HOUSE OF ASSEMBLY

Wednesday, 3 June 2015

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

Motions

REGIONAL IMPACT ASSESSMENT STATEMENTS

Mr GRIFFITHS (Goyder) (11:02): I move:

That this house—

1. Supports the referral to the Economic and Finance Committee of all regional impact statements, with the ability to call witnesses.

2. Urges the Minister for Regional Development to ensure the state government—

   (a) guarantees full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented; and

   (b) makes public the results of all regional impact assessment statements undertaken prior to any change to a service or services in regional South Australia.

I will put on the record that this is a very similar motion to one I proposed last year, which unfortunately was defeated, but it is an issue that the Liberal Party in particular is very passionate about. It is predominantly based from the fact that many of us who sit on this side of the chamber actually come from regional communities, and the reason why we ran to be a member of parliament was to be a voice and to assist our communities that we grew up in and represent. It is an important issue for us to ensure as much as humanly possible that the information flow allows decisions to be made with the understanding of the implications of those decisions.

The policy has existed since 2003. I have reviewed the website very recently to determine how many regional impact assessment statements are on that website. There are 23 attachments to it. Since this motion was considered last year, there have been two attachments to it, but they are not actually impact statements themselves. They are about the guidelines and the terminology that is used as part of that, but there are no additional impact statements that have been prepared in that time. That in itself disappoints me immensely, it is fair to say.

In estimates last year when questioning the member for Frome, the Minister for Regional Development, I put to him the need for regional impact assessment statements to be a key issue for him to ensure that, as he is the Minister for Regional Development, as he is a member from a regional community, and as he put to South Australians immediately after his commitment as a minister that he was there for regional people, he has the best possible information available to him to understand the implications of the decisions that he is making, and the words that he may say as part of the cabinet process.

The regional impact assessment statement (RIAS) goes through cabinet. It forms part of their deliberations; it has to be undertaken by government agencies to ensure that the information is there for ministers to present so that the implications of an action, be it positive or negative, are actually known and able to be debated and considered and that community consultation has taken part in that.

It frustrates me immensely in reviewing it—and the website was updated only nine weeks ago; 27 March was the date on it—that there are no additional regional impact assessment statements that have been submitted and made available for public review in that near 12 months since we discussed the budget last time. That, I think, is a very sad indictment upon the member for Frome and the Minister for Regional Development, who gave me a commitment in estimates, who has spoken to me about the fact that he wants the information to be available, who has confirmed with people that he is there for all regional people—the 300,000, who live in South Australia—but it

has not flowed through, apparently—and I stand to be corrected by the minister if he wants to stand up and say that cabinet has considered others, because they are not publicly available—it has not gone through to the information that is available to the cabinet when they make the decision.

There are a couple of instances since that time that I want to highlight where it is obvious to us who sit on this side of the chamber that a regional impact assessment statement should have been undertaken. One is marine parks. There was low-level work done by EconSearch as part of each of the 19 marine parks; I understand that. The minister in his vote in this chamber on 18 September last year I think, where he decided to support the government proposal for the implementation of sanctuary zones—

An honourable member: Shame!

Mr GRIFFITHS: Members on this side say 'Shame!' and with justification; it is absolutely abhorrent, and I know a recent publication of *The Plains Producer* based out of Balaklava talks about fishermen in Port Wakefield who have had to access their superannuation because their incomes are so far down that they need that superannuation money to help them get through some challenging economic times because of the sanctuary zones.

That was not part of it. The minister, in his decision to vote for sanctuary zones and the marine parks and not to support the opposition's proposed legislation to remove 12 of the, I think, 84 or thereabouts, put as part of that condition the fact that an economic impact assessment statement would have to be undertaken within 12 months. That 12 months finishes on 30 September, and that is why there is going to be a further debate about that legislation in mid-October, and that information has to be available. Why was it not available at the very start prior to then minister Caica putting out this proposal on the impact on regional communities?

Another one was the suggestion for a further reduction in speed limits. We went through this in 2005 and we went through it in 2011, where many parts of South Australia have had their speed limits reduced from 110 to 100. There is a suggestion out now for an additional reduction in, I think, eight council areas through the Mid North. There are a variety of opinions expressed by those councils—some in support, some not quite so—but, as part of that review, where is the information going out as part of a regional impact assessment statement before a decision is made by the cabinet on this? It did not occur in the 2011 changes, it is not apparent to me that it occurred in the 2005 changes, and I would hope that it is part of any suggestion for changes that may occur in 2015.

I have to highlight impacts about decisions on community private hospital funding, too. It goes back three years and $1.08 million or thereabouts were removed from Moonta, Keith and Ardrossan hospitals. In the case of Moonta, it is important to update the fact that the hospital there is closed. It has gone now. That $300,000, or thereabouts, which was taken out I thought was actually a good investment by the state because the overflow from Wallaroo Hospital was looked after at Moonta. Because that money is gone and the bed numbers had to be reduced, the hospital lost so much money that that aspect of Moonta Health and Aged Care Services has gone completely, so that option is gone.

Private hospital care in the Copper Coast area is removed now, and that is a disgrace. It is an impact of a government decision and it is an impact that should have been assessed as part of a cabinet decision to remove dollars via a regional impact assessment statement, but that was not undertaken. It blows your mind, in the simplest of terms, and I feel frustrated about this.

The most current example of where a regional impact assessment statement was required but not undertaken is the WorkReady program that was announced by minister Gago about 12 days ago. There is concern that it is going to have a devastating effect upon regional communities when it comes to training options. It will have a significant impact upon where training providers are located in regional communities.

The cumulative effect of it is a disgrace. A variety of questions have been asked in this chamber. A variety of questions have been asked about it in the Legislative Council of minister Gago. When the minister was on radio yesterday on ABC 891 she was asked about regional impact assessment statements and gave a very wishy-washy answer, I thought, with no real detail given, unsure of the impact—

Mr Pengilly: As usual.

Mr GRIFFITHS: The member behind me says 'as usual' as a response to minister Gago. Sadly, it occurs too often where the detail is not known before the decision was taken. We have a variety of private RTOs that are coming out expressing concern, talking about not only the impact upon their businesses—it will have a significant one upon them—but also the loss to regional communities when it comes to training opportunities, and that is the key.

South Australia has, sadly, such a high level of unemployment. I think it is about 7.1 per cent or 7.2 per cent. Youth unemployment is a disgrace, in the 30 per cent range or thereabouts. This, at a time when training is an absolute necessity and flexibility has been taken away from it by targeting the remaining dollars that are left in training to go 90 per cent towards TAFE, which has been gutted in many ways and is going through a series of retrenchments and payouts to staff which is taking away the skilled workforce that they would need and are not able to employ—because of the fact they get retrenchments they cannot come straight back into the industry—just shows me that there is a complete dysfunction that exists.

I have been contacted by Regional Skills Training. They are a regionally based operation and operate within the Goyder electorate. I will declare that my daughter works for them and has worked for them for about 18 months. I have known the operator for nearly 10 years. I have found the operator, Caroline Graham, to be an exceptionally skilled person who knows how to ensure that the basis of the success of her business is built around the quality of training provided to people across the state. They work in 56 schools. They have hundreds of students spread across all of South Australia: the West Coast, the South-East, the Mid North, the Riverland and the Yorke Peninsula area. They are dedicated to what they do.

They are cost effective also, particularly when I hear the fact that the private RTOs are able to provide training at a cost which is about 40 per cent of what TAFE provides. That in itself highlights to me that, with the reduction in dollars and with the transfer of such a significant amount (90 per cent) to the TAFE network, the number of hours available to students to undertake the training they need to have strong, positive futures and to get some good job opportunities is going to be reduced drastically, and overall it is the community that loses. If that is not a reason for a regional impact assessment statement to be undertaken prior to a significant policy change, I do not know what is.

Federally, Senator Simon Birmingham, as the assistant minister, has come out and said that he believes that it is against the conditions attached to the agreement between federal and state governments for training dollars. His intention is to pursue this at length because there is $65 million involved. The Liberal Party in opposition in South Australia will pursue this at length, because it is something that we believe in passionately, and it affects not just regional communities but metropolitan ones. That is a regional impact assessment statement that should have been undertaken and was not. The Minister for Regional Development tells me that there is going to be a renewed focus upon it.

I note that in one of the additional items added to the register of RIS is that the guidelines were reviewed on the date of 15 March 2014, which was the election date—so, very interesting that is—and it was one of the conditions attached to the minister's agreement of support (Premier Weatherill). Where are the outcomes from it? Where are the practical improvements?

The SPEAKER: Would the member for Goyder please not mention a member's Christian name or surname.

Mr GRIFFITHS: Shall I say the member for Cheltenham then?

The SPEAKER: I suggest you call him the Premier.

Mr GRIFFITHS: Okay.

The SPEAKER: Because we just know from experience that mentioning members' Christian names and surnames leads to quarrels.

Mr GRIFFITHS: I take your wise counsel, Mr Speaker. The Minister for Regional Development has given the assurance that this is going to occur but it is not translating into actions, so accountability has to take place there. There are other members from this side who will stand up

and talk about examples that they have in their community of the abject frustration where they know that, and believe in their hearts, a poor decision has been made that the hands rest within those of government who have either received poor advice or not considered the advice or not asked the questions that are appropriate to understand the implications of that action.

I understand that policy decisions are made based upon a wide variety of issues—I understand that—but where is the evidence being shown to the public of South Australia of the information being provided to those who have the responsibility to make those decisions, ensuring that they understand the implications of it? It is a frustration that I cannot accept. As a person who is driven by good policy and as a person who is driven by good decisions having to be made in their own lives, I cannot believe that in the case of WorkReady and the significant change in training funding program that the minister has endorsed such a significant change without understanding its implications.

The minister went on radio and noted that she does not have full details available. How the hell—and excuse my language—is it that a decision can be made without that having been available? It is a decision made in isolation, it is a decision that none of the community support, it is a decision that so many different industry groups and training bodies have come out against, it is a decision that seemingly only TAFE supports. However, TAFE itself has changed significantly.

In the time of the member for Colton being the minister for further training, he was the one who led the charge for contestability to exist within the area. He took it from a position where TAFE had a relative guarantee of about 80 per cent of training funding, opened it up, and it is now 54 per cent TAFE, 46 per cent private RTOs, but now it is going to revert back significantly again. Surely the outcomes have been there. When you have the RTOs that are able to tailor training opportunities to the needs of employees and employers to do it in-house, to not have to ensure that significant travel arrangements are in place, that is where good outcomes come from. That is my great frustration.

I urge the house to support this motion. It goes to the Economic and Finance Committee—seven members from government and opposition, good people who will consider the issue. They have to consider it in a very timely manner, there is no doubt about that. They have to ensure they get the information, review it, have the ability to call witnesses, and the ability to ensure that their report which is an attachment to the regional impact assessment statement is considered by cabinet so that outcomes come from it. From that outcome will come the best possible decision being made that the people of South Australia need in difficult financial times when you cannot afford to make a mistake. My great regret is that mistakes have been made because the government's own processes have not been followed, and that is an absolute shame, and it is a shame that can be corrected by the government supporting this motion. I look forward to the support of the house.

Mr VAN HOLST PELLEKAAN (Stuart) (11:18): I rise to support the member for Goyder in this important motion that this house supports the referral to the Economic and Finance Committee of all regional impact statements with the ability to call witnesses and, two, that this house urges the Minister for Regional Development to ensure the state government guarantees full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented and makes public the results of all regional impact assessment statements undertaken prior to any change to a service or services in regional South Australia.

The reason this is so important is because we are now in the midst of a government that has been trying to tell us for about a year or more that it is genuinely interested in regions, and we would love to believe them. We would love to believe them, but the reality is that back in 2003 the government told us that they were seriously, genuinely and really interested in regions and that they would try to prove that to us by doing regional impact assessment statements any time there was anything of great significance that would affect the regions. We thought that was fantastic, as a Liberal opposition team. Unfortunately, they just have not done it.

They said they were interested and they said they would set up a system, but they did not follow through. Here we are again 12 years later and they are telling us that they are seriously interested, but we have no grounds upon which to believe them. Why would we have any faith in a

government that does not even follow its own rules? Unfortunately, after much prodding and much effort on behalf of the opposition, and particularly the member for Goyder, to get the government to follow its own rules—and they have said they will, they still have not done it.

There still have not been regional impact assessment statements done and they certainly have not been provided to the regions, to the opposition, to the government or to anybody else, because they just have not been done. That is why this is such an important motion. Apart from the very obvious fact that what goes on in regional South Australia is so important to our regions, the government said they would look at these things and they did not.

This is not about just trying to give the government a hard time; this is actually about trying to highlight what the government needs to do. I am happily on the record as welcoming the government when they do their regional community cabinet visits with the government cabinet and with the senior executives from all the government departments. I think it is fantastic.

I wrote to the Premier and asked, 'Would you please bring your community cabinet and all your key staff to Peterborough and that district within Stuart?' and the Premier did it. I wrote to the Premier and asked, 'Would you please bring your community cabinet to Port Augusta?' and the Premier has said, yes, he will do it. We are not here trying to exclude the government, keep them out of regions or pretend that the government cannot help or cannot have some sort of really positive influence, because we know they can.

What this is about is trying to force the government to take all the opportunities it has to support regional South Australia. We do not want the government to do that because it is us versus them or the regions versus metro; it is nothing to do with that whatsoever. In this state, we are all permanently interwoven—metropolitan and regional South Australia. Adelaide needs the regions to be successful. Adelaide needs the regions to thrive.

We need people to want to live in the regions so that they can work there and create business and production opportunities that metropolitan Adelaide will benefit from. In the regions, we know that we need a bright, vibrant and successful Adelaide as well. In the regions, we understand that Adelaide is the heart of South Australia from a population and services perspective, but the heart cannot live without the rest of the body thriving: we need both to be working together and interacting very well.

One of the reasons I take this issue so personally is the Cadell ferry. The Cadell ferry was a very important regional piece of infrastructure that provided an incredibly important service that the government decided a few years ago it was just going to get rid of. I know that the most important factor in getting the government to back down and leave the Cadell ferry in place was the incredible work the Cadell and surrounding district community did to make its voice heard, together with the support up and down the river and from other parts of regional South Australia that the Cadell community received.

The member for Chaffey, the member for Bragg and I were very involved with that campaign, but the Cadell community gets the lion's share of the credit for forcing the government to back down. The very capable people from that community, including Danny McGurgan, who was subsequently a police officer of the year for his important community work, led that charge.

Second in my mind on the list of reasons the Cadell ferry was not taken away by the government, as they wanted to do, is that, unfortunately for the government, the issue came up just before estimates. At estimates committee after estimates committee I fronted up and asked the relevant minister whether a regional impact assessment study was done on the removal of this piece of important regional infrastructure. To their credit, those ministers had to answer honestly and say, 'No. No, it wasn't done.'

I would have asked about a dozen different ministers and they all said that no regional impact assessment study was done, and we all know that was the case in spite of the government's own rules stating that one should have been done. Having to answer those questions as honestly as they did would also have been a significant factor. Why did the government not just make it easy on itself? Why did the government not just do the study? Why did the government not just do the assessment? Do you know what? If the assessment had said, 'This is a terribly important piece of regional

infrastructure; we cannot get rid of it,' the government presumably would not have proceeded and they would have saved themselves an enormous amount of headache and heartache.

If the assessment had come up somehow—and I do not believe this would have happened in this case—with a clear, strong and reasonable argument that the impact of removing the ferry on the regions was negligible or even positive, we would have had to look at that piece of work, consider it seriously and take it on its merits. Again, the government would have saved itself a whole lot of bother. I suggest to the government as earnestly as I possibly can: follow the process. The government should follow the process it has imposed upon itself. It may well have just imposed it upon itself so that it could look as though it was interested in the regions, but why not just follow the process anyway?

At least it will look like you mean what you say and, more importantly, the regions will know that they are being taken seriously, and you will save yourself a whole lot of grief by just doing the study properly. The member for Goyder touched on a wide range of different issues where this would be very important, and I know that other colleagues from this side of the chamber will do the same. I would like to touch on two.

In relation to health, we know that the government would like to pare back health services in regional South Australia primarily because of budgetary constraints. We do not think that you hate regional people (it is nothing as silly as that), but we know that your budget and your handling of the economy in general is in all sorts of dreadful situations, so we know that is a target. Let me put really loudly and clearly on the record that the government must not consider touching any regional health services without doing a full, frank and open regional assessment of what that would do.

Secondly, in the time remaining to me I will touch on Yorkeys Crossing, a very important piece of dirt road that circumnavigates Port Augusta so that there is a release valve for the bridge which has one single lane in each direction and carries all the heavy freight from Sydney to Perth and Adelaide to Darwin, let alone intrastate, let alone intra Port Augusta. Regularly, that bridge is out of action for whatever reason, and Monday this week was the most recent time. Yorkeys Crossing needs to be upgraded so that we have an all-weather road to support transport for Port Augusta, South Australia and Australia regardless of the weather, because right now, with five or six millimetres of rain, Yorkeys Crossing is out of action. The government should do an original impact assessment study on the potential benefits to Port Augusta, the state and the nation for upgrading that road.

Mr BELL (Mount Gambier) (11:28): I also rise in support of the member for Goyder's motion on regional impact assessment statements. It is part of my core belief that decisions need to be made closest to those who are affected by them, and regional impact statements certainly have the ability to do that. In this state, we obviously need a premier of South Australia, not a premier of Adelaide. In doing some research on the current regional impact assessment statements, I came across a nice glossy brochure with some very prominent photos of the current minister involved. As I read through it, it made perfect sense to me. In fact, sometimes I was wondering what I would be standing up here debating.

Then I did a little bit more research, and decided to go to the website and look at how many regional impact statements have been put together. To my surprise there were 21 of them. Then I started looking a little bit deeper. The last two are actually just policies and procedures and terminologies, so there are actually 21 regional statements. It surprised me that the earliest there was 2003, and that was the Transport SA Plant Procurement impact statement. The latest was 2012, which was the Narrung Police Station impact statement. Obviously glossy brochures are pretty easy to put out; doing the bulk of the work, which is actually getting into these communities and doing these statements is, it appears, a little harder.

The reason this is so important is that the South-East appeared on one of these reports that was done in 2011. That report was the ForestrySA and the South East Region of South Australia ACIL Tasman impact statement. In reading that it really brought home to me that if you do not genuinely connect with the community, if you do not genuinely listen to what they have to say—and, in fact, the report is dismissive in its tone—then it will lead to issues that were foreseen by those who were closest to the action yet were ignored by the government.

