,' because a point comes where those two propositions are completely irreconcilable.

What we are seeking to do in this amendment is to make it crystal clear to everybody and actually to help the workers who are the front-line people who are dealing with this have a clarity in

their minds: 'When in doubt, look for the child's interest. Don't allow yourself to be puzzled about whether the family interests should still be weighing down on you and all that sort of stuff. If you're clear in your mind that the interests of the child are going to be served by making certain decisions, you go ahead and make them.'

That is what this is intended to do. It is intended to give those people legislative permission, legislative support, legislative imprimatur to go around and say to themselves and their colleagues, and in turn changing the culture of the place, 'We have the support of the parliament in putting children first.' That is what this is intended to do.

Clause passed.

Clause 3.

Ms CHAPMAN: Attorney, when you considered this matter 10 years ago when the Premier (formerly at that time the minister for families and communities) debated the amendments to strengthen the Children's Protection Act consistent with Robyn Layton's recommendation that harm was to be included, obviously, as a matter of priority in the bill and was in fact listed as No. 1, which says, 'Every child has a right to be safe from harm', and when you listened to the Premier, just a few days ago on 6 May, tell this parliament that members of his department were in here listening to this debate and understood what their obligations were in respect of the implementation of this act, are you saying that that was not crystal clear to them at that time, that being safe from harm as one of the fundamental principles as reaffirmed in section 3 was not absolutely crystal clear to them then?

The Hon. J.R. RAU: I cannot obviously give evidence about what might or might not have been in the minds of other people some several years ago, but I can say that I am absolutely certain that when the Premier was, in 2005, the relevant minister and he made amendments to this legislation, it was his clear intention to (inasmuch as he thought he could amend this legislation to achieve it) advance the interests of the child as far as possible in the balance. That does not mean that 10 years later, with the benefit of what experience we have garnered over the last 10 years and the shocking circumstances leading up to the report of the Coroner, we cannot revisit that and do better. I think we can and that is what we are trying to do.

Ms CHAPMAN: So, where the Coroner says in respect of this amendment and the recommendation to make it clear, which he outlines in recommendation 22.12 I think it is, his words were:

> I recommend that the Children's Protection Act 1993 be amended to make it plain that the paramount consideration is to keep children safe from harm. Maintaining the child in her or his family must give way to the child's safety.

That was the recommendation, but he also made it clear in the substance of his report:

> The inclusion of the words cumulative harm in the objects section of the Act will not achieve anything unless it is acted on.

He goes on to talk about the importance of ensuring that it is actually done. That is, in dealing with the tightening up of the obligations that he is recommending be paramount and to be crystal clear (to use your words) in respect of cumulative harm, he is saying it means naught. Firstly, it should be happening anyway, but he makes that point that there is no question about how you might change the words in this to make it more crystal clear, but there has to be the willingness to act upon it. Apart from the chief executive's directive, circular, whatever you want to call it, that you have tabled here in the parliament, what action is actually happening to make sure that they actually comply?

The Hon. J.R. RAU: The chief executive has taken steps which I have advised people of in terms of issuing directions. The chief executive and his management team are attempting to make sure those directions are observed. The great piece of support they really need, the thing that is going to make their task easier, is the swift passage of this legislation.

Ms CHAPMAN: Attorney, at page 142 the Coroner also says, as to his indication about what has to happen:

> Nothing less than a massive overhaul of Families SA and the culture and training of its staff will suffice.

As I have said earlier in a contribution, that follows numerous reports which say the same thing, including the select committee of this parliament, which talks about a rotten culture in the department. All I have seen so far are directives or circulars that you have tabled which suggest that there is going to be a training program for note taking in the department. Now, meritorious as that might be, it hardly brings anything close to what the Coroner clearly says must happen if this is to actually make any difference.

The Hon. J.R. RAU: I just want to make this very clear to the member for Bragg and others: I am not here to be an apologist for the failures of this department—I am not. What I am equally not here to do is to go around kicking or vilifying the individual people who have to do the very unpleasant work that is involved in this area of public administration. I agree, the culture of the place has to change, and—

Ms Chapman interjecting:

The CHAIR: Order!