Some of the language in this report is quite interesting, and I would like to read it into the *Hansard*. This executive summary was aimed at 'realising value from some of the state's assets'. I interpret that as flogging those state assets off at the cheapest possible price.

Mr Pederick: They have done that.

Mr BELL: They have. It said, 'The nature of the proposed sale is that any direct impact it had would be on the regional economy.' It was saying that any social impacts would actually occur as a result of the economic impact, and 'We found that the proposed sale is unlikely to have a significant economic impact on the region.' Therefore it was unlikely to have a significant flow-on in terms of social impacts. Environmental impacts were also considered unlikely.

I would like to point out to people that the softwood plantations in our region directly employed—and I put that in the past tense—1,943 people and was 11 per cent of our gross regional product. When you take indirect contributions into that equation it was 2,674 jobs, or approximately 19 per cent of the GRP. What was really interesting were the concerns from the community. An impact statement done well will realise those concerns and expose them, and again I quote:

> The community is concerned that the forward sale will lead to substantial job losses—

tick—

> with ensuing impacts on the broader community—

tick—and:

> The key concern is that the new owner would export logs on a large scale—

tick.

All three of the main concerns that the people closest to the industry had about this forward sale have been proven to be correct. However, in the report it does acknowledge that:

> If a large quantity of log was exported, the impact on the local processing industry would be significant. However, based on our analysis—

in code, probably with help from some interested parties—

> it is unlikely that a significant additional quantity of sawlog would be exported as a result of a change of ownership of the rotations…

It staggers me that what was foreseen has now occurred. As a local member I am now dealing with issues of production companies, or sawmillers, coming to me saying that they cannot get the log of the quantity they need. What has happened is that there is no transparency in the forward sale, none that anybody can talk to me about with any clarity.

In terms of log being offered to the local sawmillers first, yes, they are doing that, but they are putting it in such volumes that the local sawmiller cannot handle. Of course, once the sawmiller says, 'I can't take that quantity,' it is then exported straightaway over to the Port of Portland. I offer an invitation to any interested member on the other side who wants to come to Mount Gambier. I will take you for a drive to Portland and there are logs stacked up beyond what the eye can see.

It is absolutely frightening how much log is going out of Mount Gamier and the South-East, being exported away. Sawmillers will come to me and say, 'It's like I need 100 logs but the new company packages it up so that you need to take 1,000 logs or you get nothing,' and of course, they do not have the storage facilities or the processing ability to take that 1,000 logs when all they need is 100. Obviously the volumes are bigger than that, but I am putting it into a context that people can understand.

Of course, the social impacts of the forward sale of ForestrySA have been huge. It has taken our community—my community—five years to get anywhere near back where it was beforehand. But in this report, the social impacts are glossed over and quite trivial:

> In fact, it is likely the speculation about the sale, based on improbable export log volumes, has had a more detrimental social impact on the region than the sale itself is likely to have…

> we do not expect [any] social impacts to be significant.

Well, that is the problem when you have a report that is not truly reflective of what the consultation is meant to be.

Lastly, in terms of this report, fire: ForestrySA has the largest firefighting capability. We have now had the Glencoe Tantanoola fire and there are still reports coming out of subcontractors not rocking up or machinery sitting in ForestrySA's workshop that should have been deployed out on those fronts. I have more to say about that down the track.

With limited time, I would also like to talk about future impact statements, as I see them being very relevant for my region, the first being this Work Ready policy backflip—this announce-and-depart policy that we are now seeing from the government. You do not even stand and defend your actions; you fly half way around the country and let it be somebody else who picks up the issues. This Work Ready change in our RTO system is going to have an impact on employment in the South-East and I would say in regional areas, because in regional areas, private RTOs fit niche markets and can respond very quickly.

But, of course, the main point that I want to make is a regional impact statement on fracking in the South-East. Once the committee has concluded, whenever that is, I will be pushing very hard, depending on the outcomes of that committee, for a regional impact statement because, second to the forestry sell-off I am explaining to this house, I have never seen an issue with such divisiveness as fracking will be in the South-East of South Australia. An impact statement that does not gloss over the real concerns of community members is paramount.

Mr PENGILLY (Finniss) (11:38): I indicate my strong support for the motion put up by the member for Goyder. It is a good motion and it is a motion that has been well thought through, and it makes common sense. Sometimes in this place there are things that happen that do not make common sense. However, regional South Australia is absolutely critical to the entire state economy. Things come and go; manufacturing seems to come and go and reinvent itself. Mining has booms and busts and comes and goes, but always the regional economy, particularly agriculture and primary industry, has carried the state through since Proclamation in 1836, and that is the harsh reality.

Regional people understand that their city cousins live in a completely different environment. Unfortunately and regrettably, many young people from the regional areas are having to move into the urban environment just to survive, such is the way of the world. We need more regional employment and we need more activities in the regions.

As an example of what I was talking about a few minutes ago, there are considerable numbers of what are called FIFO—fly in, fly out—workers who, since the mining downturn, have returned to my electorate out of work. The work has gone, so they have come back and there is nothing to really replace it. It is a sad reflection on the boom and bust mentality of the mining sector, I am afraid, and that goes back to when copper boomed in the 1800s and had a bust.

I believe that, by putting regional impact statements in front of the Economic and Finance Committee of this house, what you are actually doing is giving full scrutiny to the elected parliamentarians of this state who are on the committee, so that they can have a look at it and sort through it. I just hope that the government supports this motion. I do not hold out much hope.

Given the complete and utter failure of the regional development minister on the marine parks issue, I am afraid that all we really see from this government in relation to regional activities is window-dressing. They run around, put out glossy brochures, turn up here and there and make statements and then disappear. It actually needs a fair bit more than that.

Just let me tell you on the marine parks debacle that the fish shop which has received multiple awards in Kingscote, which no doubt Labor members have been to, has closed. It has gone. Mr Trevor Edwards is a net fisherman on Kangaroo Island. I wrote off to respective ministers some time ago and have yet to receive a reply. He is all but finished. He has got nowhere left to fish, he is done and dusted, and all he is seeking is to get some answer out of the minister in another place as to where he goes if he can get compensation or whatever so he can move on in his life. They are but two examples, and there are many more which are going to surface out of the marine parks debacle over the next 12 months or so, I would suggest.

My view is that bringing these regional impact statements under the scrutiny of the Economic and Finance Committee means that members from both sides can really get their teeth into it, sort it out and see just what will transpire, if the correct process is followed in relation to regional impact statements. I applaud the member for Mount Gambier for the issues that he brought, particularly relating to forestry. Once again, it was window-dressing.

I am far from convinced that having a group of bureaucrats put forward a pretty document and make all the right statements is actually going to get things done in the current procedure. I have said it before when referring to this state Labor government, and I will say it again: one week they do nothing, and the next week they do twice as much of nothing. It is an important issue, and it goes on and on.

We are facing trying times in regional South Australia. As the member for Goyder indicates in his motion, this is an opportunity to get out there, bring these things into full public view and make public the results of regional impact statements prior to any changes so that people know what is coming. Whether that be health, education, transport or roads, be that as it may, at least get out there and do it, unlike the debacle we had with the hospital and health services down on the south coast where they were not told the truth and the department did not get out and do the things they should have done. They failed to do that.

When we last had a couple of public meetings at Goolwa and Victor Harbor there was a bit more fleshed out of that; and, indeed, I have another one at Yankalilla next week. This side, clearly, will do all it can to support the member for Goyder's motion and see whether we can get some transparency back into government and see whether we can get some sort of common-sense answers.

During the course of the last couple of months the Public Works Committee has been around the state, and where we have been going to look at public projects we have also met with local community leaders and regional development boards to get their view of the world. The member for Flinders may recall us meeting in Port Lincoln recently with the local councils and the regional development boards. Last week we met with similar type communities down in Mount Gambier, and this will go on.

Nothing much changes when you go out there and get their response to what is not happening. Overwhelmingly it seems to me that the issue of roads comes up time and again. The member for Flinders may recall the discussions at Port Lincoln, where over there they viewed seriously the state of the road through to Whyalla-Port Augusta and the requirement for passing lanes, and the subject of B-doubles came up. This issue of roads came up again down in Mount Gambier last week, and the member for Chaffey has raised in this place the debacle that is about to be inflicted with the closure of the train line from Loxton down through to Tailem Bend and the grain trucks coming onto the road. I think that a paltry $4 million has been spent on that road.

I am not interfering with the member for Chaffey's country, but my daughter, son-in-law and family happen to use that road very regularly and they are appalled to think of what may or may not happen if the train goes. That is a personal issue for me but it is an issue that needs to be picked up on. Regional impact statements need to be transparent. They need to be fleshed out. There is no better place than the Economic and Finance Committee to do it.

I know that the Economic and Finance Committee has been an instrument used to hide things by the current government over the last few years, but I am hopeful that this current Economic and Finance Committee will pick up on this and encourage the government to do it. You see, the Budget and Finance Committee in another place has made the Economic and Finance Committee in the lower house seem somewhat of a joke, because that committee drags people in and gives them a hard time and gets answers, whereas it has been really sleepy hollow down here rather than the other place.

I say to government members, 'You need to encourage your side of the house to support this motion.' Now, what happens with the Minister for Regional Development and whether he has the intestinal fortitude to stand up and support our motion on this remains to be seen. I hope he has. He made a complete and utter stuff up on the marine parks vote, which he will have to live with, however,

on this particular occasion we will give him time to think about it. Again, I support the member for Goyder's motion and look forward to it passing through the house.

Mr KNOLL (Schubert) (11:48): Just as the Adelaide Crows is the team for all South Australians, I think that in this place we would expect our government to be the government for all South Australians. It seems quite odd intuitively to me that we have a regional impact assessment process where we need to highlight one part of a community as needing attention that it otherwise is not getting.

The idea that we do not have a government that is governing for all of this state is one that does not sit very easy with me, but if you look at the origins of the regional impact assessment process it has to be seen as nothing other than a tacit admission that the regions have been ignored for too long by this government, and an admission of the fact that it does not understand the regions on this. We on this side of the house for various electoral reasons do understand the reasons extremely well. Certainly, we stand in this place and put forth the views of our community, but it seems that the regional impact assessment statement is a process by which the government says, 'Well, we admit the fact that we don't understand what we're doing out there, so we're going to give it a go.' The reason we are standing here today to discuss this issue is because we are not necessarily sure of how genuine they have been.

I applaud the member for Goyder's motion to move this off to the Economic and Finance Committee. I think that makes perfect sense. The reason we need this process is because, currently, impact assessment statements are not always done, and when they are done they are often ignored. I think that putting them off to a standing committee of the parliament is a good way for there to be increased pressure on the government to do the right thing. At the end of the day, that is really what we are here to do, is to help and work with the government, to—as I have often heard the member for Mawson talk about—work in a bipartisan, collegiate manner to get things done. Through this motion we are simply trying to give the government a little bit of a nudge to get on and do the right thing, just a little bit of a gentle push, a tap on the shoulder.

Mr Gardner: Help us to help you.

Mr KNOLL: That is right. As any good friend says to another friend, 'Let's just get this right.' Friends do not let friends forget the regions of South Australia. The reason I say that even when impact assessment statements are done they are not always listened to is through my research. I had a scroll through the regional impact assessment statement that was done on the marine parks decision the government took last year. I scrolled through this 315-page document, which is quite comprehensive, down to page 106 where it talks about the cost benefit analysis. If I am allowed, I will read into the *Hansard*:

> The results of the cost benefit analysis have been expressed in terms of net present value (NPV). The NPV is a measure of the aggregate, annual net benefits (i.e. benefits minus costs) of an option over a 20 year period, discounted (i.e. expressed as a present value) using a discount rate of 6 per cent.

A discount rate of 6 per cent I can have some disagreement with, but for the sake of the argument let us do it. It goes on to state:

- The net present value for implementing the 19 marine parks with zoning was estimated to be approximately -$63.9 million. This indicates that the investment in marine park management plans would generate lower net benefits to the community than the base case scenario.
- The principal drivers of the estimated negative economic outcome is the net annual cost of implementation (present value of -$26.2 million) as well as the losses incurred by the commercial fishing industry (-$37.7 million).

I am but a humble sausage maker, but in my time I employed some people who were smarter than me. One of them was my younger brother, who is an accountant. When he joined the business he brought a rigour to our investment decision-making. Originally, dad and I would just stand there and we would say, 'Well, we like this shiny piece of stainless steel, it's a cool piece of kit, let's buy it and chuck it into the factory and see what happens.' But no, financial rigour and becoming a more professional business was the way we had to go.

Andreas said, 'No, every time we make a decision to borrow money or to make a significant investment of capital in our business we are going to go through a rigorous investment analysis

process,' and using net present value was one of the key indicators that we used on, you know: if we go down this path what are going to be the benefits to the business? I am not an accountant but I am fairly sure that we never made a decision to buy a piece of machinery in order for us to lose money. I am not 100 per cent certain but I am fairly sure that when you make decisions like this you want things to be in positive territory.

Now, minus $63.9 million does not seem like that. I think it is a real shame that this simple piece of information that was generated by the government was marginalised in the debate on the marine parks decision—marginalised. It is frustrating when we have so much, and we see it again at the moment with the WorkReady program and the folly the government is about to embark upon, when we see real jobs, people's lives, people's communities, people's livelihoods, people's mortgages, being challenged by government decisions.

We can sit in our beautiful chamber, with beautiful green leather and green carpet, and we can discuss things in the abstract. We can yell and scream at each other across the chamber, and that is not always as edifying as we would like it to be but, at the end of the day, we make decisions that impact on people's lives. We have to take the opportunity created by regional impact assessment statements and the like to make those things real for us, so that it is not about debating some abstract political point, but the real impact of the decisions that we make in this house. I think those things need to be given primary consideration. With those few remarks, I commend the motion to the house.

Mr PEDERICK (Hammond) (11:55): I rise to support the motion from the member for Goyder:

That this house—

1. Supports the referral to the Economic and Finance Committee of all regional impact statements, with the ability to call witnesses.

2. Urges the Minister for Regional Development to ensure the state government—

   (a) guarantees full compliance by all state government departments, agencies and statutory authorities of the regional impact assessment statement policy and process to ensure the government undertakes effective consultation with regional communities before decisions which impact community services and standards are implemented; and

   (b) makes public the results of all regional impact assessment statements undertaken prior to any change to a service or services in regional South Australia.

Nothing came to the fore more for me soon after entering this place than when the budget was laid down in September 2006—because it was an election year, the budget came in late—and the first I knew of a proposed major prison upgrade at Murray Bridge was in the newspaper that morning. I think it is an absolute disgrace to have that sort of proposal put out like that. I remember that the Mayor of Murray Bridge rang me on my way to parliament and I said, 'I don't know anything about it.'

This was going to have a huge impact on Murray Bridge and surrounding areas: a $500 million men's prison with a separate women's prison. I do not know if the government had any idea how much this would impact on the local community. Since then there has been much discussion as to what was needed if this proposal was to get up not just as a piece of logistics for the state—and it is obvious that our prisons are bursting to overflowing at the moment—but also in terms of the social impact on our community. I know that that land is still there and perhaps one day in the future a government will have some consultation about whether an expanded prison will be built at Mobilong.

I am reasonably ambivalent on the issue but if an expanded Mobilong—a high security prison, a Yatala replacement—does come to Murray Bridge, it has to come with trade-offs. If public transport is not already coming to Murray Bridge, it has to come; Bremer Road needs to be extended and bitumenised; health services need to be expanded. Those are just the first three: there is so much more that needs to happen in terms of consultation with the community on a proposal like that.

When I look at the training services that are being altered at the moment, it is absolutely outrageous to think that TAFE can pick up all the slack from what the regional providers are providing at the moment. I look at Regional Skills Training from the Yorke Peninsula. I know Caroline Graham and her husband, Mark Graham, personally because they used to live down the road from me at

Coomandook and she does a great job in her training across 56 schools, but here we have a government that, after years of gutting TAFE—and I mentioned this in the parliament yesterday—has almost stripped TAFE bare.

We have had cut down on cut down on cut down, certainly in Murray Bridge and in other centres across the state. I am not too sure how they are going to deliver the training, because all we have seen are staff cuts, resources cuts and financial cuts to these services. There is a lot of work to do, and I know the government should have a major rethink of that proposal.

In my final couple of seconds, I just want to talk quickly about the diversification funding that the government turned back—the $25 million that was going to come to river communities from the Victorian border through to Goolwa. All those communities suffered during the drought, yet the government made a big decision, 'We will just turn our back on $25 million,' but, thankfully, my friends in the federal government at least came up with $5 million through the National Stronger Regions Fund to fund one of my projects in Murray Bridge, the Gifford Hill project, and I am truly thankful for that. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Condolence

KIRNER, HON. J.E.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (12:02): I move:

That this house expresses its deep regret at the death of the Hon. Joan Elizabeth Kirner AC, former Victorian Premier, and places on record its appreciation of her long and meritorious service, and that as a mark of respect to her memory the sitting of the house be suspended until the ringing of the bells.

It is not usual practice, in this place at least, for us to acknowledge the passing of members of other parliaments, except perhaps occasionally prime ministers of the nation, but today we do believe that it is appropriate to make special mention of the passing of such a significant Australian, as well as, of course, being a Victorian and a Premier of that state.

Joan Kirner, as many people in this house would know, came to her pathway to politics in a different fashion from that of many members of the Labor Party in Victoria: rather than coming from a trade union background, she came to her function in relation to the Labor Party as a community activist—first as a mother of young children, I think, turning up to a kindergarten in the early seventies and recognising that there was a hopeless lack of resources for the many dozens of children who were meant to be cared for at this kindergarten.

She immediately complained to the authorities and engaged in a public campaign against the paucity of resources that were provided to support that kindergarten. She soon became recognised as a community activist and leader and, I think, rose to the position of the head of a parent association within Victoria, where she provided a very substantial leadership to the cause of providing more resources to the education of children within the state of Victoria. That process demonstrated that, in representing the interests of parents, she had leadership skills.

She played a central role in an organisation that became known as the Australian Schools Commission, a body central to the Whitlam government's bold reform agenda in education in the early to mid-1970s. In 1980, she became a Member of the Order of Australia for her contribution to community services. Soon after that, she was elected to parliament in 1982. Her ability and her work ethic marked her out for promotion after holding the conservation portfolio, and she took over education where she, of course, made a very substantial name for herself as minister for education.

Although maligned by some people, she always carried herself with calmness and dignity: qualities that were necessary when she became Victoria's first and still only female Premier in the difficult circumstances that confronted the Labor Party in 1990. However, in her personal style, she continued to prefer the consultative to the combative approach to politics. She remained guided by her basic belief in fairness and opportunity for all.

In 2015, Joan Kirner's legacy can be found in many and varied fields of public policy and politics but, for politically active women everywhere, her efforts after leaving office to boost the number of ALP women elected to party and parliamentary positions is considered the most heroic

and widely and profoundly appreciated. She was a founder and huge contributor to EMILY's List, the group that continues to promote the election of progressive women. I understand that another female pioneer of Australian politics with a love of education, Julia Gillard, has described her as 'the truest of friends' and one of the 'dominant influences' in her life.

On behalf of the state government and the Australian Labor Party, I wish to formally place on record the appreciation of the South Australian Labor Party and our government for her role in not only being a political pioneer and capable Premier of Victoria but for being a compassionate and thoughtful human being. For me, she will be synonymous with the word 'dignity': the dignity with which she conducted her career, the dignity that she sought to protect and uphold for people everywhere and the dignity with which she coped with the illness which eventually took her life too early, especially for those family and close friends who deeply mourn her passing.

I pass on my condolences to her family and her friends, in particular Dave Kirner, who is a longstanding friend and resident of South Australia. He is a representative of the trade union movement in South Australia and carries on many of his mother's qualities in fighting for those who are dispossessed and campaigning on behalf of his community for a better South Australia. I know he will miss his mother deeply, and I pass on my deepest respects to him and the rest of his family.

Mr MARSHALL (Dunstan—Leader of the Opposition) (12:09): I rise to second the motion moved by the Premier. On behalf of the South Australian Liberal Party, I offer our condolences on the passing of the Hon. Joan Elizabeth Kirner AC, the first female Premier of Victoria and only the second in this nation's political history.

Having graduated in 1958 from the University of Melbourne, Joan Kirner immediately began teaching at the Ballarat Girls' Technical College. Her marriage two years later to husband, Ron, meant that she was ineligible to qualify for a permanent teaching contract. It has already been said that this act of discrimination against women in the workforce had set in motion a personal determination to deliver more equality for women and improve standards in education.

In 1982, Joan Kirner was elected the member for Melbourne West, and she made a very significant impact early in her political career. She was promptly promoted to minister for conservation, forests and lands and worked with the Liberals in a bipartisan way on conservation measures to establish national parks and to ban mining within them. During this time, she also established Landcare in Victoria. This project was not just a policy innovation for Victoria but, indeed, was emulated right across the nation.

As Premier, she had a tougher time. At the time of her promotion, Victoria had been described as 'on the verge of becoming ungovernable'. High unemployment, rising debt, job losses in the motor industry and trade unions within her own party going on strike must have appeared to be insurmountable hurdles. In the face of so many obstacles, Joan Kirner was able to forge her own path committed to education, social justice and equality for women.

Reflecting on her time as Premier, she provided insight into her own unique leadership style stating, 'I'm not tolerant of injustice…if you want to progress, you need to take different people with you and listen to different points of view.' Her passion for social justice issues has remained her legacy and is perpetuated through the Joan Kirner Social Justice Award, announced annually.

After two years as Premier, Joan Kirner had established the Victorian Certificate of Education, another reform that was later rolled out nationally. Joan Kirner's experience working in the education sector and her passion for community politics really fashioned her approach to policy and leadership. She was driven by her ability to help people make the connections they needed to make 'to move from power to empower', as she often said, to be a pioneer by encouraging more women into politics with a social agenda.

I read with interest comments made in recent days by the former premier of Victoria, Jeff Kennett, who stated:

> A very sad moment in time. The passing of Joan Kirner. She was always consistent and committed to Ron and family, education and the advancement of women. She was a genuine person who was a wonderful example of the best in public service.

I would also like to pass on my sincere condolences to Joan's family: her husband, Ron, and her three children, Michael, David and Kate, and her grandchildren.

Like the Premier, I know Dave Kirner quite well; in fact, he was the CFMEU organiser at Marshall Furniture years ago. I must say that he was an outstanding advocate for people who worked there, and we actually crafted one of Australia's first enterprise bargaining agreements on that site which was one of the great Brereton reforms of that Labor government. Unfortunately, of course, the great advancement made by Brereton and Keating in that Hawke administration was wound back by a subsequent Labor administration. Nevertheless, I will always remember those wonderful negotiations—passionate negotiations—with Dave Kirner all those years ago, and I certainly extend my very sincere condolences to him.

The Hon. S.W. KEY (Ashford) (12:14): Joan Kirner—what a woman! Being one of the early members of EMILY's List, I was honoured to have Joan Kirner as my mentor for the 1997 election. She gave me a lot of advice and support, and I am very proud to call her a friend. South Australia was EMILY's List first election ground, and we had a record number of women candidates and also a record number of women who entered this place as members of parliament and I know they will be speaking shortly about their knowledge and support from Joan Kirner.

I find it very sad to talk to this condolence motion, and I am also concerned that a number of Joan's friends are not in this house anymore and will not have an opportunity to speak, but I would like to record Anne Levy, Carolyn Pickles, Lea Stevens, Robyn Geraghty, Gay Thompson, Lyn Breuer and Mike Rann, just to name a few who would have been able to contribute to this condolence debate had they been here.

On a completely different area from education, I know that my husband, Kevin, was always talking to Joan and reminded me this morning about Joan's track record as a minister for conservation and environment. Many people, particularly in Victoria, will be very aware of the initiatives which Joan was part of and which continue today.

Yesterday an Ashford constituent sent me a video clip of the 2009 Community and Neighbourhood Houses Association Conference in South Australia, where Joan was the keynote speaker. I went to that conference and, as always, Joan was her usual inspirational self, but she shocked the crowd with her new found information about the feminist views of Lady Gaga and the women's band The Pussycat Dolls. People were very surprised that Joan had this information. Apparently she had sat next to Lady Gaga on the plane to Adelaide, and she and Lady Gaga compared notes on being feminists in a man's world. If people have the opportunity, I am hoping to have this video clip on my Facebook page at some stage, so please have a look; it is absolutely priceless.

Last night I was looking at my bookshelf in my study, feeling very miserable, I might say, and was reminded, upon looking at the publication of *Party Girls*, edited by Rebecca Huntley, of some of the humour of Joan Kirner. I would refer members to that book and also to the *Women's Power Pocket Book*, which was written by Joan Kirner and her good friend Moira Rayner. This little book in many ways states the obvious, but I know that a lot of us are reminded from time to time, as women in politics, of some of the things we need to do.

There are titles in the little book like 'Everything is political', 'Integrity', 'Give well, as you demand respect', 'Do it without becoming a bloke', 'Your well-being' and 'Never wear floral on telly'. There is a lot of other good advice in there. I am sure the member for Wright will be able to talk about the polka dot sensation. I noticed in the obituary by Carmel Egan today in *The Australian* that she says in the opening:

> When Joan Kirner was appointed the first female premier of Victoria in 1990, she phoned her husband Ron to confirm he would stick by her through what they both knew would be tough and testing times.

Ron apparently responded (and Joan has said this to us), 'Why not, it will only be for two years.' Ron was always there supporting her, but he was also a realist about what Joan could do and would do. I know that, having had a lot of opportunities to talk to Joan about tactics and what we need to do and how to keep true to yourself, she will be greatly missed.

One of the things that Joan was very keen on us continuing—and we have done this in this place—was women politicians having a women's caucus. When I got into parliament in 1997, this was something that Diana Laidlaw, Carolyn Pickles, Sandra Kanck and Anne Levy had started. Joan, in coming over to South Australia, said to me, 'Well, it is really important that you keep that caucus because there are issues that you as women politicians will hold together and it is important to talk about that and make sure that you clarify those issues.'

We have continued to do that and I have been really impressed with the fact that most of the women in this place have understood the reason for us to get together from time to time and have a discussion about issues that concern us all. Last time I spoke to Joan she actually asked me if we were still having those meetings and I said, 'Well, we have a lunch planned fairly shortly that Vickie Chapman and I, in particular, have organised.' That is just one of the things that still is important to continue.

Kevin and I would like to extend our condolences to her family, particularly her husband, Ron, and children Michael, David and Kate—as the Premier and the Leader of the Opposition said, David is probably the one who I know best as well, not only through the trade union movement but also in the community sector—and, of course, their collective grandchildren. Vale Joan Kirner.

The Hon. J.M. RANKINE (Wright) (12:21): I have no doubt that many tears have been shed around our nation over the past couple of days at the news of Joan Kirner's passing. There are so many tributes being paid to this wonderful woman who many of us in this chamber and many who have left considered their friend.

Joan Kirner was a powerful and strong woman and she was a woman of great courage. Joan's power was in her generosity. Her strength was in her commitment and her courage was steeped in her beliefs. One of the great things about a life in politics is that it provides you with the opportunity to meet so many amazing and inspirational people you would not otherwise have the opportunity to meet. On every occasion when I have been asked who they might be, who has had an impact, who has influenced me, who do I admire and look up to, Joan Kirner has always been one of the first two names I immediately nominate.

The very first time I met Joan I loved her. I was accompanying my former husband to a police bowls tournament in Melbourne. I had been quietly chastised by another police wife about the standard of dress required whilst away. Apparently it was not appropriate in the middle of a Melbourne winter to have warm track clothes to watch the tournaments or to go on the scheduled outings. Skirts were apparently the only acceptable attire. At 7am on the morning of the opening we were bussed 20 minutes to the bowls venue to stand in the freezing cold until 9am for the official opening. Joan Kirner opened the tournament. She was representing the police minister or acting police minister at the time, I am not quite sure, but there she was in all her glory in a wonderfully warm pink tracksuit, kitted out for a trek in one of their national parks, and I loved her instantly.

Joan, of course, was completely unaware of all of this and I told this story in front of her when she launched my election campaign in 1997. Fittingly, on that occasion also, Joan was in a tracksuit. This time it was a case of being on the return journey from her annual outback adventure with her wonderful Ron. Off they would go each year on some exciting excursion. Her deal with Ron, she said. Little was I to know at the time of the bowls tournament how influential, how important and how great a friend Joan would become, and that is how I believe she will be remembered by many people.

Under Joan's guidance a handful of senior Labor women from around Australia, including our Carolyn Pickles and Anne Levy, Cheryl Davenport from Western Australia, Molly Robson from Queensland, Kay Setches from Victoria established EMILY's List. Joan knew the struggles, the challenges and the obstacles confronting women in their full participation in the political processes and was determined to bring about change. A group of us were interviewed and six of our women candidates were endorsed by EMILY's List. We were the first, the class of '97—all six elected. That was 18 years ago and the beginning of enormous success around Australia of EMILY's List supporting progressive Labor women.

I have no words that adequately describe what it felt like to have Joan Kirner launch my campaign, on election night to have Joan Kirner ringing me to check on how we were tracking, and she did not just do that for me, of course. She did the same for the other five candidates in South

Australia and then replicated this support around the nation at every election. Under her guidance they organised financial support, they organised mentors, they helped, guided and encouraged our women to be proud and confident.

Many people, when they leave the political arena, fade into the background. They can retreat from public life. Some suffer relevance deprivation and some just become insufferable. Not Joan Kirner. She decided she would work, support and encourage women to be the very best they could be. She would work and challenge the Labor Party in the most constructive of ways. I will be forever grateful for her support and care.

One of the important measures of a successful life, I think, is the impact you have on people, how you make them feel as individuals. Joan was always genuinely interested in whomever she was speaking with and made them feel at that moment they were the most important person in the room. I have no doubt that tributes will continue to flow and personal stories told. She was monumentally influential, her legacy is one to be proud of, her loss is enormous. My heartfelt condolences to her beloved Ron, and children Dave, Michael and Kate and their families.

Ms BEDFORD (Florey) (12:27): Much has deservedly been said about Joan Kirner this week, and I wholeheartedly concur with all the positive comments. I would like to put on record some of my recollections of a truly remarkable woman who mentored so many and will always be remembered for her many fine qualities, abilities and achievements. What an example and role model for any activist, and particularly for a kindy mum just like me!

Joan was a driving force in the affirmative action movement in the ALP, and I can vividly remember celebrating that momentous moment with other women delegates on the floor of the conference at Hobart's Wrest Point Casino in 1994 when a 35 per cent quota was introduced. It actually meant that women had the opportunity to contest seats where they might have had a chance of winning. It was Joan's foresight and commitment to promoting women that prompted her efforts to help establish EMILY's List here in Australia and it has gone on to encourage, support and mentor women to run for parliament ever since with outstanding results.

In my own case, after winning a surprisingly hotly contested preselection for an unwinnable seat, I found myself granted the opportunity to address an EMILY's List committee and convince them I should receive financial support for the 1997 campaign to win the seat of Florey. That day, without Joan's support, I would not have had any success at all. While the amount was not significant or even the point, as the member for Wright said, it was the moral and tacit approval given to any candidate by the recognition of someone of Joan's calibre that was the most uplifting factor. As history will show, in my particular case, I was the first candidate supported in an unwinnable seat—a trend that has continued thankfully, for who can really say what is a winnable seat these days?

More recently, Joan was a tremendous support and encouragement in the establishment and work of the Muriel Matters Society. She actually got Muriel's story and the importance of the message. She was a member of the society and a constant source of inspiration to me and the member for Ashford in our adventures in so many ways. I will always be grateful for her kindnesses and recognition of this project.

There are many Joan stories. Joan always said, 'Wear lipstick, particularly if the media are around, and even if they aren't.' We all know women's appearance and attire has always been a topic for comment—thankfully, less so these days. Joan also said that true equality would only be reached when parliament was full of mediocre women—I will give you all a second to think about that! I guess that could have been said with Joan's tongue firmly in her cheek. Here is to that day, Joan, and to you, a true champion and pioneer of women, a woman of conviction and substance, an exceptional local MP and the modern mother of women in parliament.

On behalf of my family and Joan's friends in the Florey area, I extend deepest sympathy to Ron and her son Dave, and his siblings Michael and Kate, and their immediate families, and to Joan's extended family and enormous circle of friends. It is a very great loss and a very sad day.

The SPEAKER: Would members rise so that the motion may be carried in the usual manner.

Motion carried by members standing in their places in silence.

Sitting suspended from 12:33 to 12:43.

Bills

INTERVENTION ORDERS (PREVENTION OF ABUSE) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 May 2015.)

Mr DULUK (Davenport) (12:43): I rise to speak in support of this bill—but, no, I am not the lead speaker on it. This bill seeks to amend the Intervention Orders (Prevention of Abuse) Act 2009 and other related amendments. The act provides for intervention orders commonly known as DVOs. I would like to preface my remarks on the bill by saying that I believe that domestic violence is a terrible blight on our society and that I live in hope that one day we can eradicate it. 2015 has been a year in which domestic violence has been front and centre of our national agenda.

Australian of the Year, Rosie Batty, is the human face of someone who has suffered horrific domestic violence. The murder of Rosie's son Luke at a suburban cricket ground last year shocked Australia into action. In the words of our Prime Minister, Rosie Batty is someone 'who faced an unimaginable tragedy and has become an inspirational campaigner against domestic violence'. I would also add that Rosie Batty has been a strong voice and an excellent advocate for pushing Australia to eradicate domestic violence.

The domestic violence figures are frightening and very concerning, and some of these figures can be referred to in my contribution to this house in regards to Australian National Domestic Violence Remembrance Day. Recent statistics tell us that on average a woman is murdered at least every week in this country and another is hospitalised every three hours at the hands of domestic violence. At the moment, a woman being abused will suffer 35 assaults, on average, from a partner before she goes to the police to report that abuse.

I would also like to add that this act acknowledges that intervention orders extend further than just violent physical abuse or controlling behaviour. Intervention orders can be made to protect victims from psychological harm as well as non-consensual denials of financial, social or personal autonomy.

This bill aims to strengthen our intervention order framework by closing some legal loopholes. This bill is as a consequence of the 2004 decision of Justice Peek in the Supreme Court case of Police v Siaosi. In the Siaosi case, the decision of Justice Peek found the term 'in the vicinity' was not within the powers conferred in this act, and since then the system has been in what one may call a bit of legal limbo. Justice Peek concluded that it was a case of 'elementary fairness to a person the subject of an intervention order' but the terms are 'specific and certain'. SAPOL and the chief magistrate have asked for these amendments so that intervention orders can be issued, by both the court and the police, that contain the term 'in the vicinity of'. This bill removes any ambiguity from previous legislation by prohibiting a person from being on or in the vicinity of a certain premises or locality. In particular, this bill contains a transitional provision in schedule 1 of the act to validate any existing intervention orders, which is very important.

I welcome that section 31 of the act is being amended by this bill to give courts the power to compel perpetrators of domestic violence to pay for their own intervention programs. Currently intervention programs are fully funded by the state. We need to change communities' attitudes that too often place responsibility on government for the actions of others. We see this time and time again, and I am glad that in this amended legislation we are seeing the onus being put back on perpetrators and individuals to be responsible for their actions. Ultimately, it is individuals who are responsible for their actions and behaviours and not government.

This bill will give courts the power to order that a defendant, once convicted of a breach of an intervention order involving physical violence or threat of physical violence, make a payment toward the cost of any treatment program as ordered as a term of their intervention order. As a parliament, we must encourage wrongdoers to take responsibility for their own actions, and this includes not only the physical, mental and emotional toll taken on the victims of their crimes but also the financial consequences of their crimes on society.

The amendment will also function as a deterrent to no-shows. If a perpetrator does not show up to an intervention program then the money will be coming out of their pocket, not the pocket of South Australian taxpayers, once again putting the emphasis on the individual being responsible for their own behaviour. This move should deter those who avoid programs in place to assist them reform, and indeed their reformation as a person. The amendment has been drafted so that courts will provide a warning that if the person subject to an intervention order breaches it they will be liable to pay for the rehabilitation program.

Currently, domestic violence intervention programs are run only in metropolitan Adelaide. The programs are run by providers such as Offenders Aid and Rehabilitation Services (OARS) and the Kornar Winmil Yunti Indigenous service. The extra funds raised by this amendment will allow these programs to be rolled out into our regional areas as well, which I fully support. This is a welcome move, as rehabilitation and education are important tools in domestic violence prevention. This government needs to do more than just talk the talk on this very important issue.

A logical change to section 18(7) of the act is contained in this bill. At the moment a person who has a police interim intervention order out against them is required to notify the Commissioner of Police of their change of address, but there was no legal consequence if they did not. This bill rectifies that problem. The bill will assist the police in locating and prosecuting those who breach their intervention order.