The Hon. J.R. RAU: —the change in culture needs to be done in a way that does not victimise the front-line troops but supports them and encourages them to have the confidence to be able to do what they need to do. Now, one small step in that is the issue of a circular—I agree a very small step. This legislation is another step, and can I go back to what I said before. I want to make it really clear, the minister and I are going to be coming back to this place quite frequently—sorry parliamentary counsel-—with other things we believe need to be done to improve things, and I touched before on some of the topics.

I do not think that the member for Bragg and I actually are really in disagreement about some of the things that need to improve. They do need to improve. Aside from the Aboriginal issue we talked about a little while ago, which is a big, big issue in and of itself, the whole issue of mandatory reporting, the whole issue of turning the system around so that it is no longer a reactive, mandatory report-driven system but is actually a proactive system intervening as quickly as possible to identify at-risk people and deal with them, and the idea of separating the aspect of the department which deals with the supported families from the aspect which deals with child protection so there is not a schizophrenic element to people—the same person perhaps—having to go into a home and be at the same time the helper and the potential remover of the child.

Ms Chapman: Like SafeWork SA.

The Hon. J.R. RAU: Absolutely correct, and they need some work too, and they are going to get some. They are going to get some this year. Yes, indeed, we are on that one. In fact, parliamentary counsel, I would not be surprised—you have not got it yet? Hang on to your hats, that is coming; and the really thorny issue too about guardianship, foster care and adoption. What is the good of having a system that is going to mop up all of these children, process them through the system and then drop them into a balloon called 'guardianship' that just gets bigger and bigger? These are all difficult questions.

Ms CHAPMAN: Well, that is not what I am asking. What I asked was—

The Hon. J.R. Rau: I thought that if I did not get it in then I would miss out.

Ms CHAPMAN: You have repeated it all, that is fine, we can waste a bit of time on that. I ask you this: the Coroner says that in dealing with the department's management of these cases now there has to be a complete retraining. He does not say 'just extra on note taking', he talks about that somewhere else. He says here on this issue that if they are going to be serious about prioritising this, the paramountcy of children, keeping out of harm's way (clear, crystal clear, he says), what you need to do is to have a massive overhaul of that culture and the training of the staff, and that is necessary to do that.

I am asking you, minister, seeing that we are here complying with his recommendations, what is the department doing to ensure that that is actually being put in place because so far all I have read is a circular which talks about, 'Thank you very much for all the good work you are doing, and you are going to be having some training lessons on note taking, apparently coming in June'.

The Hon. J.R. RAU: First, can I say that I totally agree there needs to be a change. The minister agrees there has got to be a change, the chief executive agrees there has got to be a change and the staff actually, I think, would welcome a change because it would clarify their roles and functions, I believe, and we will be doing everything we possibly can to roll that out.

That is our intention, but as everybody in here would know, particularly the member for Bragg who has been involved in a great many of the debates in this parliament over many years, the things that are easy to change—well, relatively easy, given the other place—are acts of parliament. The more complex things are things like culture, and they require hard work and they require effort. All I can say to the honourable member is that she has my assurance that I regard this as absolutely important that this change is driven and that it occurs, but it has got to be done in a way that supports the front-line troops who actually have to deal with this and does not push them into a position where they feel they are being isolated or in some way held to be responsible, for want of a better word, for every failure in the system. The system has to reform itself, yes, but it has to do so in a way which is inclusive and supportive of the people who have to do the hard work.

Clause passed.

Clause 4.

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

Page 3, after line 18—Insert:

(3) If decisions are to be made under this Act in relation to a child, the decision maker must have regard to the views of the child (if the child is willing and able to express such views).

Amendment carried.

Ms CHAPMAN: Under clause 4, the proposed new section 3 incorporates in subsection (1) a reference in brackets. Why is that in brackets?