This bill will help move SAPOL, the courts, and other relevant public sector agencies into the 21st century by permitting 'prescribed details' of an order being sent electronically as well. Paper-based processes, which are full of duplication, easily cost this state tens of millions of dollars each year, and the more services that can be moved online within government the better in terms of streamlining our processes. There are a lot of very worthy amendments to this bill, and I look forward to its passage through this house.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:48): I rise to speak on the Intervention Orders (Prevention of Abuse) (Miscellaneous) Amendment Bill 2015, and indicate that I will be the lead speaker for the opposition. I confirm that the opposition will be supporting this bill which, essentially, provides amendment following the request for clarification by various agencies in the field to the Intervention (Prevention of Abuse) Act 2009.

My colleague the member for Davenport has outlined a number of aspects of the bill which I will not repeat. Specifically, I want to respond to Justice Peek's decision in the case of Police v Siaosi (2014 SASC 131) hopefully to clarify reference to intervention orders which include a restriction of being in the presence of or in the vicinity of certain premises or localities and, secondly, to comply with a Labor Party election promise to require perpetrators to bear the financial costs of programs which they fail to attend. Hopefully, that will be an instrument to do two things; one of course is to ensure that the taxpayer is not meeting the cost when there has been a failure but, secondly, hopefully to be some instrument of discipline for them to attend because the ultimate objective here is to ensure where possible that there is attendance.

I suppose the third area is to tidy up the provision for the apparent reluctance of the judiciary to grant orders that are inconsistent with Family Court orders or superior court orders, notwithstanding that the current legislation clearly gives them the capacity to do so. These are all tidy-ups. They are necessary and meritorious, it appears, at least on some of these occasions.

I think it is fair to say that whether the distribution and notification of the terms of an intervention order is either in a summary form and electronically transferred, or attached to an email message and electronically transferred, is probably of no consequence. However, I am advised, and I expect this advice to be correct, that it is going to be quicker, more efficient and more reliable to summarise in some kind of pro forma way the terms of an intervention order and that that would be distributed. I expect in the first instance that it will take some time to do that; even to fill out a form online takes time.

I am not always greatly in favour of trying to summarise the effect of these things, but I am told that this will be then a consistent form that can be distributed to the various agencies because the fundamental flaw that it is attempting to resolve is the fact that other support agencies, when it comes to the enforcement of these matters, are actually familiar with the existence and terms of an

order. The downside of this is that it leaves it open to important information being omitted in the course of that being distributed. In theory, it will be short and simple and available to the agencies to act upon. In any event, as I say, the member for Davenport has outlined a number of those aspects.

There are a number of areas I wish to traverse today, and one is the history in recent years of domestic violence cases in this state and how they have been dealt with. Members will probably be delighted to hear that I do not propose to go back over the last 15 years of failings on behalf of the government as I did in the previous bill; however, without inciting some fear or trepidation in those listening to this debate, I am going to refer to the Magna Carta of 1297, which is the version I want to refer to, and I trust that is the one that has been delivered to me.

I think it was 1215 that started all this, and members would probably be immediately familiar with the fact that King John I was on the throne and that the barons and earls of the day were outraged about how they were being treated, being raped and pillaged of taxes and having property confiscated and the like, and how their rights and liberties were being imposed upon. I think that is very familiar, actually. It has a familiar sound to it at the moment, doesn't it?

The DEPUTY SPEAKER: History repeats itself.

Ms CHAPMAN: Indeed it does, Madam Deputy Speaker. As I had the opportunity to reread the Magna Carta recently and its translations, for another reason—

The DEPUTY SPEAKER: As we all have done!

Ms CHAPMAN: I have a sorry life. I should place on the record that, of course, this is a document on which the foundation of our democracy sits. I would urge all of those who have not read the original, or copies of some of the originals, because there were multiple publications up to the late part of the 13th century, to do so.

Essentially, this was a log of claims from the barons and the earls to King John I of the day. Apart from being a foundation of a number of aspects and pillars of our democracy, one of the things they considered in it was the right and entitlement of widows to have occupancy of a property, usually for a period of days. If they lived in a castle, they had longer and had a right to a substitute dwelling.

One of the other things that they sought on behalf of women, given that there were no female barons or earls in those days, was the right to be able to give evidence, in respect of the reliability of their evidence being taken, if their husband was murdered. They could not and were not allowed to give evidence, reliably, to corroborate the death of any other man, but there was an exception for the husband.

How the wheel turns! Now we are in an era where we are seeking to protect women, more often than not, from their husband or partner in this environment. So, things do change. I am not going to go through the last 800 years, you will be pleased to hear.

Members interjecting:

Ms CHAPMAN: I would enjoy doing so, but I want to make this point: women have come a long way in the protection of themselves and frequently their children in domestic environments. They have had advances in respect of remuneration for their employment, not quite as far as I think it should go; nevertheless, equality of pay is another matter which still eludes us completely. They have had advances in respect of the opportunities to have publicly funded education. In fact, South Australia was one of the first states to introduce compulsory education for its citizens.

We have had advances in respect of protections that we seek in the domestic environment, and the credibility of our capacity to give evidence apart from being against a husband, which still has some protections under the Evidence Act, has developed as well, but domestic violence in the household has created a silent killer. We have heard statistics of one a week. I heard more recent statistics a few months ago that it is now the equivalent of about 1.5 per week, if we are to keep it consistent with the weekly figure, by a person who is either a known partner, a family relative or former partner of the victim.

It is particularly important that we deal with this legislation to tidy up other aspects, but it is also a reminder to us of what we are not doing. I have read in recent days a plethora of claims that

we need to reform the law in respect of the partial defence of provocation. That was sparked by the case of Lindsay v The Queen in the High Court recently. On our side, we are proposing that the current Legislative Review Committee—a standing committee of this parliament—should receive a term of reference in respect of the investigation of the outcome of that decision, particularly as it made a very comprehensive review only in the last couple of years of this area of law reform as to the future application of the partial defence of provocation.

For those who might be following this debate, in short, the law of provocation allows for persons to plead that they were provoked into the killing of another party and, if successful, are able to reduce the conviction of murder to manslaughter, obviously with a significantly different penalty. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Petitions

COUNCIL RATE CONCESSIONS

Mr WHETSTONE (Chaffey): Presented a petition signed by 1,071 residents of South Australia requesting the house to urge the government to retain and index state government concessions on council rates.

COUNCIL RATE CONCESSIONS

Mr WILLIAMS (MacKillop): Presented a petition signed by 1,071 residents of South Australia requesting the house to urge the government to retain and index state government concessions on council rates.

COUNCIL RATE CONCESSIONS

Mr PENGILLY (Finniss): Presented a petition signed by 1,071 residents of South Australia requesting the house to urge the government to retain and index state government concessions on council rates.

REPATRIATION GENERAL HOSPITAL

Dr McFETRIDGE (Morphett): Presented a petition signed by 295 residents of South Australia requesting the house to urge the government not to close the Repatriation General Hospital and recognise this hospital as the spiritual home and vital lifeline for veterans of South Australia and the South Australian Community.

COUNCIL RATE CONCESSIONS

Dr McFETRIDGE (Morphett): Presented a petition signed by 35 residents of South Australia requesting the house to urge the government to ensure that South Australian concession card holders and self-funded retirees continue to receive up to $190 annually in council concession rates.

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett): Presented a petition signed by 24 residents of South Australia requesting the house to urge the Premier to halt the emergency services sector reform process until such a time as a business plan and cost analysis is established and tabled in parliament to enable both transparency and scrutiny.

The SPEAKER: No sign yet of the petition calling on the member for Waite to resign his seat.

Members interjecting:

The SPEAKER: No. It's constantly being advertised that such a petition is being circulated, but there is no evidence of it before the house.

Ministerial Statement

CRIMINAL ORGANISATIONS LEGISLATION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: Following question time today, the state government will introduce legislation to declare 27 outlaw gangs as criminal organisations in South Australia. These laws and the proposed 27 outlaw gangs to be declared have been formulated on advice from SAPOL and will severely restrict the ability of these gangs to operate in our community.

The legislation includes new offences applying to gang members who recruit others to participate in the criminal organisation. It will also make it an offence for people to enter licensed premises wearing or carrying items of clothing or jewellery or an accessory displaying the name or symbol of a declared criminal organisation, such as club colours or clothing representing criminal gangs, or for people who fail to leave licensed premises when required.

The legislation also includes new offences, including offences that make it illegal for members of criminal organisations to be present in a public place with two or more other members of a criminal organisation. There is also a new offence prohibiting members of criminal organisations from entering a place or event that has been prescribed by regulations.

The gangs declared under this legislation are those with a presence in South Australia and those that operate in other states and territories. By declaring these gangs to be criminal organisations, they will be subject to a range of tougher provisions, making it easier for police and the courts to crack down on their activities.

The legislation also strengthens the state's consorting laws. Importantly, the legislation adopts organised crime offences and consorting laws that have been held valid by the High Court. This government will continue to work with SAPOL and other intelligence agencies to ensure we have the strongest regime to target outlaw gangs in the nation.

DEFENCE SHIPBUILDING

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: The most important single jobs and industry question facing South Australia over the next 30 years is whether we build 12 submarines and eight frigates in our own country or sell off naval shipbuilding jobs to overseas manufacturers. Between 18 and 22 May this year, I travelled with Defence SA officials to France, Germany and the UK to meet with a number of defence companies to discuss both submarine and surface shipbuilding activities in Europe and Australia.

The Defence SA contingent, accompanied by the chief executive of the industry body, the Defence Teaming Centre, also met with BAE in London to discuss the successful air warfare destroyer program and the options ahead for the future frigates construction. During these very successful meetings our delegation met with the German shipbuilder TKMS in Kiel and the French industrial group DCNS in Paris. TKMS in Germany had eight submarines in the shipyard under construction; the group is an accomplished exporter of technology and submarine manufacture to a range of countries. DCNS is a proven manufacturer of nuclear submarines with a record of success in exporting designs, technology and the manufacture of submarines to overseas markets.

Both shipbuilders expressed their willingness to embrace the Australian defence industry and to build in Australia. Both companies have proposed plans for an in-country build of Australia's future submarines as international design partners. During our meetings we conveyed the South

Australian government's clear commitment and support to the Australian defence industry and we offered our assistance in securing an Australian-built submarine solution by either company.

As I travelled on to China to join the Premier on the successful China trade mission, our agency, Defence SA, went to Denmark to meet with the ship designer Odense Maritime Technology (OMT) and their partner company Valcon. These companies have designed highly innovative shipbuilding solutions. Defence SA also went on to Sweden to meet the Collins class submarine designer Saab and to Italy to meet with successful Italian shipbuilding company and frigate designer Fincantieri. The delegation also visited Japan to join the international maritime conference MAST Asia 2015.

South Australia has also recently received visits from DCNS from France, and from representatives of the Japanese industry, organised by the commonwealth. They toured the shipyard and had meetings here with the state government and ministers. At all of our meetings the South Australian government and its representatives were hosted by the most senior members of these organisations, who provided open and informative commentary on their businesses, expressed their interest in doing business in South Australia and welcomed the support the state government offered.

While this visit was underway, back in Australia the federal government stated that the competitive evaluation process for the submarine procurement could mean that we might not build the first few in Australia—we might not build any at all here. Then we had phantom forensic audits, yet to be seen by anyone other than the leaker, that made extraordinary unsubstantiated claims about the cost of the air warfare destroyer program, designed to cast a shadow over the launch of Australia's newest air warfare destroyer, the HMAS *Hobart*.

If such an audit exists, the state government believes it should be released so that its claims can be tested. Compared to the international shipyards of Europe, there is a vastly different level of confidence in Australia's shipbuilding capacity than there is in the shadowy corridors of Canberra. The federal government does not appreciate that the investment of large global defence companies plays a vital role in our current shipbuilding strategy, the jobs they provide to Australian workers or the flow-on business it provides to our SME community.

Ms Chapman: Kevin Rudd has got a lot to answer for.

The SPEAKER: The deputy leader is called to order.

The Hon. M.L.J. HAMILTON-SMITH: I can assure the house, however, that while our federal government appears to have little confidence in the Australian defence industry—

Ms Redmond interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: —to build our future surface ships and submarines, the century-old icons of European shipbuilding have admired us from afar. They expressed their great desire to expand their interests here, but could not commit until the federal government gave industry a clear commitment to the future of naval shipbuilding, something with which members opposite could be most helpful. It is apparent from this industry visit that a successful shipbuilding future for Australia is indeed possible. It will require a continuous build of submarines and frigates in Australian shipyards by Australian workers and Australian businesses based predominately in Adelaide.

Here is the lie of the land in international submarine construction: firstly, the French manufacturer DCNS can build a conventional version of its Barracuda-class submarine in Australia on budget and on time. And our visitors confirmed that the German manufacturer TKMS can build an evolved type 216 submarine in Australia on budget and on time. BAE, OMT and Italy's Fincantieri as a result of our visit have proven that all possible design partners for Australia's future frigates can build in Australia on budget and on time. In all of these scenarios what matters most is that Australia's sovereign submarine build is done for Australia, in Australia, by Australian workers, just as the federal government promised it would be.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from Henley High School, the alma mater of the Premier and Deputy Premier, I believe, and—

The Hon. P. CAICA: Point of order, sir: and me.

The SPEAKER: —the member for Colton and the member for Chaffey—anyone else?—who are guests of old scholar the member for Colton. We welcome also students from Willunga Primary School, who are guests of the member for Mawson, students from Salisbury East High School, who are guests of the member for Wright, and students from the Adelaide Secondary School of English, who are guests of mine.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:12): I bring up the eighth report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My question is to the Premier. Can the Premier provide the reasoning for his statement to the house yesterday that next year's vocational training places would indeed revert to the level prior to the introduction of the Skills for All program?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:13): Because they do. The sum of money which is allocated for the next financial year is actually higher than the last year for the non-TAFE sector than the pre Skills for All period.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Can the Premier perhaps outline to the house how many fewer places will be provided next year under the program than were provided in 2009, the baseline year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:13): I'll bring back an answer on that question, sir but—

Mr Knoll: You were confident about it yesterday.

The Hon. J.W. WEATHERILL: Well, I remain confident. The funding levels are higher than pre Skills for All funding levels. Those opposite are frequently heard to bleat about the level of debt and deficit. They're always lecturing us about government expenditure. We had a government program that had a beginning and an end.

Mr Tarzia interjecting:

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

The Hon. J.W. WEATHERILL: It was an expensive program, a valuable program, because it skilled up South Australian workers, but, nevertheless, it had a beginning and an end and—

Ms Redmond interjecting:

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

The Hon. J.W. WEATHERILL: —it did more, in fact, then we promised it would do; in fact, it did it faster than we promised it would do it. So, instead of delivering 100,000 places—

Mr Pisoni interjecting:

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

The Hon. J.W. WEATHERILL: Instead of delivering 100,000 places, we did well over 110,000 places. It went on for a very considerable period of time and it now has come to an end, so instead of continuing it in the fashion that seems to be implied by the question at levels greater than levels that approximated the Skills for All period, we have brought it back to the period prior to the existence of Skills for All. We don't seek to hide that. It is a significant adjustment which will have big effects on the training industry, but it must have been known that this project had in its objectives the training of 100,000 places. That has been achieved and we now revert to more normal levels of funding.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Does the Premier consider the investment in Skills for All to be a failure, given that in 2009 the unemployment rate in South Australia was 5.5 per cent and has now increased in April 2015 to 7.1 per cent?

The SPEAKER: Well, when one seeks an opinion rather than information, it does give the minister a lot of scope. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:15): It does. You hear a question like that and you wonder whether it is actually asked with any degree of seriousness or not, because manifestly there was a lot more happening in the world than just the existence or otherwise of Skills for All. Obviously, there is not a direct correlation between training people and actually the creation of jobs. Of course, it's self-evident—

Mr Gardner interjecting:

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

Mr Pederick: No correlation to your 100,000 jobs target?

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

The Hon. J.W. WEATHERILL: It's self-evident that if you give people additional skills, then that is a benefit for them. It increases their human capital; it gives them the capacity to go out and actually seek employment. It reduces shortages in the economy, which is all good for the rate at which businesses can employ people without having to delay or have periods where they're not staffed at an optimal level because they actually have the skills that are necessary for them to promote their businesses. But, of course, we can't account for all of the effects that have occurred in the international economy that have washed over the South Australian economy. At the time when these commitments—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is warned.

The Hon. J.W. WEATHERILL: At the time when these commitments were made, we were gearing up for the Olympic Dam expansion. There was no hint on the horizon of the disappearance of the car industry, and we could not have anticipated this extraordinary—

Mr Wingard interjecting:

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

The Hon. J.W. WEATHERILL: —and sustained period of the high Australian dollar, which was having a particular effect on the largest single industry by value in the South Australian economy: the manufacturing industry. All of these factors had a dramatic effect on employment, and of course the way in which this government sought to respond to it was to step up and take the lead in the transformation of the South Australian economy. You might have remembered that, since we made this commitment, we have actually had an election where we tested our view of the world and the opposition's view of the world, and I am afraid—

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned.

The Hon. J.W. WEATHERILL: —you're still sitting over there. Those opposite are still sitting over there because they could not put a persuasive case for change to the people of South Australia. We said—

Members interjecting:

The SPEAKER: The member for MacKillop is called to order and so is the Treasurer.

The Hon. J.W. WEATHERILL: We told the people of South Australia that we would stand up for South Australia. We told them that we would take a lead in transforming and modernising the economy. We said that we would keep on building South Australia and we said that we would make sure that every single South Australian would come on this journey with us, and the truth is that that was a more persuasive vision for the future of South Australia than the—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is warned.

The Hon. J.W. WEATHERILL: —simple cuts that were proposed by those opposite. To be questioned by a party whose principal platform was cutting about us making sensible economies in a generous program is a bit galling.

Mr GARDNER: Point of order, sir.

The SPEAKER: Yes, point of order, member for—

Mr GARDNER: Even given the scope of the question, this is certainly debate.

The Hon. J.W. WEATHERILL: You wonder why—

The SPEAKER: Premier, I had better rule on the point of order. The Leader of the Opposition asked for the Premier's opinion. He is getting it. The Premier—finished?

The Hon. J.W. WEATHERILL: No, I am happy to supply a little more of my opinion. There is something that sits at the heart of this, and that is that the South Australian economy—the gravamen of this question was about unemployment rates and the challenges that confront the South Australian economy. It does not advance the cause of actually answering those questions to simply continue to repeat the nature of the challenge. Of course there is unemployment, of course people in South Australia are looking for an economic future.

Mr Marshall: How is this going to help?