The Hon. J.R. RAU: Is the member for Bragg asking me why there is a bracket before the word 'If'?

Ms CHAPMAN: '…and in the administration of this act'.

The Hon. J.R. RAU: I think I might be looking at something different in that case. Just bear with me. I see:

The primary object is to keep children safe from harm (and in the administration of this Act that object must, in all cases, be the paramount consideration).

I would like to hand over to parliamentary counsel to answer this question. I think if parliamentary counsel were able to answer the question, parliamentary counsel might say that it is an elaboration on the first statement and it is a stylistic emphasis. It is a stylistic matter for parliamentary counsel. If it had been me drafting it, those words would all be in capital letters and in red crayon, but that is the way parliamentary counsel does it.

Ms CHAPMAN: I place on the record that I think that that is only going to add to the confusion. It is like having notations and examples, which they seem to have a penchant to do.

The Hon. J.R. RAU: I am happy to remove the brackets if that is going to make everybody happy.

Ms CHAPMAN: It does not actually help in dealing with this. If that is to be the paramount consideration, it should clearly state that, as the now Premier previously tried to do in 2005. He had not added a disqualification to it. The alleged confusion comes later, in subsection (3) of the current objects; however, you are repealing it. I do not think that adds to it; I think it makes it more confusing. If that is to be the paramount matter, then it should be there and crystal clear in subsection (1). However, I make the point that in identifying the other matters—the full potential and the importance of families, if I can paraphrase those subsidiary objectives—I think it is clearer. I think by virtue of your amendment, you have just added in the consultation on views aspect.

Let us hope that in another 10 years' time when someone is reading back on this debate, if they are a member of Families SA (or whatever the name of the department is by then), it is crystal

clear to them that safety and protection of the child against harm is the paramount consideration. No matter whether it is severance from a cultural background, a mother no longer being able to live with them, a change of diet, a change of school, you name it, all of the disruption that otherwise comes to their environment, it is secondary to protection against harm.

The Hon. J.R. RAU: Can I say this: I am completely agnostic about the styling issue. If I am advised by parliamentary counsel that it does not do any damage and if it makes the member for Bragg feel more comfortable that we are being more explicit with what we are doing, I am relaxed about the parentheses being removed. I have not moved it. Can I just take that on notice and see what parliamentary counsel thinks in due course? It is a stylistic thing. I agree with the sentiments of the member for Bragg on this. If those parentheses in some way complicate matters, that is not my intention.

The CHAIR: So, can we remove those parentheses now or in between houses?

The Hon. J.R. RAU: I think we will consider it between houses.

Clause as amended passed.

Clause 5.

Ms CHAPMAN: As I have indicated, the opposition opposes the repeal of section 4. I see that, with other provision, the government proposes to rescue subsection (5) and place it with section 5 to preserve the current considerations for children who are of Aboriginal or Torres Strait Islander descent, and that is noted. I accept also that the government has moved into the objects some consideration, secondary as it may be, as to the views of the child. I thank the government for doing that. However, before it rips the fundamental principles that are listed there in section 4, I think, similarly, the government should not repeal that, it should be left intact and enable us to consider between the houses what elements of that should be rescued and not just in a kneejerk reaction pick out ones that have not been consulted on or which leave open other considerations.

I do not mind, and I have said this in the principal debate, for there to be a better summary order of what I would call secondary considerations and to put in some kind of consistent wording because, unquestionably, section 4 has been butchered over the years and it needs to be grammatically clear that all these other aspects are secondary, but I would ask that it be left intact in the meantime.

The Hon. J.R. RAU: I am sort of half reminded of a joke I heard years ago about a pig with three legs. You talk about butchering it. The fact is, every bit of clutter that is in here, every word which is unnecessary, every word that articulates the absolutely obvious—and the member for Bragg being a legally trained person of some eminence would appreciate this—the presumption is if something is in a statute it is there for a reason, it is there to do some work above and beyond what is elsewhere around it.

So, what additional work is all of this drivel supposed to do beyond the very clear statement: one, this is about keeping kids safe; and, two, you must have regard to the kids' views about how you keep them safe, if they are old enough and able to have some contribution to make on that topic? Why do we have to go into this completely unhelpful material in subsection (4), for example, about the desirability of keeping them with their own family, the undesirability of withdrawing them from the neighbourhood or the environment, or the need to preserve and strengthen relationships between them and their parents? What if their parents are the people who are abusing them, for God's sake? I mean, apply common sense to this, for once. This is pointing, in some cases, in completely the wrong direction.

The member for Bragg became quite emotional a while ago, and quite reasonably so, about Aboriginal kids who are in an isolated community where they are subjected to all sorts of terrible abuse. Let us say that is the child we are talking about. The desirability of keeping the child within their own family, that is helpful, is it not? The undesirability of withdrawing the child from the neighbourhood, the need to preserve and strengthen relationships between the child's parents and grandparents.

Let us not pick on Aboriginal people, then; what about the so-called House of Horrors? Something that is not happening in the Pit lands, something that is happening in an Adelaide suburb. Let us apply the same words to that: 'Oh, isn't it desirable to keep them in touch with those people.' I do not think so.

So why do we have this unnecessary clutter in here? This is an attempt—a well-meaning one, I accept, lest anyone think I am not giving some credit to the genuine sentiments of those who were originally responsible for this—and these are all very noble sentiments, but somebody once explained that a camel was a racehorse designed by committee. That is what we have here. These things, read them please; between the houses read them and ask yourselves this question: if you have a child in the worst possible situation what help does any of this give us? More particularly, what help does it give that child when the direction in our new objects is saying, 'Get that child out of there,' and all this stuff is saying, 'But don't get them out of there, because of this.' How is that helping anybody?

Ms CHAPMAN: Let me put this to you, Attorney, and let us use the very case that formed the basis of the inquest that brings us here on this bill. Chloe Valentine had a mother who was drug-addicted and who had traits—which were very clearly outlined in these findings—in respect of her manipulation of others and her failure to protect this child, and, indeed, the imposition of abuse on this child over a sustained period of time, if not from birth. That is the situation we are dealing with.

We are also dealing with Belinda Valentine, the grandmother of this child, who made multiple reports to the very people, the very department that is supposed to protect children in those circumstances. We are dealing with a report that makes it very, very clear that under the provisions of the act they should have drug assessed this woman, the mother of this child, who is now in prison. They should have acted to intervene and they should have given consideration to the fact that they had a ready, willing and available grandparent to make provision for that child. Even the explanation by the Coroner that she was not available in the middle of the night to go and pick up the child on one of these occasions was no excuse for not having that taken into account.

If members of the department—who, in this instance, have been roundly criticised—had gone through and looked at this section it would have been absolutely clear that this child was at risk and she was in a dangerous environment. They should have made sure that her mother was drug assessed and they should have explored the other options that are listed there in determining the best interests of the child, including available 'other relatives' to care for the child, and they should have acted.

So, yes; I think the list, as clumsily as it has now been drafted after it has been changed over a few times since its inception, is still an important list. Therefore, it should not be ignored. It says something to people who are working in this area if the child is at risk in respect of harm, that is identified later in the interpretation clauses—which are also pretty cumbersome and clumsy, especially sections 2 to 3, and now you are going to add another one in the next clause, subsection (4), which probably complicates that definition even more in terms of how, for the purpose of the act, a child at risk is to be interpreted—if ever there were a jumble of descriptions in that regard.

However, you are not preparing to actually wipe that out, you are actually adding to it. I simply say that before you start a wholesale throwing out of a helpful list of things to be considered, do this properly and, even between the houses, commit to looking at this redefinition issue. All we are going to do in this house is send up to the other place another mess, and we will have a repeat of this discussion whether it is next year or in another decade, as we have post the 2005 amendments. Let's do it properly.

The Hon. J.R. RAU: I have to say I could not disagree more with the member for Bragg—and God knows we have disagreed on occasions—but this might be the most disagreeable I have ever been—ever—and that is saying something.