The Hon. J.W. WEATHERILL: We have doubled our—

Mr Marshall: That's the question. How is slashing the number of training places going to help with unemployment?

The SPEAKER: The leader is called to order.

The Hon. J.W. WEATHERILL: We are sensibly managing the state's finances, and we are taking a lead in transforming and modernising the economy.

Mr Marshall: What a load of rubbish!

The SPEAKER: The leader is warned.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): A supplementary, sir: how can the Premier claim that WorkReady will revert to the pre Skills for All environment when in fact, in 2009, there were 86,561 training places in South Australia and, going forward, there are going to be 81,000—that's 5,500 fewer? How can you possibly stand in this chamber and tell us that it's going to go back to the pre Skills for All environment?

The SPEAKER: Again, the way the question is formulated gives the Premier a great deal of scope.

The Hon. J.M. Rankine interjecting:

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

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:20): I simply refer to the level of funding that existed prior to Skills for All. We are returning to that level of funding, in fact, slightly higher. The truth of the matter is that we are also engaged—

Mr Pisoni interjecting:

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

The Hon. J.W. WEATHERILL: We are also engaged in a very substantial reform agenda of our training and further education system—a nation-leading reform agenda, one which has been demanded of us by the federal government. We have accepted the challenge—

Mr Knoll interjecting:

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

The Hon. J.W. WEATHERILL: —to actually corporatise our TAFE system, put it on the same footing as the private and non-government providers and actually have a first-class training and education system. As it happens, on the Report on Government Services (RoGS) data which analyses the training and further education system, our further education system consistently comes up at the very highest levels in terms of satisfaction of students, in terms of satisfaction of employers and in terms of the efficiency of the system, but we are driving reform further because we are a reformist government that has decided to look at every area of reform. Whether it be education, health, further education—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned.

The Hon. J.W. WEATHERILL: —justice, corrections, planning, you name it, we are looking at making it better because we understand the nature of the challenge facing South Australia. We know that we cannot simply sit still and allow, if you like, the international forces—

Mr Marshall: Is that what you have been doing? You can't continue to sit still. You are the government for 13 years. You can't continue to sit still.

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

The Hon. J.W. WEATHERILL: The counterfactual is those opposite who simply think that by changing—this was the proposition you put before the people at the last election: 'Pick me. I won't tell you what I am going to do, and things are going to be better.' Nobody was persuaded by that; nobody bought it. I must say, I did read carefully the review that was published the other day in the paper, but I realised I had seen it before. I saw it actually post-2002 when we did our review of our election, and it had a familiar—

The SPEAKER: Point of order.

Ms CHAPMAN: No. 98: relevance.

The SPEAKER: Yes, I uphold the point of order. Leader.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): My question is to the Premier. Given the Premier stated in the house yesterday that contestability is at the heart of the National Partnership Agreement on Skills Reform, how can he claim that a policy which guarantees 90 per cent of new places to TAFE is at all consistent with this agreement?

Mr Bell: After you have just slashed 377 jobs.

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

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:23): Because we are partway through this reform process. It's already involved a very substantial reform of TAFE, and it's going to require very substantial and very tough reform of the TAFE system in the future. We don't seek to

hide from that. The TAFE institution itself is being corporatised. It's had, essentially, a very private sector-dominated board that has been put in place to guide its deliberations. It has—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Beg your pardon? Labor mates like Peter Vaughan and Rob Chapman—all those well-known Tories? All those well-known Labor socialists, I should say?

The Hon. J.J. Snelling: John Branson.

The Hon. J.W. WEATHERILL: John Branson. These are the people you are demeaning when you talk about that we are not taking reform seriously of TAFE. We deliberately chose a board that is heavy with private sector nous and experience because we knew that we had to take it into a new world. The truth is that, over time, the balance between TAFE and the non-TAFE sector will rebalance in the sense in which the non-TAFE sector will be a growing proportion of the training and skills budget. However, the TAFE system will have to compete on a level playing field with the non-TAFE sector having regard also to the subsidised courses that it needs necessarily to provide—

Mr Pengilly interjecting:

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

The Hon. J.W. WEATHERILL: —to those who are disadvantaged or who come from regional areas.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): Given that in the next financial year there will only be 10 per cent contestability, can the Premier outline to us what the level of contestability will be in the subsequent 2016-17 year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:25): Mr Speaker, I understand that it is projected that, over the course of the forward estimates, the current allocation of new non-TAFE funding will increase from this financial year of $14 million to $34 million in the last year of the forward estimates. Obviously there is a committed sum which this financial year is $32 million, so that is the existing pipeline of work to which the new funding is $14 million that rises to $34 million over the forward estimates.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): Given that this year the number of positions that are contestable are just five out of 51,000 at approximately 10 per cent contestability, what will be that percentage of contestability for the subsequent year, the 2016-17 year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:26): There is a bit of mathematics there so I will not do that on the run, but I am happy to do the calculation and supply it to the member.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): Can the Premier outline to the house when we will revert back to full contestability? What year does the government suggest that that will occur?

The SPEAKER: Revert. You do not need the back there; it is tautologous.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:26): I think I will take that question on notice. It is a matter for the line minister, but I understand that there is a transition over the next four years to full contestability. I will bring back an answer to the member, but that is certainly the intention.

It is consistent with the national agreement. It is consistent with the trajectory of reform. The point of actually having the corporatisation of TAFE, the creation of essentially a board which is heavy on private sector experience, the very substantial economies that have already been made in central administrative efficiencies and the future reform agenda which is going to go in reform is to put it in

a position so that it is nimble and responsive and capable of being able to compete in a contestable environment.

VOCATIONAL EDUCATION AND TRAINING

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): Given that we have a fully contestable market this current financial year, is it true that in fact the state government has given notice to the federal government that we will not be returning to full contestability until the 2019-20 financial year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:27): I will have to take that on notice. I do not know what communications have occurred with the federal government except to say that what has been causing the difficulty or causing the upset at the moment is the reduction in the actual amount of Skills for All funding which is no longer there. So, that is what has caused the upset and the relatively small number of subsidised training places that are being put out there. That does not stop these private training providers from charging a fee for service in relation to their arrangements, and many of them have a proportion of their business—some a substantial proportion of their business—which indeed is fee for service. That can sustain their business models, but we accept that the reduction in government subsidy is something that will put a number of these businesses under pressure.

SCHOOL FUNDING

Ms WORTLEY (Torrens) (14:29): My question is to the Minister for Education and Child Development. What were the outcomes of the recent Education Council meeting in relation to school funding?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:29): Well, not as good as I would like them to be, is the short answer. Last Friday we had the ministerial council meeting for education ministers around the country, and it was the first one that I have had face to face in that forum with this portfolio. There was a strong and very honest discussion around the table about the need for Gonski funding to be maintained for years 5 and 6. Obviously in South Australia we have committed to our share of the bargain. We have committed to the full six years of Gonski funding.

In our state we are facing losing what we had expected to receive, which is about $335 million, which is almost $1,300 per student in South Australia to give some sense of scale. Obviously the importance of Gonski funding is not that it is evenly spread across all students but it is aimed at remedying disadvantage in our school system. So, when we deny Gonski funding, we are not just denying the next generation, we are not just denying those people as people but as future workers, earners, taxpayers. We are not only denying them, in general, the finances that the system deserves, but we are specifically denying the students in need what they need to remedy the circumstances that they are in in order to get an education to make a difference to their lives, and that is why we fight so hard for it and that is why every state in Australia is concerned about the future of school funding.

At the meeting what we were given was an assurance that there would be another four-year round. There was the view that these always happen in four years and it will have a negotiation. That is manifestly inadequate for this state. As a country, we went through a long period to work out what the best way to fund schools was through the Gonski report, through the debates that occurred after that. It took a long time and it was worth doing because it was worth building a consensus of the view that this is how you should fund education.

Unfortunately, although we were given to believe by the Abbott Liberal Party as they were coming into office, as they were campaigning to become the government, that they would be in lockstep with Labor, that they would fulfil their commitments, that almost immediately changed to being only for the first four years. If you ask what was the outcome, the outcome was that we continue to stand up for South Australia, we continue to stand up for the school system and, in particular, we continue to stand up for the children in need.

AUSTRALIAN PETROLEUM PRODUCERS AND EXPLORERS ASSOCIATION

Mr ODENWALDER (Little Para) (14:32): My question is to the Minister for Mineral Resources and Energy. Can the Minister inform the house about South Australia's participation in the recent Australian Petroleum Production and Exploration Association Conference in Melbourne and how that participation was received?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:32): I thank the member for the question and note his ongoing support for the oil and gas sector, an industry that spent $595 million on exploration in this state in the year to March, including $177 million in the first three months of this year.

I am pleased to inform the house that South Australia had a strong presence at the Australian Petroleum Production and Exploration Association (APPEA) Conference. This gathering brings together all the major producers, explorers, service providers and regulators to discuss shared experiences in the oil and gas industry and discuss the challenges and innovative advances of the past year. Let me say, it has been a challenging year for the sector, not only due to the fall in commodity prices but also the pressure that has been put on the industry across the board to reduce costs and increase competitiveness.

During challenging times such as these, it is important that jurisdictions such as South Australia continue to maintain a high profile at these events. I was delighted to attend the APPEA Conference and also to use the occasion to promote South Australia. It was an opportunity to meet major Cooper Basin producers but also to talk to those companies embarking on significant exploration programs in the Bight Basin in commonwealth waters off South Australia.

As well as our prominent South Australian presence in the exhibition hall, I was pleased to host a breakfast on the sidelines of the formal conference. At this breakfast, Mr Speaker, I echoed the call you have heard many times before that this government is pro-investment, pro-business and pro-jobs, that the South Australian government is steadfastly committed to unlocking the full potential of our state's mineral and energy resources.

Because of the proactive approaches by industry, government and the community, this state remains the epicentre of the charge to develop natural gas in deep unconventional reservoirs. South Australia has been independently assessed as having one of the top three regulatory frameworks in the world for gas in unconventional reservoirs.

I have already highlighted how the industry is adjusting to the pressure to both reduce the costs and increase productivity to remain competitive, and it is clear from my discussions at APPEA that there are critical challenges for the nation's oil and gas sector. Challenges come from our need to defend the industry from the forces that would put a moratorium on fracture stimulation and impose investment-killing policies such as gas reservation. South Australia stands steadfast in defence of evidence-based policy-making and against those people who peddle myths and untruths to undermine this vital sector.

I was pleased to tell the 70 attendees that the government is doing its share to have independent evidence produced to allay community concerns about the industry. This includes research by the National Centre for Groundwater Research and Training on the impacts of oil and gas activities on aquifers. The state government is also in the process of commissioning independent work by the University of Adelaide on the best practice for cementing wells. I also took the opportunity to release a new 16-page public information guide, called The Facts, about natural gas and fracture stimulation in South Australia. I am confident that this booklet and its complementary website will go a long way to countering many of the fears and myths about the environmental impact of this industry.

We are regarded as one of the top three regulated oil and gas industries in the world, and that is a reputation of which we should be proud. As for how South Australia's participation was received, I can point you to an article in the *Business Spectator* that singled out South Australia and its government as:

> prepared to take community concerns seriously in a practical way while chasing the economic benefits of a thriving energy sector.

It went on to say:

> In a political environment where governments in other southern states are continuously wriggling to cope with the media-fuelled forces fighting to stymie fossil fuels and gas development, the South Australian stance is giving the petroleum industry heart.

This is a government that stands with the industry, that is prepared to safeguard its reputation against lies, and that will strive to attract investment that will grow jobs and generate royalties for the people of this state.

HEAVY VEHICLES

Mr GEE (Napier) (14:36): My question is to the Minister for Transport and Infrastructure. How is the state government working to improve heavy vehicle roadworthiness in South Australia and at a national level?

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) (14:37): I thank the member for Napier for his question and his keen interest in this matter. This government is committed to improving the roadworthiness of heavy vehicles on South Australian roads. Over the last 12 months in particular, this government, the South Australian heavy vehicle industry and other states have focused on improving roadworthiness across the country.

We have seen the horrific impacts of unroadworthy vehicles involved in accidents on the South Eastern Freeway. Recent national operations targeting heavy vehicles by SAPOL—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned.

The Hon. S.C. MULLIGHAN: —and the Department of Planning, Transport and Infrastructure heavy vehicle compliance officers, including those conducted today, demonstrate significant issues within a minority of the industry.

In South Australia we know that many heavy vehicle operators are complying with current laws and are putting trucks on the road that are roadworthy and are being maintained properly. However, what is concerning is that there continues to be a small and recalcitrant group of operators that continue to defy current roadworthiness laws and put lives at risk on our roads. This is unacceptable behaviour and the government and, I am pleased to say, industry representatives are committed to eradicating this behaviour.

We are focusing our efforts both on improving the roadworthiness of heavy vehicles in the South Australian fleet but also, importantly, for those vehicles travelling on South Australian roads from interstate. Advice from SAPOL and DPTI indicates that there is a particular problem with trucks undertaking day-to-day work across the city as well as those undertaking trips to the Adelaide Hills using the South Eastern Freeway.

DPTI is continuing its random on-road inspections targeting heavy vehicles operating within the metropolitan area, with an initial focus on rigid trucks. This is complemented with a dedicated metropolitan heavy vehicle compliance team, which works directly with the on-road inspection team and SAPOL in a concentrated enforcement effort to significantly improve the level of heavy vehicle roadworthiness and standards in South Australia.

I am also progressing discussions with industry and other stakeholders about an improved South Australian heavy vehicle roadworthiness inspection regime. This will include looking at a range of possible further measures, including scheduled inspections. However, as I mentioned earlier, this work cannot be done in isolation. South Australia receives significant interstate vehicle traffic, whether it be from Perth, Darwin, Brisbane, Sydney or Melbourne, as well as from regional centres. That's why South Australia has been arguing strongly for an improved national approach to roadworthiness.

At the recent Transport and Infrastructure Council meeting in late May, South Australia was able to gain the support of transport ministers around the country to fast-track the strengthening of national chain of responsibility laws to now address vehicle maintenance and roadworthiness

matters. These improved laws will mean that every individual along the supply chain will need to ensure that vehicles are maintained appropriately and are roadworthy or face significant penalties.

I am pleased to advise that the National Transport Commission is drafting legislation for final approval at the next transport ministers' meeting in November. This is a significant fast-tracking of the rest of the roadworthiness national regime, which will also be considered in November. At this meeting, South Australia also expressed its strong support for a new national heavy vehicle inspection regime. This would create a standard across all states and, given South Australia's high level of interstate traffic, significantly improve the roadworthiness of all vehicles on our roads.

Last of all, I would like to make the final point that this government very much welcomes the strong support from South Australian industry bodies, in particular, the South Australian Road Transport Association and the Livestock & Rural Transporters Association of South Australia, as well as the strong support of the member for Mitchell, the shadow for transport, in this area. We are all committed to continuing to work with and amongst the industry to improve safety on South Australian roads.

The SPEAKER: The member for Unley.

VOCATIONAL EDUCATION AND TRAINING

Mr PISONI (Unley) (14:41): You caught me off guard, sir—thank you very much. My question is to the Minister for Education and Child Development. Can the minister advise the house whether high school students studying certificate I or II vocational programs as part of their SACE year 11 studies will still have access to funded certificate III programs next year as SACE year 12 students?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:41): I welcome the opportunity to elaborate on my answer yesterday. I noticed afterwards that you had asked also about school-based apprenticeships and I neglected to respond to that bit and I also point out that when I talked about certificate II, I intended to say 'and above'—so, also certificate III. Certificate II and certificate III in the high public value areas will be free and any student who wishes to will be able to study the course. School-based apprenticeships will continue also.

Mr PISONI: Sir, my question was about certificate III.

The SPEAKER: Is it a supplementary?

Mr PISONI: Yes, if I may.

The SPEAKER: Provided it is supplementary.

VOCATIONAL EDUCATION AND TRAINING

Mr PISONI (Unley) (14:42): The question was specifically about cert. III. Could you confirm whether those who are studying cert. I and II this year will be able to continue with the cert. III component next year under the funded plan?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:42): Provided that the course that they are studying is the high public value course, they will be able to continue to do that for free. Some examples I have are Certificate III in Aged Care, Certificate III in Agriculture and Certificate III in Rural Operations.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:42): My question is also to the Minister for Education and Child Development. Why did it require a District Court judge to order a comprehensive report into the latest failure of Families SA to protect a child from shocking abuse, despite 17 tier 2 notifications that the child was in danger of abuse? Tier 2 is defined as where a child or young person is assessed at being of at risk of harm and an investigation is required within three to 10 days.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:43): As I explained yesterday, I'm not going to canvass the details of an individual case, and particularly not one that is before the courts at present.

Ms Chapman: You don't have to name anybody.

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

Mr Goldsworthy interjecting:

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

The Hon. S.E. CLOSE: I would point out that it is always risky to rely entirely on a media report when constructing a view about what has happened—

Mr Pisoni interjecting:

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

The Hon. S.E. CLOSE: —as a general proposition. However, if I strip away the question which is focused on a particular case that is before the courts, I am quite happy, if I can hear myself think—

Ms CHAPMAN: Point of order, sir.

The SPEAKER: What is the point of order, deputy leader?

Ms CHAPMAN: The minister is suggesting this matter is sub judice. This woman has pleaded guilty. It has been dealt with.

The SPEAKER: There is some merit in that point of order, but I imagine it would remain sub judice until sentencing was completed. The minister.

The Hon. S.E. CLOSE: I did not claim that sub judice was the reason that I would not be commenting on individual cases. I said yesterday I will not be canvassing individual cases in this place.

Mr Tarzia interjecting:

The SPEAKER: Is the member for Hartley interjecting or talking to himself?

Mr TARZIA: I was interjecting, sir.

The SPEAKER: You were interjecting. In that case, you are warned a second time.

The Hon. S.E. CLOSE: However, rather than simply sitting down and refusing to respond more generally, I am happy to canvass the discussion about tier 2 notifications and the system more generally, which I think is it at the heart of the member's question, and I know that she has a genuine interest in the functioning of the child protection system.

It is the case that we have notifications at a tier 2 level that are not pursued. We have in the last year increased the investigation of notifications by 22 per cent, nearly 23 per cent. We saw an 11 per cent increase in notifications at that time. This year, we are tracking towards having 60,000 phone calls to the CARL line and we take away or remove a little over 300 children a year. So what we have is a system that has a trigger for phone calls that is not commensurate in any way with the number of children who are taken away, and in the huge amount of work that is required to be done by the Families SA agency in between those two figures.

Every state in Australia struggles to investigate all the notifications, and there are multiple reasons for that. There are always reasons, both in other states and here, where a family is already involved with a part of government—Families SA or even another part of government—or where there is a legal case that is taking place where it is no longer appropriate to regard that as a notification to be followed up by Families SA people.

When I say that, in no way should I imply that everything works perfectly in the child protection system in South Australia. Indeed, the fact that the government has appointed a Minister for Child Protection Reform and the fact that we have a royal commission in place at the moment is evidence of our very sincere desire to improve the system. That is what I am focused on: how we can improve our system, bearing in mind that there are two truths about child protection, as I have been coming to terms with this portfolio and this responsibility.

One is that no error is able to be tolerated, because we are talking about a child's life and a child's future, but at the same time we are dealing with humans. We are dealing with humans who are making judgements and also the human beings who are the parents or the carers of the children and, whenever you are dealing with humans, error is inevitable. What you are confronted with are those twin realities in trying to manage a system that is growing by the year. I am certainly—

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

Members interjecting:

The SPEAKER: Supplementary, member for Adelaide, and the member for Heysen is warned a second and final time.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:48): How many other cases involving multiple notifications of child abuse have been closed with no action taken?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:48): I will just disentangle that. There are multiple notifications on many families; to find out how many I would have to take that on notice. There are notifications that are investigated and then closed and there are notifications that are not investigated because the case is already open, so I do not think your question could be answered by a single figure.

The reality is that there are, as I said, this year—last year it was 52,000 and this year it is going to be 60,000 phone calls that come in of notifications to the CARL line to say that there is an issue. A study was done in 2008 in South Australia that indicated about one in four children by the time they turn 18 will receive a notification. I do not believe that one in four children need to have either serious investigation or to be removed from their family. We are dealing with a large number of notifications, a large number of interactions, with families and a fortunately relatively small number of children who are actually in difficulty. Trying to create a system that identifies those and doesn't miss the ones who shouldn't be missed is challenging, but it is one that I am actively engaged in.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:49): Supplementary: given the minister has stated that not all tier 2 reports are investigated, is there a number of tier 2 reports against a child that would trigger an investigation rather than it just being closed with no action taken? Is there six, and then they will investigate, or 10?

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss is warned. Minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:50): At the moment, each notification is taken on its merits, which does include an understanding of what other interactions are occurring with that family, so there isn't a bold number of notifications equals *x* or *y*. That would misunderstand the nature of the detail that is provided in each of those notifications.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:50): Supplementary: given the newly introduced legislation that requires the government to take account of cumulative harm, surely each notification must be counted together and not investigated as an individual notification?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:51): I thank the member for Adelaide because she reminded me of where I was going to go next in my answer to the first question. Although at present it is the case that the notification is looked at and the family history is understood, we have through the legislation that went through this house yesterday increased the clarity about the importance of cumulative harm. I believe that that will then result in changed practice guidelines to make sure that that understanding of cumulative harm that might be at a low level, but because it's cumulative creates more damage, it will be able to be incorporated into the practices.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:52): My question again is to the Minister for Education and Child Development. Will the minister now order a review of all cases where there are multiple or more than a certain number of tier 2 notifications of suspected child abuse?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:52): As members would be aware, the government some time ago has established a royal commission looking into these matters with Commissioner Nyland. I think the matters that are now being traversed are matters which really are within the purview of her inquiries. If the member for Adelaide wishes those inquiries to take into account some matter or another, she is obviously entitled, as any of us are, to communicate with Commissioner Nyland and express her views; and that's really the appropriate place for this to be dealt with presently.

SEAFORD RAIL LINE

Mr WINGARD (Mitchell) (14:53): My question is to the Minister for Transport and Infrastructure. Given that Laing O'Rourke was the company which fitted the faulty electric cable on the Seaford line and given they have the maintenance contract, how can the minister assure South Australians that taxpayers won't pay for the repairs and that the replacement of any overhead cable won't be funded as part of the maintenance contract that Laing O'Rourke has?

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) (14:53): I thank the member for Mitchell for his question and interest in this area. It's a matter in which he has a keen interest as the member representing part of our southern suburbs. Of course, we've invested an extraordinary amount of money both in the duplication of the Southern Expressway and the electrification of the Noarlunga line and the extension out to Seaford. It is particularly angering and frustrating when taxpayers invest such an amount of money and there is a fault which is delivered by the contractor.

I'm advised by the department that we have a major works contract with Laing O'Rourke, and they are required under that contract to make good the fault that's been identified with this part of the wire on the Seaford line, and I am advised that it will be done without cost to taxpayers.

SEAFORD RAIL LINE

Mr WINGARD (Mitchell) (14:54): Supplementary: did Laing O'Rourke tender for the maintenance contract as well, and was it a single tender contract or has it just been the supply contract rolled over and a handshake deal?

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) (14:54): My experience of time both working for government ministers and as a minister is that these arrangements aren't reached by handshake. Can I just point that out to start with.

Mr Marshall interjecting:

The Hon. S.C. MULLIGHAN: Perhaps you can add that to the rapid response team in coming up with some policies.

Mr Marshall interjecting:

The Hon. S.C. MULLIGHAN: Did you shake some hands on the way in for that yesterday, did you? What a great announcement—only 18 months too late. My understanding, as I outlined earlier, is that we had a major works contract for the delivery of the electrification of the line and it is that major works contract, not the maintenance contract, under which these works will be rectified.

Members interjecting:

The Hon. S.C. MULLIGHAN: I am advised they are differentiated. One was a contract to deliver a new piece of infrastructure which included the catenary wire, which has been the subject of

this issue, and under that major works contract for that infrastructure project is how this fault will be rectified.

SEAFORD RAIL LINE

Mr WINGARD (Mitchell) (14:56): Supplementary for clarification: so how will you differentiate between the original contract and the maintenance contract when that work is being done? How will taxpayers know it's not the maintenance contract that they're paying for now that's fixing this work?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:56): I've made it clear to my department and in return my department has made it clear to me that taxpayers won't be footing the bill for this.

Members interjecting:

The Hon. S.C. MULLIGHAN: Yes, that would be the extent of your experience of government. I appreciate that.

Members interjecting:

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

The Hon. S.C. MULLIGHAN: So, I have made it clear that taxpayers won't be footing the bill and in fact it has been made clear to me that the terms of the major works contract—

Members interjecting:

The SPEAKER: The member for Taylor is called to order and the member for Newland, who has been doing it all day, is warned.

The Hon. S.C. MULLIGHAN: The terms of the contract mean that faults which do not meet the requirements of the contract will be rectified at the contractor's expense.

SEAFORD RAIL LINE

Mr WINGARD (Mitchell) (14:57): Further question to the Minister for Transport and Infrastructure: given the faults causing the high-voltage electric cables on the Seaford line to snap and collapse, and it has been identified that this has come from the makers joins in the cable, how many makers joins are in the cable along the Seaford line at present?

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): I confess, Mr Speaker, I am not a boilermaker, I don't have a welder's ticket, nor was I responsible for the installation of this line.

Mr Duluk interjecting:

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

Mr Pengilly interjecting:

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

The Hon. S.C. MULLIGHAN: What I am advised is that joins in the cable necessary for the installation of the cable have been found at fault, but I should also add that, within this section of line which has been the subject of these failures, other deficiencies have been identified which need to be rectified at this time, and that will be part of the works that will be done for this cable replacement under the terms of the major works contract, importantly, at no expense to taxpayers.

SEAFORD RAIL LINE

Mr WINGARD (Mitchell) (14:58): Supplementary: given that the minister doesn't know how many of these faults are from these makers joins on the line—

The Hon. S.C. Mullighan: That's not the question you asked.

Mr WINGARD: It was what I asked. I asked how many makers joins faults were there and you said you weren't a boilermaker and you don't know.

Ms Vlahos: That's not what you asked.

The SPEAKER: The member for Taylor is warned.

Mr WINGARD: My question is, given that the minister doesn't know how many faults there are of these makers joins on the line, which is where the snaps have occurred and cable has fallen onto the line, how can he guarantee that they aren't going to happen over the time of rectification of this issue?

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): We've been waiting for some time for the eventual transfer of the responsibility for questioning on infrastructure projects to go from the deputy leader to the member for Mitchell, and what we've seen in that transfer is the erroneous tactic of questioning where one question is put to a minister—

Ms CHAPMAN: Point of order.

The Hon. S.C. MULLIGHAN: —and then, when an answer is given, that is deliberately misinterpreted in order to—

The SPEAKER: Point of order, deputy leader.

Ms CHAPMAN: The minister is not responsible for the questions asked by the opposition or any member, in fact, of this house.

The SPEAKER: I think a minister is entitled to turn a question around, examine it and comment on it, as long as he doesn't impute improper motives to the questioner, and provided the analysis of the question is relevant. Minister.

The Hon. S.C. MULLIGHAN: The question which was put to me was: how many joins are there in the rail line? Then the subsequent question which was put to me was: how many faults are there in the joins on the rail line? Now, they are two different questions.

Mr Wingard interjecting:

The SPEAKER: The member for Mitchell is warned.

The Hon. S.C. MULLIGHAN: Then the subsequent question is: how can I guarantee? Can I advise the house that the person who is responsible for guaranteeing to the taxpayers of South Australia is the contractor with whom we have a major works contract, and they will be held accountable for fixing the faults in this line.

SEAFORD RAIL LINE

Mr WINGARD (Mitchell) (15:00): A supplementary: was the cable in question sourced from China?

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): My advice is that Olec Australia provided the cable. My understanding is that they have manufacturing operations both in the Eastern States and New Zealand. It hasn't been raised with me that there was a possibility that this cable came from China.

The SPEAKER: Now we come to a moment I have been anticipating all question time: the member for Kavel.

Members interjecting:

MODBURY HOSPITAL

Mr GOLDSWORTHY (Kavel) (15:01): I know they all love me over there! My question is to the Minister for Health. Which—

The Hon. T.R. Kenyon interjecting:

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

Mr GOLDSWORTHY: It's about him actually. Which of the 32 services listed on material distributed recently by the members for Newland and Florey will be available at the Modbury Hospital as inpatient services after Transforming Health is implemented? The minister should be aware of the distributed material and its content given his reference and response when asked by the *The Leader* newspaper.

The SPEAKER: I think it would have been better if the member had sought leave to make an explanation, but there it is.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:02): I absolutely stand by everything that is in the material that's been distributed by the member for Florey and the member for Newland—it is completely correct. Let's face it, there are certain people who have been spreading lies about the Modbury Hospital and its future, certain people who have been spreading—

Mr Marshall: Who?

The Hon. J.J. SNELLING: Christopher Pyne for one. Christopher Pyne, who said on radio that the Modbury Hospital would be closing when he knew very well that was not the case—just one example, and I could cite many, many other lies being spread about the future of the Modbury Hospital. I welcome the member for Newland and the member for Florey distributing information to combat the lies that have been spread about the future of the Modbury Hospital.

The simple fact is the Modbury Hospital has a great future in this state. It provides critical services to the people of the north-east, including my family, and it has a long future.

The SPEAKER: The member for Kavel.

Ms Bedford interjecting:

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

MODBURY HOSPITAL

Mr GOLDSWORTHY (Kavel) (15:03): My question again is to the Minister for Health. Will the minister guarantee that all the current surgical services other than ophthalmology will be delivered at the Modbury Hospital as inpatient services after Transforming Health is implemented?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:04): We are looking at all of our—

Members interjecting:

The Hon. J.J. SNELLING: The simple fact is I know that the Liberal Party in this state has a vision for a health system in South Australia which is the same as that from the 1950s. I know that they would rather that nothing change. They don't support investing in our hospitals. They don't support any changes to the way we deliver health services. Their vision is a health system from the 1950s.

The SPEAKER: This is so therapeutic.

Mr Gardner: Standing order 98, debate.

The SPEAKER: Don't be a wet blanket.

The Hon. J.J. SNELLING: Mr Speaker, thank you for your protection. And that is the vision of the Liberal Party for the health system in this state. The simple fact is that we do move services around and we will continue to move services around. And there is one thing—

Ms Chapman: Out the door!

The Hon. J.J. SNELLING: Because—

An honourable member interjecting:

The Hon. J.J. SNELLING: Yes, indeed, and a good example for that is making sure that people who live in the northern suburbs of Adelaide have access to good health services, something those opposite have consistently opposed at every step. The fact is that they do not want us investing in our hospitals. Every time we invest in upgrading our health infrastructure they get up—

The SPEAKER: A point of order. The minister has not used the term 'hospital haters' yet.

Mr GOLDSWORTHY: Mr Speaker, the point of order is relevance. The question was specific about the minister guaranteeing surgical services.

The SPEAKER: I will listen carefully to the minister's diatribe.

The Hon. J.J. SNELLING: The simple fact is that, of course, we will move services around to make sure that people across South Australia get the health services that they need, and we need to also make sure that we provide for the best clinical outcomes because, at the end of the day, our health system has to be configured to make sure we get the best possible services and the best possible patient outcomes.

Now I know that patient outcomes is a dirty word to those opposite. I know that they are more interested in being petty ambulance chasers, looking to jump all over and try to make any political capital—

Mr GARDNER: This is both offensive and debate.

The SPEAKER: Why is it offensive?

Mr GARDNER: That was my own comment. Debate is the point of order.

The SPEAKER: The Minister for Health must not debate the answer.

The Hon. J.J. SNELLING: I will not be lectured to by those who privatised the Modbury Hospital, whose only vision for health care in the north-eastern suburbs is to flog it off to the highest bidder.

Ms CHAPMAN: Point of order. The minister is clearly defying your ruling.

The SPEAKER: Well, it is rhetoric, and I think we will move on to the member for Reynell.

YOUTH NETWORK GRANT PROGRAM

Ms HILDYARD (Reynell) (15:07): My question is to the Minister for Youth. Minister, how is the government supporting youth networks to deliver better outcomes and services for their local communities.

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) (15:07): I thank the member for Reynell for that question. I know she is passionate about supporting young people in her local community. Our government understands the importance of engaging with young people to identify their unique needs. That is why we are investing more than $60,000 to provide the Youth Network Grant Program, which aims to increase the capacity and sustainability of South Australia's youth sector to deliver and develop programs that respond to the needs of young people.

The program provides eligible networks with one-off grants of up to $5,000 towards initiatives that will increase the level of support provided to young people, and also towards its core activities, such as venue hire, travel for regional members and advertising costs. Under the program youth networks are required to complete analysis of issues affecting young people in their local community, and how funding will support their capacity to deliver better outcomes and services for their local communities.

Successful recipients develop programs with a strong focus on the development of resources, including information cards, websites and other printed information, professional training for network members and group training about grant application writing, counselling and conflict resolution. I am pleased to report to the house that 13 organisations were successful in receiving

funding, including the Southern Youth Round Table which is in the member for Reynell's electorate. Other successful recipients include the North-East Youth Services in the member for Florey's electorate, the Playford Youth Network in the member for Little Para's electorate and the Western Workers with Youth Network in the Minister for Education and Child Development's electorate.

Importantly, I am also pleased that there are multiple recipients across regional South Australia, including the Southern Eyre Youth Network and the Far West Youth Network, both in the member for Flinders' electorate; the Yorke Peninsula Youth Workers Network in the member for Goyder's electorate; and Coorong Connections in the member for Hammond's electorate. Our state government is pleased to support the youth sector to develop community led programs that respond to the needs of young people and deliver better outcomes for our community. I congratulate all recipients and wish them all the best in their future endeavours.

EMPLOYMENT OPPORTUNITIES

Ms SANDERSON (Adelaide) (15:10): My question is to the Minister for Disabilities. Can the minister inform the house how the government is tracking with target 50 of the South Australian Strategic Plan to increase the number of people with a disability employed in South Australia by 10 per cent by 2020?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:10): I thank the honourable member for her question. I do not have the exact figures before me but what I can say is that both the state and commonwealth governments are working to change community attitudes towards employing people with a disability. There is a major barrier. I actually held a round table with the disability sector involving people involved in the employment of people with a disability and people with disabilities, and one of the major issues to arise from that was the perception by some employers. I have met with Business SA; they are quite happy to work with the government and the sector to encourage employers, including the government, and the government itself has had a project to improve employment opportunities for people with disabilities. In terms of the actual figure, I cannot report but I am happy to get that figure for you.

EMPLOYMENT OPPORTUNITIES

Ms SANDERSON (Adelaide) (15:11): A supplementary.

The SPEAKER: It would be better if it arose from the minister's answer. If the member didn't read it, that would make it look like it is a supplementary.

Ms SANDERSON: The minister stated in his answer that he was working with government in particular to increase the number of people employed. Will the minister take it upon himself to speak to his colleague the Minister for Education and Child Development about the requirement for Families SA staff to have a driver's licence even to work on reception or on the Child Abuse Report Line?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:11): I would appreciate the opportunity to answer that question because I have some additional information that I omitted to provide to the member for Adelaide yesterday in answer to her question about the person who had applied. There are many positions as social workers in Families SA which do not require a driver's licence.

CEDUNA WATERS

Mr TRELOAR (Flinders) (15:12): My question is to the Premier. What effort has the government made to resolve the dispute between the Department of Environment, Water and Natural Resources and a developer at Ceduna Waters? The Department of Environment, Water and Natural Resources has been party in legal proceedings with the developer at Ceduna Waters in relation to native vegetation. The dispute has been going on for some years, is proving costly for all parties and has still not been resolved. Sir, I might add that this is not before the courts at the moment.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:12): As the person representing the Minister for Environment in this house, I will take that on notice.

Grievance Debate

OAKLANDS PARK RAIL CROSSING

Mr WINGARD (Mitchell) (15:13): I rise today coincidentally to speak about the train line again and also to talk about the Oaklands crossing. I had a wonderful forum in my electorate last month with over 100 people registering and attending to discuss this issue. It was interesting to hear the Minister for Transport talk about some of the work done in the southern regions of Adelaide, including the electrification of the train line and also the Southern Expressway. Of course, the Southern Expressway, which runs through the heart of my electorate, did not get an on-off ramp in my electorate to service the people of Sheidow Park and Trott Park which was extremely disappointing.

Also, as to the electrification project, it was noted that a bridge proposed to go over the notorious Oaklands crossing intersection of Diagonal Road and Morphett Road was left out of the plans and at a time when you would think that a project like that could have been done given that the plans were put forward by the government. It was not done and it was disappointing, and that is what these people came along to have a discussion about.