Let's look at it from a lawyer's point of view just for a moment. If you say in simple words, 'The interests of the child are paramount,' full stop, and you leave it up to people to work out what is in the best interests of the child, you are actually saying to people, 'Every single possible consideration which leads to the best outcome for the child is potentially on the table.' For the best of reasons, no doubt, that is not what the current legislation says. It says, 'You must look after the

interests of the child but, just in case you are too dumb to work out what that is, we are going to give you a list and tell you exactly what we mean when we say the interests of the child.' And guess what, expressio unius, etc. You know what I am talking about?

Ms Chapman: Indeed.

The CHAIR: Is that Latin?

The Hon. J.R. RAU: Expressio unius exclusio alterius—is that right?

Ms Chapman: Close.

The Hon. J.R. RAU: It means this—

The CHAIR: I think you need to stick to English, minister.

The Hon. J.R. RAU: It means this: to the extent that you start particularising things, the implication is that those things you have not particularised are not intended to be included—I prefer the Latin because it is much shorter than that and it makes you sound clever. That is the point. What we are actually saying here is, 'The interests of the child are paramount'—full stop. 'Oh, everybody is too dumb to work out what that is so we are going to define it for you and here is (a) to (e), and they are the five things that are in the interests of the child.' Only five—not six, not 10; just five, just these five—and if you are not one of these five a lawyer, a court would say, 'Well, elsewhere in this legislation where the words "child's interests" are used, it is meant to be understood as defined.' Parliamentary counsel are nodding a little bit perhaps—yes, a bit.

So what we have is, in effect, subsection (4), for example, of section 4 is a definition clause. It does not appear there; it is not labelled 'definition clause'. It should actually be in subsection (6), the interpretation provision; that would be a more honest place to put it but for some bizarre reason it is not in there—never mind. This is more harm than good; much more harm than good.

It is actually narrowing and confining the scope of the inquiry that might legitimately be undertaken by the agency as to what is in the best interests of the child because they are being hamstrung by this prescriptive list of things, thought up by a person, no doubt with the best of motives, who was only able to summon five things from their mind. Well, sorry, I fundamentally and totally disagree—totally disagree.

I am really flabbergasted about his one. There is a book out there somewhere entitled *Stalin: The Court of the Red Tsar*, written by a bloke called Simon Sebag Montefiore, and he is talking about the fact that the benevolent Georgian used to invite people back to his rooms every evening and they drank lots of vodka. One evening he had his usual lackeys there (Molotov and all the rest of them) and they got stuck into the drinks and decided that they were going to hear from a great baritone. The baritone turns up and they are all arguing and asking, 'Can you sing this,' 'Can you sing that,' and the poor bugger is getting very confused.

Eventually comrade Stalin says to everyone, 'Everybody calm down, calm down. I think we should let comrade So-and-so sing whatever he likes.' There is a moment's pause and then he says, 'And I think he would like to sing the aria from such-and-such.' That is exactly what we are doing here.

Ms CHAPMAN: If it is so important to remove this unhelpful list which you have described as being unnecessary, why is it necessary then in section 6 to not only leave the list of qualifications that go in the definition of 'at risk' of a child and not only that but add to it another clause, so much so that you identify there the current act which provides for a child being at risk if there is a significant risk to suffer harm, etc. That is pretty obvious, right? Then it goes on to list 'the child has been, or is being, abused or neglected'. Then we have the issues in relation to instances of threat to kill. Then we have instances of where the guardians are unable to care for or protect. These are all lists of explanation to be taken into account in determining if a child is at risk. Similarly, as in section 5, which sets out a list of things to be taken into account in considering the interest of the child.

It is inconsistent, Attorney, that on the one hand you say, 'Let's make it clear here, but when we go to the determination of risk we are going to actually add another clause on that,' which I think is superfluous to subsection (2)(a), which already says, 'a child has been, or is being, abused or

neglected,' because we want to add in an extra clause to clarify this cumulative harm concept. I do not mind, except that I would suggest you are actually overlapping in this list, making it a clumsy list, instead of identifying what the priority is, what factors have to be balanced and what weight is to be given to them in identifying whether a child is at risk.