In fact, we have set up a Fix Oaklands Crossing group at the website www.fixoaklandscrossing.com.au for anyone who wants to register their concerns and interests there over this problem, which has been an ongoing problem for more than 30 years, causing continuous delays and congestion, wasting time and decreasing productivity in the area, having a great community impact not only on the people of the electorate of Mitchell but also Elder, Bright and the surrounds. It goes as far as Morphett. Of course we now know, as well, that it has environmental impact and creates a lot of rat-running through a lot of the suburbs. Interestingly, a petition on this was done by the previous member, with a lot of help from the council. A number of signatures, in the thousands, was collected but it was not tabled in parliament, which was quite interesting in terms of what the strategy was with that.

I mentioned that a number of years ago the government did spend a couple of million dollars doing a report and coming up with some fancy drawings and plans for this said overpass, but still nothing has come to fruition. I know it is mentioned in the 30-year plan that the government has, that is the 30-year plan that cost $36 billion. It does not have any costings in that plan, which is a concern of mine, and it is very much in the out years of that plan. So we are trying to get the government to actually come forward and let us know how much it will cost and what the time line will be to resolve the problem at this notorious intersection.

I talked about the petition earlier, and I should say that whilst people often think this intersection—which borders on the electorates of Mitchell and Elder—is a Mitchell issue as well as potentially being an Elder issue, when we sampled some of the people who had signed the petition it was interesting to see that 20 per cent of those in the sample size we extracted came from Mitchell and 25 per cent came from Elder, but 30-odd per cent of people came from the southern metropolitan region, taking in quite a number of other suburbs in the area. I think 5 per cent came from the north and 15 per cent from the east, and another 5 per cent also came from regional areas. So what we have identified from this, with the petition and the sample that we looked at, is that whilst this is deemed to be a localised area for Mitchell and potentially Elder as well, it is really a more far-reaching issue for the whole of South Australia.

We also know that Marion shopping centre has outlined its expansion plans, and we have had the state aquatic centre, the swimming centre, go in there, as well as the cultural centre for the Marion council and a big Service SA and Centrelink complex. They are all in that precinct. Over time that has all grown quite considerably, yet nothing has been done at this intersection. With the growth of the retail precinct, the biggest metropolitan retail precinct in the state and one of the biggest in the southern hemisphere, this is something that could potentially force the government to bring it forward. I have written to the minister and have asked him to come and have a look at the issue first-hand and talk to the people who live with this issue day to day, so hopefully he will do that. We have also engaged the council to get it involved in trying to find a solution.

So it is very interesting, and probably a little bit alarming now, that we talk about the train line and have had the discussion today about the electrification and the cabling that has come down on

the Seaford line. There was one incident 12 months ago where, I am led to believe, a report was given to the minister but no action was taken until just a couple of weeks ago, when a second incident happened where the electrified cable came crashing down.

The minister has said that the department has some good systems in place, and I am led to believe that it does, that when the cable severs it comes down and the electrification is shut off, but that is not before the line hits the ground, when it still carries that high voltage. So if the line comes down and hits someone, it is not until it actually touches something and earths that the power is shut off. So it is still incredibly dangerous, and that is not to mention that if the line is severed, with these faults that have been identified in the line, and comes down it could potentially lacerate someone as well. It is very alarming.

Time expired.

MEN'S HEALTH WEEK

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:18): This year Men's Health Week will run from 15 to 21 June, and the theme for Men's Health Week this year is MoMENts In Time. It is based on the idea that those little and not so little moments in life can add up to a big impact, particularly for men's relationships with their families.

Men's Health Week first started in the United States in 1994 to raise awareness for preventable health problems. It also sought to encourage early detection and treatment of disease amongst men and boys. Some men have previously perceived a stigma attached to men's health issues, a stigma that Men's Health Week and other initiatives is helping to remove.

Often when men's health is raised people straightaway think of prostate cancer. This is a good thing; in Australia prostate cancer is the most commonly diagnosed cancer in men. However, it is about more than just prostate cancer. Men's Health Week and other awareness events and groups have done tremendous work in raising awareness about this form of cancer. However, we need to go beyond that. Men's Health Week seeks to raise awareness about all aspects of men's health, be they physical, mental or spiritual.

In anticipation of Men's Health Week, I will be holding two events on 11 and 12 June at the Hewett Centre in my electorate. On the evening of 11 June, commencing at 7pm, Professor Gary Wittert, the Head of the School of Medicine at the University of Adelaide and the Director of the Freemasons Foundation Centre for Men's Health, will share with the audience the results of his research into the effects of ageing on men's health. Professor Wittert is currently conducting research in which he is looking at the impact of using diet and testosterone treatment to prevent type 2 diabetes in men. It is hoped that the results of the study will lead to identifying ways to improve men's health.

On 12 June, between 9.30am and 3.40pm, I will host a men's health forum and expo where there will be a number of speakers discussing health ageing, physical health, mental health, spiritual health and, just as important, social engagement. In terms of social engagement, one of the greatest barriers for men to attaining good health and also seeking out health advice is their lack of social engagement later in life, and one of the major aims of this forum is to assist men with remaining connected to community. In conjunction with the speakers, there will be numerous stallholders providing information about their organisations and the benefits they can provide to both men's health and the health of our communities.

A number of other organisations in the electorate will be providing a number of events and activities. The Hewett Community Church of Christ and Riverdell will be hosting an event entitled Sacred Men's Business, which will explore the deeper aspects of manhood, on Monday 15 June 2015 at 7.30pm. This will also be held at the Hewett Centre. There will be an open day at the Willo's Men's Shed on Wednesday 17 June between 10am and 2pm. The blokes at the Willo's Men's Shed will be putting on a barbecue that visitors can enjoy while witnessing what the Willo's Men's Shed has to offer.

Another organisation making a huge contribution to Men's Health Week, but also generally to men's health, is the Freemasons in this state. It may not be well known but the Freemasons are a

major benefactor for the Men's Health Centre at the University of Adelaide and, with that funding, a lot of research is undertaken into men's health.

Additionally, a number of the churches in my electorate undertake a lot of work with men in their communities. I am aware that the Salvation Army has a number of programs and projects which help men not only in terms of addressing the issues of health and engagement but also in undertaking projects through those programs with their community. The Hewett Centre also has the Blokes@Hewett program—again, another program designed for men to interact with other men but also to engage them in community and to ensure that they have not only physical health but also, importantly, mental and spiritual health.

I would encourage all members of this parliament to encourage men and also their partners and supporters to attend as many Men's Health Week activities in their own communities as possible. Hopefully, by having more healthy men, we will have healthy families and healthy communities.

OVERSEAS TRADE

Mr WHETSTONE (Chaffey) (15:23): I rise today to speak about South Australia's approach to exports under the Labor government and to put a few facts on the table following the Minister for Trade's glass-jaw speech yesterday in this place. First of all, in my role as shadow minister for trade, I would like to put on the record my support for the bipartisan approach when it comes to trade and the importance of this approach with our export partners.

The state Liberal Party is a strong supporter of the need for the government to educate and then take businesses on trade missions to foster relationships with our key trading partners. The minister mentioned the Hartley review, commissioned by the state government in 2012. It certainly highlighted several inefficiencies within South Australia's export industry under this Labor government and stated that the current model of overseas trade offices was not working.

At the time, South Australia had eight trade offices with 20 FTEs. It seems pretty obvious to me that paying rent and associated costs for an office and allocating one FTE to a trade office is not what you would refer to as properly resourcing a trade office. In fact, South Australia managed to budget $220,000 per year for an office in Chile with no FTEs. I understand that this also occurred in Vietnam before that office was also closed. I believe that South Australia cannot afford to solely rely on the embedded officer model in the main, and that means for our overseas representation.

What our Labor government did following the Hartley review was to immediately shut SA's trade offices, with the exception of Jinan in China. These offices were clearly understaffed and under resourced, with the exception of two offices in China and India which had 11 of the 20 FTEs between them. Instead of reviewing that model, our overseas offices were shut and our overseas presence was diminished as a result. The costs of this decision are still being paid for today. In fact, the member for Waite himself once called on the state government to 'properly resource our state trade offices in China by enhancing and upgrading their capabilities to support and promote South Australian exporters'.

In 2012, then trade minister Koutsantonis said of our closures, 'This is by no means a withdrawal from our overseas markets…In fact, it's probably a larger investment with the same amount of money because we can do more with more people.' That statement clearly proved that he did not know what he was talking about. Today, South Australia only has embedded officers in overseas Austrade offices in Shanghai, Mumbai, Hong Kong and, of course, the Agent-General in London. The state government saved $2.7 million by closing these offices, so why was that money not redirected back into the trade portfolio as promised?

The operating spend on South Australian overseas trade offices went from $1.9 million in 2011-12 to $437,000 in 2013-14, and the latter figure was mostly due to office closure costs. That money certainly did not go to TradeStart and it certainly did not go to the only program to support businesses to export, the Gateway Business Program, which saw less than $950,000 distributed over four years awarded to businesses, despite offering an annual support allocation of $1 million. That funding was substantially reduced to $492,000 and that remains the current amount available under the rebadged Export Partnership Program. Since the 2011-12 budget, Labor has cut the total funding of the main state government program aimed at stimulating exports from $30 million to $19 million in 2014-15.

South Australia is competing on a global export market, and permanent on-the-ground presence is critical in our key trade countries today. Yes, South Australian exports have grown from a small base, but look closely at South Australian export markets in the 12 months to March 2015 and the list is in decline. The list shows China down $354 million, the ASEAN region down $178 million, the Middle East down $107 million and Japan down $72 million.

The future of the South Australian economy is reliant upon the export and trade success of our companies and we must ensure that we provide the necessary tools to help South Australian businesses to succeed in the global market. To do this adequately, the state government must invest in our export program instead of reducing it. I was recently in Japan and there were no South Australians there representing this state.

KIRNER, HON. J.E.

Ms HILDYARD (Reynell) (15:28): I am very sorry that I was unable to be in this house for the condolence motion earlier today for the Hon. Joan Kirner, former premier of Victoria. I rise to echo the sentiments of my parliamentary and community colleagues around the country, and to say goodbye to and pay tribute to a mentor, trailblazer, passionate activist and feminist hero, to a woman who lived and fought for her values.

I first met Joan Kirner in 1994 in the lead-up to and then at a national Labor women's conference held here in Adelaide. It was the year we proudly celebrated our South Australian centenary of getting the vote for women, it was the year that our Labor Party passed our affirmative action rules and it was the year that the idea of EMILY's List was born. Joan Kirner was instrumental in all these activities and so many more. Joan represented, for women of my generation, the pinnacle in political achievement for women. She was the original trailblazer, the proverbial glass ceiling smasher and a beacon of hope for all women, inside and outside of the party, with any ambition to make it in a man's world.

For me, Joan fought for so many of the things that I am passionate about and that make a real difference to the lives of women across our nation and, indeed, across the globe. She was a fierce advocate for equal representation, choice, diversity, equal pay and quality affordable child care and education. Joan inspired me and many others to have the courage and confidence to take our values into the political arena and fight for what we believe in. Our parliaments and our communities are better, fairer and stronger places because of Joan.

Joan was also just a little bit wild and a whole lot of fun. She also taught me and many others that, whilst you are fighting for what you believe in, it is okay to be yourself, to be irreverent and to have a whole lot of fun. As well as being captured by her words, actions and spirit at that national Labor women's conference and everything that followed, I will never ever forget that moment when she came onto the stage at our conference dinner in her leathers and proclaimed in fine voice that she loved rock 'n' roll and urged us to 'put another dime in the jukebox, baby'. I will also never forget dancing alongside her and a number of other women in this place long and hard that night.

Joan also always understood and lived a leadership principle that I hold dear, and that is the principle of using one's leadership to support and empower others to lead and to give them a voice. Joan was endlessly generous in her support for other women and selfless in encouraging women to enter parliament. She knew what support and encouragement women needed to do so, and she tirelessly gave it.

Thank you, Joan. Thank you for your big heart, thank you for your open and clever mind, thank you for your generous mentorship and friendship to so many, thank you for your courageous spirit, thank you for living and fighting for your values, and thank you for what you in turn have given me and many others the courage to do. I will remember your practical, stoic and sage 'just get in there and get on with it, woman' words of wisdom and attitude as I contemplate my future steps, and I will know and remember that I and so many others take our future steps because of you, a progressive giant.

Vale Joan. Your spirit for our fight—and our fight will continue–will continue to inspire current and future generations of women who want to change the world. In closing, I send my love and deep

sympathy and condolences to Joan's son, Dave, Julie, their children and all of the Kirner family. I am thinking of you at this very sad time.

PORT AUGUSTA ABORIGINAL COMMUNITY ENGAGEMENT GROUP

Mr VAN HOLST PELLEKAAN (Stuart) (15:32): It gives me pleasure in the first South Australian parliament sitting week after Reconciliation Week to pay tribute to Port Augusta's Aboriginal Community Engagement Group for whom I have great regard. They are co-chaired by Ms June Lennon and Mr Aaron Stuart, and with many other members of great capacity they join together to do everything that they possibly can to give Port Augusta and the surrounding district a capable, clear and positive united voice on Aboriginal issues.

Deputy Speaker, as you may know, for tens of thousands of years Port Augusta has been a very important meeting place for Aboriginal people, and that still remains so today. Of course, that means that many Aboriginal traditional groups call Port Augusta home. I do not mean to make any comment with regard to specific native title claims or determinations, but I mean home in the modern sense of the word, and in that sense they have every right to do so. Port Augusta is fortunate to have a relatively high Aboriginal population compared to the rest of South Australia, and we are fortunate that so many different traditional Aboriginal groups and families are involved in our local community.

One of the things that is important is that the members of ACEG can be members of their own traditional Aboriginal groups and families and be their own leaders, if you like, of subgroups and yet come together to work for the Aboriginal community more broadly under the ACEG banner. That is very important, because for people who want to support the Aboriginal community—and there are many of them, such as myself—it is important to have one group united and working together on behalf of all Aboriginal people to turn to when you are trying to support all of the local community.

I would like to put on record my appreciation to minister Maher for accepting my invitation to come to Port Augusta to meet with ACEG, and it was a very positive meeting. I know that the Port Augusta City Council engages very positively with ACEG as well as should governments of all levels—local, state and federal governments. When you have the opportunity to engage with a representative group such as the Port Augusta Aboriginal Community Engagement Group, it is an opportunity not to be missed.

An enormous number of issues need to be dealt with, and not all of them have easy solutions, but the first step towards finding solutions is having knowledgeable, capable, hardworking people of goodwill coming together, and that means Aboriginal people and non-Aboriginal people, to do that. I commend ACEG for doing everything that it possibly can to do that work. I respect them for the work they do and I enjoy my participation with them. I am sure that there is much that we can achieve together.

Port Augusta is a tremendous place, as all members have heard me say here many times before, and we have a very multicultural society, obviously starting with the very first Australians in the Aboriginal community, all through to migrants from decades ago to very new migrants. I was at a citizenship ceremony last week at the Port Augusta City Council with people from at least three continents being confirmed as new Australian citizens. We are a very multicultural society. We can certainly improve as a community with regard to our acceptance of people from other backgrounds. Overwhelmingly, people from Port Augusta accept people from Aboriginal communities and from overseas ethnic backgrounds, but we can improve.

I just want to be sure that this house is very well aware of the good work that ACEG in Port Augusta does and that all members of parliament do whatever they can to support that work, whether that be in a backbench capacity of personal genuine interest or a government delegation, a parliamentary committee or a minister. We need to share the best of Aboriginal and non-Aboriginal community in Australia for everyone's benefit.

COLTON ELECTORATE CRICKET CLUBS

The Hon. P. CAICA (Colton) (15:37): Today I wish to talk about a few of the very many outstanding sporting clubs that I have in my district. Given that it is now winter (and can't we tell by standing outside), I am going to focus on some of the summer sports, in this case particularly cricket,

and also given that the Australian test cricket team is playing off tonight against the West Indies at 11:30pm, Deputy Speaker, if you are up to watch that.

In the electorate of Colton, we are fortunate to have three outstanding cricket clubs fielding many teams across the Turf Cricket Association competition. Grange Cricket Club, that was established in 1885 and is located at the beautiful Grange Reserve, is a club that has a proud and long history. The A grade plays in the premier division, and over the last decade has arguably (but not particularly from my perspective because it is without argument) been the competition's leading team. It also fields another three senior teams and has many junior cricket teams. Like any great cricket club, its success has been underpinned by an outstanding administration and group of volunteers. Although the Grange Cricket Club did not have its best season last year, the A grade missing out on the finals, it will make amends next season.

Woodville Rechabites—technically it is not in my electorate, but my electorate is a feeder to the Woodville Rechabites—is another outstanding cricket club and competes at the Matheson Reserve as its home ground. As I said, many of the good people of Colton feed into that particular club. Like Grange, it too plays in the premier division and fields teams across the turf competitions and, like the Grange Cricket Club, also has many junior teams. But also like Grange, the A grade did not make the finals last season, but I think the club may have had a different expectation. For the Wreckers, this was a year of consolidation and rebuilding, and that was achieved. With new coach Dean Sayers coaching them next year, things are looking positive for the 2015-16 season.

Yet another outstanding local cricket club is Fulham located at the beautiful Collins Reserve off Valetta Road. It too has a long, proud and rich history dating back, I am told, to 1905 when it played in the then West Torrens cricket association. Fulham had a successful year with the A grade, which plays in the A3 division, playing off in the grand final.

The final cricket club based in my electorate is the mighty West Torrens District Cricket Club which plays in the district competition of course, fielding four teams in all of those men's senior divisions and also fielding two well-credentialled women's teams playing in the senior A and B grade district women's competition. The women's cricket is worth going to have a look at too, Deputy Speaker.

The DEPUTY SPEAKER: Right up there with calisthenics.

The Hon. P. CAICA: The West Torrens District Cricket Club is a fantastic supporter of women's cricket and, hopefully, with plans in place, will be able to expand the role the club plays in supporting and growing women's cricket. The West Torrens District Cricket Club is located at the picturesque Henley and Grange Memorial Oval and also hosted two pre-World Cup games against the Afghanistan team. I am pleased to say that the young West Torrens team acquitted themselves very well against the Afghanistan team in these games.

West Torrens had a fantastic year in the A grade this year, with the senior men's team making the finals. It is a strange scoring system where, if you make the finals, the team that sits above you can really bat out the whole day or day and a half and really play for a draw, but hopefully they will fix what seems to me to be a bit of an archaic system in the future. The women's team also did well, but they know they can do better next season as well.