Remember that in this piece of legislation this is a constant phrase that has to be interpreted, most significantly by the chief executive of the department, who is frequently left with the responsibility, ultimately, to make that determination. In fact, he is required to act in a number of occasions in circumstances where there is a finding that the child is at risk. So it is an important piece of the legislation and it is important that it be clear in the interpretation.

In the next paragraph, you are about to add in subsection (4), which I suggest will confuse that list, not that that is not meritorious, and we have already said that. Let's make sure that the users of this clause, whether it is the chief executive or anyone under him or her, understand that cumulative harm is a factor. It is just as bad as if you hit the child once, if there have been lots of little hits and lots of bruises. Each one may not have warranted an intervention, but there is a cumulative effect, just like not sending your child to school, which is also in that list, incidentally—consistent truanting and persistent absence from school.

These are all circumstances where a child is at risk, and it is for exactly the same reason, Attorney, that you are about to remove section 4. You have made your position clear: you think it should be cleared up by removing those other subsidiary considerations, and you might be right, but I do not want this to be dealt with on a kneejerk basis, jumping into amendments which are then inconsistent with the rest of the provisions of the act, in particular section 6.

Clause passed.

Clauses 6 and 7 passed.

New clauses 7A, 7B, 7C and 7D.

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

Amendment No 2 [DepPrem–1]—

New clauses, page 4, after line 4—Insert:

7A—Amendment of section 19—Investigations

Section 19—after subsection (1) insert:

(1a) If the Chief Executive issues an instrument of guardianship or a restraining notice in relation to a child under Part 5 Division 3, the Chief Executive must cause an assessment of, or investigation into, the circumstances of the child to be carried out.

7B—Amendment of section 20—Application for order

Section 20—after subsection (1) insert:

(1a) If the Chief Executive issues an instrument of guardianship or a restraining notice in relation to a child under Part 5 Division 3, the Chief Executive may apply to the Youth Court for an order under this Division.

7C—Amendment of section 26—Examination and assessment of children

Section 26(1)—after paragraph (b) insert:

or

(c) an instrument of guardianship or a restraining notice in relation to a child is in force under Part 5 Division 3,

7D—Amendment of section 27—Family care meetings to be convened by Minister

Section 27—after subsection (2) insert:

(2a) However, subsections (1) and (2) do not apply in relation to a child if the Chief Executive has issued, or intends to issue, an instrument of guardianship or a restraining notice in relation to the child under Part 5 Division 3.

New clauses inserted.

Clauses 8 and 9 passed.

Clause 10.

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

Amendment No 3 [DepPrem–1]—

Page 4, lines 26 to 30 [clause 10, inserted section 44A(1), definition of guardianship period]—Delete the definition of guardianship period and substitute:

guardianship period means the period commencing at the time an instrument of guardianship—

(a) is served on the offender in accordance with section 44C(5)(a); or

(b) is lodged with the Court in accordance with section 44C(5)(b),

whichever occurs first, and ending 60 days later (or such longer period as may be allowed by the Court on an application under section 44D);

Amendment carried.

Ms CHAPMAN: This is the third tranche of the proposed amendments consistent with the Coroner's recommendation in dealing with children subsequently born to someone who has been convicted of certain offences. As has been identified, there are no guidelines at this point as to how this is going to operate. I placed on the record in my contribution my concern about that, particularly given the fact that it is so easily circumvented by the mother of the child leaving the state, having a baby outside of the state, having a baby at a place either at home or outside a state maternity hospital, and, of course, there are complications in even tracking down the male person who may father other children anywhere, let alone identification of where they are.

My concern is that this is likely to be a factor in the introduction of the New Zealand proposal as well. Theirs is slightly different, obviously, and I have had a look at that, and I thank the Attorney's office for providing me with a copy of that bill. My concern is how we are possibly going to implement this. My first question is: did the Attorney raise, or cause this to be raised, at the meeting of attorneys-general 10 days ago in Canberra when attorneys met to discuss national issues, in particular, as this is the only state that is proposing this legislation?

The Hon. J.R. RAU: I did not, because sadly I was not in the jurisdiction. I would have to check as to whether or not it was raised there. I suspect it was not, but I think the point that the member for Bragg raises is worth thinking about. If there is something we can do in the legislation to in some way ameliorate that risk between the houses, I am happy to look at it if it does indeed require some sort of reciprocal arrangements with other jurisdictions, which are not presently in place. I think some of them would be in place because, for instance, if people have been convicted of a relevant offence in another jurisdiction, we would have access to that through CrimTrac, I imagine, so that part of it I do not think is so complex. The point about somebody being out of this jurisdiction, having a child and then coming back is a point well made, and I think we should look at that between the houses.

Ms CHAPMAN: In respect of the preparation for this, has there been any budget allocation and, if so, how much for the implementation of this, which of course would include the preparation of the lists, notice to hospitals, maintaining of the list, extra obligations on the chief executive to deal with applications for these children which would no longer be discretionary under this legislation; it would be necessary to deal with it?

The Hon. J.R. RAU: I do not believe there is any discrete budget allocation for this. I think the reason for that is, first of all, the department is of the view that it can manage this within its existing resources, but secondly, and more particularly, we would not anticipate the number of cases in any year being that great. Whilst those cases attract a great deal of attention and are obviously quite emotional cases from the point of view of everyone in the community, they are not that common, mercifully, so we would not expect there to be tens or hundreds of these things going on at any time. The minister might have a better idea than me, but it would be pretty modest numbers, I would expect, so the idea that you would require any elaborate apparatus to deal with this I think is not the case.

Ms CHAPMAN: Is there are any provision under this new regime to apply to persons who give birth to a child after they have been convicted of certain offences for the obligation for them to have drug testing in circumstances where they are in a household where there are drug or alcohol concerns?

The Hon. J.R. RAU: Not directly. The way it would operate is basically this: upon a child being produced by one of these individuals, the guardianship of the child would shift, at least in a temporary fashion, to the minister or the chief executive—the minister—but be administered by the chief executive. There would then be a period of time during which the birth parent would have an opportunity to make an application to the court to either totally rescind that order or to have that order in some way varied in order to give them some element that they want. By the way, I am able to confirm that this was on the SCAG agenda. Just so it is clear, the SCAG agenda is the Standing Committee of Attorneys General, the state and territory ones. Quite frankly, the federal one is a bit of a circus. The one that does anything is this one.

Ms Chapman: When is the next one?

The Hon. J.R. RAU: The next one is here in a month or two. I think we have the next one of these here in Adelaide in July.

Ms CHAPMAN: Will the Attorney put it on the July agenda for SCAG?

The Hon. J.R. RAU: Just to make it clear, once the guardianship has shifted by force of the statute to the minister, the minister must then take the matter to the Youth Court and at that point we would expect that, in the context of the Youth Court investigation, the question of abuse of substances would necessarily be part and parcel of the inquiry. Yes, I am quite happy to make sure it is on the agenda for the next meeting.

Ms CHAPMAN: It is just that sections 21 and 22 are a process of assessment in the current act which do not relate specifically to this. You are saying to us that it is your understanding that, under this new process if there is a drug and alcohol issue in relation to birth parents in these circumstances, that will be treated as if it were under a section 20 application; namely, that the Youth Court can consider that as a condition of the order and its continuation, or its reversal in this case because, in this case, presumably, the natural parent or birthing parent is actually seeking to be relieved of the interim guardianship order in favour of the minister.

The Hon. J.R. RAU: In fact, there is a reverse onus here, so it would be up to them to convince the Youth Court that they are okay, not up to the state to convince the Youth Court they are not okay.

Ms CHAPMAN: Under sections 21 and 22 at present under the current assessments, there has been a circular go out to the department to comply with the edicts of the recommendation of the Coroner. Whilst there are different views about whether or not there has been compliance of that in the past—let's leave that aside for the moment—in the last month since that has been issued, have any drug and alcohol assessments been done of any parties known to the department?

Sitting extended beyond 18:00 on motion of Hon. J.R. Rau.

Ms CHAPMAN: I am particularly referring to the 1 May 2015 circular which just says a message from the chief executive. In your explanation to parliament this is something that has gone to all of the employees of the department and this particular one sets out the obligations of sections 21 and 22. It specifically refers to including an application for drug assessment. My question is: in how many cases since 1 May has an order been made for a drug assessment where a child is deemed at risk in a household by the department? I accept they may not have been concluded in that time, but how many have been applied for?

The Hon. J.R. RAU: It is a good question, and hopefully I have the answer. My understanding is this: that the department as a matter of course when it has a concern about a child makes an application under 20(1) and in the course of that, issues relating to, for example, substance abuse on the part of the parent or parents are part and parcel of the application. I have made some inquiries about whether or not there is a subset of cases where there is not sufficient concern on the part of the department to warrant an application under subsection (1) but they decide nevertheless to make an application under subsection (2) as a stand-alone proposition.

I am advised that that has been not something that has been routinely done, and since May, has not been done as a stand-alone proposition. So where the concerns have existed about the welfare of a child, the applications have been under subsection (1) which would have within its scope included a consideration of whether the parent or parents were affected by, or addicted to, or abusing substances.

Ms CHAPMAN: That is why I asked the question, Attorney, because if we are to have any confidence that the department are actually going to do what they have been directed to do, whether they make the application under section 20(1) or section 20(2) or this new regime—although admittedly with the latter there might be a bit more appetite by the applicant parent to want to comply so they can get their child back—but, nevertheless, that is why ask.

I do not really care whether it was under section 21 or section 22, since this circular went out. I would like to be reassured that some applications have been made to deal with parents, currently with a child or children in their care, who have been ordered to have a drug test or it has been applied to have it as a condition of continued placement, because unless we have that, then quite frankly, there have not been any changes in the department and I will not accept for one moment that there is not another Chloe Valentine case out there, and that there are circumstances in which children are clearly at risk because of drug and alcohol abuse in the household.

The Hon. J.R. RAU: In relation to that question, I am actually grateful to the honourable member because she has clarified for me exactly what she is trying to ascertain. I can say to the best of my knowledge the stand-alone subsection (2) applications have not occurred since then; however, I would need to get back to the honourable member about whether or not there have been subsection (1) applications commenced (and I doubt whether they would have been finished) since the circular, which have included as part of the scope of the application, a requirement of an assessment or other requirement relating to drugs, and I will ascertain an answer to that question.

Clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (18:03): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Resolutions

JUMPS RACING

The Legislative Council agreed to the resolution from the House of Assembly relating to the joint committee on Jumps Racing in South Australia, with the following amendment:

Paragraph 1—Leave out 'and whether it should be banned'.

to which amendment it desires the concurrence of the House of Assembly.

The Legislative Council informed the House of Assembly:

In the event of a joint committee being appointed, this council will be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee and the members of the joint committee to represent the Legislative Council will be the Hon. J.A. Darley, the Hon. T.A. Franks and the Hon. T.J. Stephens.

Bills

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

Final Stages

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (GAMBLING MEASURES) BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 18:06 the house adjourned until Wednesday 3 June 2015 at 11:00

Estimates Replies

STATE DRILL CORE REFERENCE LIBRARY

In reply to **the Hon. I.F. EVANS (Davenport)** (17 July 2014). (First Session) (Estimates Committee B)

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

The two regional sites are currently located within industrial estates and rezoning is not envisaged.

STATE DRILL CORE REFERENCE LIBRARY

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (17 July 2014). (First Session) (Estimates Committee B)

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

In addition to the Glenside property there are two small regional properties at Moonta and Whyalla and an overflow storage facility at Thebarton.