My final point is this: the success of cricket clubs, indeed, all sporting clubs in my electorate and elsewhere is usually judged by the performance of their A grade sides and that is the way it is, but each of these cricket clubs in Colton have many things in common. All have a successful and effective junior program fielding many teams in the various junior divisions, all have a supportive, committed, hardworking and effective administration, all have tireless volunteers helping out in a variety of roles around the club and all have a strong community aspect and connection. As much as anything else, it is these ingredients that ultimately provide the environment for each of these clubs to continue to be successful.

I am very proud to have those outstanding cricket clubs along with many other sporting clubs in my electorate. I look forward to their ongoing success. I look forward, at the end of winter and the start of summer, to talking about some of the winter competitions, but I want to finish off on a subject that makes me happy. I am very pleased about my electorate, but I am also extremely pleased today

to hear the news that Mr Blatter, the FIFA president, is standing down. I think it is not before time. If there is one game in the world that can provide opportunity across this planet for unification, it is the world game, and the world game is better off without Mr Blatter.

Ministerial Statement

KIRNER, HON. J.E.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:42): I table a copy of a ministerial statement made by minister Gail Gago in the other place.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:43): I move:

That standing orders be and remain so far suspended as to enable me to introduce a bill without notice forthwith.

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

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

Motion carried.

Bills

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:44): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935; the Liquor Licensing Act 1997 and the Summary Offences Act 1953; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:45): I move:

That this bill be now read a second time.

This bill will enact new offences, mirroring those enacted in Queensland, both those in their Criminal Code and those in their Liquor Act, declared valid by the High Court. In addition, the bill modifies South Australia's consorting provisions as enacted in New South Wales and declared valid by the High Court, modified in accordance with the advice of the Solicitor-General.

Moreover, this bill contains the same provisions as Queensland enacted in specifying declared criminal organisations and prescribed places, although, of course, the places will differ. Extensive and detailed advice has been taken from police, both on names and places, and their proposals have been assessed by reference to the proposed statutory criteria for the making of regulations. I seek leave to insert the remainder of the second reading in *Hansard* without my reading it.

Leave granted.

Consorting—South Australia

Section 13 of the *Summary Offences Act 1953* ('the SO Act') contains the offence of consorting. It provides that a person must not, without reasonable excuse, habitually consort with a prescribed person or persons. A person may consort with another person for the purposes of section 13 by any means, including by letter, telephone or fax or by email or other electronic means. A maximum penalty of two years imprisonment applies.

Part 14A of the SO Act establishes a regime for consorting prohibition notices. Section 66A provides for a senior police officer to issue a consorting prohibition notice prohibiting a person (the recipient) from consorting with a specified person or persons if the officer is satisfied that:

- the recipient is subject to a control order under the *Serious and Organised Crime (Control) Act 2008* 'the SOCC Act'), or the specified person or each specified person:
    - has, within the preceding period of three years, been found guilty of one or more prescribed offences; or
    - is reasonably suspected of having committed one or more prescribed offences within the preceding period of three years;
- the recipient has been habitually consorting with the specified person or specified persons; and
- the issuing of the notice is appropriate in the circumstances.

Section 66C provides that a consorting prohibition notice must be served on the recipient personally and is not binding on the recipient until it has been so served (other than where the Magistrates Court orders substituted service).

Section 66D and the following sections contain the necessary machinery and procedural provisions. Section 66K provides that a person who contravenes or fails to comply with a consorting prohibition order is guilty of an offence. The maximum penalty is imprisonment for two years. However:

- a person does not commit an offence in respect of an act or omission unless the person knew that the act or omission constituted a contravention of, or failure to comply with, the notice, or was reckless as to that fact;
- a consorting prohibition notice:
    - does not prohibit associations between close family members; and
    - does not prohibit associations occurring between persons:
        - for genuine political purposes; or
        - while the persons are in lawful custody; or
        - while the persons are acting in compliance with a court order; or
        - while the persons are attending a rehabilitation, counselling or therapy session of a prescribed kind; and
    - may specify other circumstances in which the notice does not apply.

The offence of consorting and the consorting prohibition notices were introduced through the *Statutes Amendment (Serious and Organised Crime) Bill 2012*. They are important components of the Government's serious and organised crime strategy.

Consorting—New South Wales

New South Wales also recognised the importance of the use of consorting offences in the legislative armoury against organised crime and legislated at about the same time as South Australia.

Section 93X of the *Crimes Act 1900* (NSW) contains that jurisdiction's consorting offence. Section 93X provides that any person who habitually consorts with convicted offenders, after having been given an official warning by police in relation to each of those offenders, is guilty of an offence, punishable by imprisonment, fine, or both. A person does not 'habitually consort' with convicted offenders unless the person consorts with at least two convicted offenders (whether on the same or separate occasions) and the person consorts with each convicted offender on at least two occasions.

Section 93W of the *Crimes Act 1900* (NSW) defines 'consort' to mean consort in person or by any other means, including by electronic or other form of communication, and 'convicted offender' to mean a person who has been convicted of an indictable offence (disregarding an offence under section 93X). Section 93Y provides that specified forms of consorting are to be disregarded for the purpose of section 93X if the defendant satisfies the court that the consorting was reasonable in the circumstances. The specified forms of consorting are consorting:

- with family members;
- that occurs in the course of lawful employment or the lawful operation of a business;
- that occurs in the course of training or education;
- that occurs in the course of the provision of a health service;

- that occurs in the course of the provision of legal advice; and
- that occurs in lawful custody or in the course of complying with a court order.

On 8 October 2014 the High Court of Australia, by majority, dismissed a challenge to the constitutional validity of section 93X (Tajjour v State of New South Wales; Hawthorne v State of New South Wales; Forster v State of New South Wales [2014] HCA 35).

The plaintiffs alleged that section 93X was invalid because it impermissibly burdened the freedom of communication concerning government and political matters implied in the Commonwealth Constitution. Two of the plaintiffs further alleged that section 93X was invalid because it infringed a freedom of association which they said should be found to be implied in the Constitution and because the provision was inconsistent with Australia's obligations under the International Covenant on Civil and Political Rights ('the ICCPR').

By majority, the High Court upheld the validity of section 93X. The Court accepted that the provision effectively burdened the implied freedom of communication about government and political matters. However, the majority of the Court held that section 93X was not invalid because it was reasonably appropriate and adapted, or proportionate, to serve the legitimate end of the prevention of crime in a manner compatible with the maintenance of the constitutionally prescribed system of representative government.

The High Court unanimously concluded that the provisions of the ICCPR, where not incorporated in Commonwealth legislation, imposed no constraint upon the power of a State Parliament to enact contrary legislation. Each member of the High Court who considered it necessary to answer the question about a free-standing freedom of association concluded that no such freedom is to be implied in the Constitution.

The critical point to note here is that the New South Wales consorting provisions have been subjected to a thorough and searching examination by the High Court and found to be constitutional. The South Australian provisions have yet to be the subject of litigation.

Consorting in the Bill

The New South Wales model can be improved in a non-constitutionally threatening way by making it interact seamlessly with corresponding laws (like the New South Wales laws themselves). The official warnings and the number of occasions of consorting should be recognised whether or not they take place in South Australia or in another corresponding jurisdiction (such as New South Wales).

Second, advice from the Solicitor-General is to the effect that it is worth keeping the provisions dealing with consorting prohibition notices in an amended form. The Solicitor-General suggests the removal of any requirement that there be a control order under the SOCC Act.

In addition, it is now proposed to enact the Queensland consorting-like offences in the Criminal Code declared valid by the High Court. That means enacting these offences:

1. the offence of a being a participant in a criminal organisation being knowingly present in a public place with two or more other persons who are participants in a criminal organisation (section 60A of the Criminal Code);
2. the offence of being a participant in a criminal organisation entering a prescribed place or attending a prescribed event (section 60B of the Criminal Code); and
3. the offence of being a participant in a criminal organisation recruiting anyone to become a participant in a criminal organisation (section 60C of the Criminal Code).

For the first two purposes, a criminal organisation is defined to mean:

(a) an organisation of three or more persons:

(i) who have as their purpose, or one of their purposes, engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, serious criminal activity as defined under the SOCC Act; and

(ii) who, by their association, represent an unacceptable risk to the safety, welfare or order of the community; or

(b) a declared organisation under the SOCC Act; or

(c) an entity declared under a regulation to be a criminal organisation.

For the third purpose, the definition of criminal organisation will be limited to paragraph (c). This is because the current Part 3B of the *Criminal Law Consolidation Act 1935* already adequately and expressly deals with recruiting in the context of definitions (a) and (b).

The Minister will be asked to consider the criminal history of the organisation and its members before recommending that a regulation be made declaring an organisation to be a criminal organisation.

The SOCC Act- South Australian Legislative History

The Government began its legislative attack on serious and organised crime in general and outlaw motor-cycle gangs in particular with the enactment of the SOCC Act. On 11 November 2010 the High Court, by a majority of 6-1, decided that, at least in so far as the Magistrates Court was required to make a control order on a finding that the respondent was a member of an organisation declared to be a criminal organisation under the SOCC Act, that court was acting at the direction of the executive, was deprived of its essential character as a court within the meaning of Chapter III of the Commonwealth Constitution and that section was, therefore, invalid (South Australia v Totani (2010) 242 CLR 1 ('Totani')). The net effect of that decision was that a key part of the legislative scheme in the SOCC Act was inoperable. That, in turn, meant that the legislative scheme for attacking criminal organisations and their members was rendered ineffective and the essential objectives of the SOCC Act thwarted.

In 2011-2012 the Government prepared extensive amendments to the SOCC Act in light of Totani and the subsequent decision of the High Court to invalidate the New South Wales equivalent legislation in Wainohu v New South Wales (2011) 243 CLR 181. These amendments represented, on the best advice then available to Government, an attempt to place the legislation and the accomplishment of its aims on a sound constitutional footing. The amendments were passed and came into effect as the *Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*.

After the 2012 amendments the High Court heard and delivered judgment on a constitutional challenge to the equivalent *Criminal Organisation Act 2009* (Qld). The Criminal Organisation Act 2009 (Qld) differed from both versions of the SOCC Act. The High Court dismissed the challenge and upheld the validity of the Queensland scheme in Assistant Commissioner Condon v Pompano Pty Ltd & Anor [2013] HCA 7. The *Serious and Organised Crime (Control) (Declared Organisations) Amendment Act 2013* amended the South Australian legislative scheme in accordance with the High Court decision of validity by vesting the jurisdiction to make declarations of unlawful organisations in the Supreme Court rather than, as before, 'eligible judges'.

The package of amendments introduced in 2013 was not, however, confined to amendments to the SOCC Act. The *Statutes Amendment (Serious and Organised Crime) Bill 2013* enacted a series of assorted measures aimed at disrupting and distressing serious and organised crime, its members and aspirant members. In brief, the Bill contained these initiatives:

- a new offence framed so as to criminalise participation in a criminal organisation knowing or being reckless as to both:
    - whether it is a criminal organisation; and
    - whether the participation contributes to the occurrence of any criminal activity.

Participation includes recruitment, supporting the organisation, committing an offence for or at the direction of the organisation and occupying a leadership or management position in the organisation;

- an increase in maximum penalties, including aggravated versions of various existing offences, the aggravation being that the offence was committed for the benefit of, at the direction of, in association with a criminal organisation or the offender identifies him or herself as the member of a criminal organisation;
- a presumption against bail for any person charged with a serious and organised crime offence and severe conditions if bail is granted;
- a special procedure of direct indictment into the Supreme Court. Where that direct indictment is made, the trial of the accused must begin within strict time lines to minimise the opportunity to intimidate or otherwise harass the victim or the witnesses;
- a frightened witness is given the opportunity to give evidence as a vulnerable witness in the same way as any other person who faces intimidation in giving evidence against another;
- provisions creating new offences and procedures directed against consorting, loitering and enabling place restriction and non-association orders; and
- the special admission of evidence of what a frightened witness said out of court if through fear that person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement.

The SOCC Act—Recent Developments in Queensland

By 2013, Queensland had a new government and it was determined to go beyond the previous nationally agreed model of counter-organised crime legislation. It enacted a large package of measures as the *Criminal Law (Criminal Organisations Disruption) Amendment Act 2013* (Qld) with associated amendments, most notably in this context, amendments to the *Liquor Act 1992* (Qld). The first part of the package contained the *Vicious Lawless Association Disestablishment Act 2013* (Qld) ('the VLAD Act') and new provisions of the Criminal Code annexed to the *Criminal Code Act 1988* (Qld) ('the Criminal Code') and the *Bail Act 1980* (Qld).

This package of legislation was in addition to the *Criminal Organisation Act 2009* (Qld) discussed above. Significantly, it directed its attack at consorting-type behaviour and other behaviour associated with consorting.

The VLAD Act provided for significant additional penalties by way of imprisonment to be imposed upon persons convicted of declared offences who are participants in associations which had not been shown not to have a criminal purpose. New provisions in the Criminal Code provided for enhanced penalties to be imposed on persons, convicted of certain offences against the Criminal Code, in the aggravating circumstance where such persons are participants in organisations which are found to be, or had been declared by the Supreme Court or designated by regulation as, criminal organisations. The amendments to the *Bail Act 1980* (Qld) imposed constraints upon the grant of bail to persons who were participants in such organisations if they are charged with any offences. Further amendments to the Criminal Code created new offences which effectively imposed restrictions upon the freedom of movement and association of participants in criminal organisations. Amendments to the *Liquor Act 1992* (Qld) proscribed the wearing or carrying in licensed premises of items bearing insignia and other markings of criminal organisations.

It is apparent that some of the features of this package of legislation borrowed from and adapted features of the *Statutes Amendment (Serious and Organised Crime) Bill 2013*.

Significantly, the definition of criminal organisation for the purposes of these offences includes an entity declared by regulation under the Criminal Code to be a criminal organisation. Section 708A of the Criminal Code sets out criteria which the Minister may have regard to in deciding whether to recommend a listing of a criminal organisation by regulation. The definition of criminal organisation also includes an organisation declared to be a criminal organisation under the Criminal Organisation Act 2009 and an organisation that had the purpose of committing serious criminal offences and posing an unacceptable risk to community safety.

But the Queensland Parliament took things a step further. Section 70 of the *Criminal Law (Criminal Organisations Disruption) Amendment Act 2013* (Qld) said:

70 Making of Criminal Code (Criminal Organisations) Regulation 2013

(1) Schedule 1 has effect to make the Criminal Code (Criminal Organisations) Regulation 2013 that is set out in schedule 1 as a regulation under the Criminal Code.

(2) To remove any doubt, it is declared that the Criminal Code (Criminal Organisations) Regulation 2013, on the commencement of schedule 1, stops being a provision of this Act and becomes a regulation made under the Criminal Code.

Schedule 1 of the Act listed the organisations by name that were to be declared to be criminal organisations under the provisions ('criminal organisations') and also listed, by address, the places in which consorting or associating was to be made unlawful ('prescribed places'). These listing were by the provision quoted then deemed to have been made as regulations.

VLAD—The High Court Decision

The entire package was the subject of a constitutional challenge by a member of the Hells Angels Motor Cycle Club. The challenge reached the High Court.

The High Court divided the legislation challenged into three categories:

- those provisions of the VLAD Act that imposed aggravated sentences on a participant in a criminal organisation found to have committed certain offences;
- those new provisions of the Criminal Code that created new offences, an element of which included being a participant in a criminal organisation or which involved wearing or carrying symbols of criminal organisations; and
- amendments to the *Bail Act 1980* (Qld) reversing the presumption of bail for an accused alleged to be a participant in a criminal organisation.

The High Court was unanimous in deciding that the plaintiff did not have standing to challenge those provisions dealt with in categories one and three. It necessarily follows that the Court did not rule on the constitutional validity of those provisions. The 6:1 majority upheld the constitutional validity of those provisions in category two. It necessarily follows that the Court ruled the following measures to be constitutionally valid:

- the offence of a being a participant in a criminal organisation being knowingly present in a public place with two or more other persons who are participants in a criminal organisation (section 60A of the Criminal Code);
- the offence of being a participant in a criminal organisation entering a prescribed place or attending a prescribed event (section 60B of the Criminal Code);
- the offence of being a participant in a criminal organisation recruiting anyone to become a participant in a criminal organisation (section 60C of the Criminal Code);
- the offence of knowingly allowing a person who is wearing or carrying a prohibited item to enter or remain in liquor licensed premises (section 173EB of the *Liquor Act 1992* (Qld));

- the offence of entering and remaining in licensed premises wearing or carrying a prohibited item (section 173EC of the *Liquor Act 1992* (Qld)); and
- the offence of failing to leave licensed premises when required to leave because of wearing or carrying a prohibited item (section 173ED of the *Liquor Act 1992* (Qld)).

The High Court considered the device of defining a criminal organisation by regulation. The decision clearly says that this way of defining a criminal organisation is constitutionally valid 'for the purposes of these offences'.

Core Proposals

The Bill contains those same provisions, notably the new offences, both those in the Criminal Code and those in the Liquor Act, as enacted in Queensland and declared valid by the High Court. In addition, the Bill modifies South Australia's consorting provisions as enacted in New South Wales and declared valid by the High Court, modified in accordance with the advice of the Solicitor-General.

Moreover, this Bill contains the same provisions as Queensland enacted in specifying declared criminal organisations and prescribed places (although, of course, the places will differ).

The Bill names, in Schedules 1 and 2, the following as declared criminal organisations:

(a) the motorcycle club known as the Bandidos;

(b) the motorcycle club known as the Black Uhlans;

(c) the motorcycle club known as the Coffin Cheaters;

(d) the motorcycle club known as the Commancheros;

(e) the motorcycle club known as the Descendants;

(f) the motorcycle club known as the Finks;

(g) the motorcycle club known as the Fourth Reich;

(h) the motorcycle club known as the Gladiators;

(i) the motorcycle club known as the Gypsy Jokers;

(j) the motorcycle club known as the Hells Angels;

(k) the motorcycle club known as the Highway 61;

(l) the motorcycle club known as the Iron Horsemen;

(m) the motorcycle club known as the Life and Death;

(n) the motorcycle club known as the Lone Wolf;

(o) the motorcycle club known as the Mobshitters;

(p) the motorcycle club known as the Mongols;

(q) the motorcycle club known as the Muslim Brotherhood Movement;

(r) the motorcycle club known as the Nomads;

(s) the motor cycle club known as the Notorious;

(t) the motorcycle club known as the Odins Warriors;

(u) the motorcycle club known as the Outcasts;

(v) the motorcycle club known as the Outlaws;

(w) the motorcycle club known as the Phoenix;

(x) the motorcycle club known as the Rebels;

(y) the motorcycle club known as the Red Devils;

(z) the motorcycle club known as the Renegades;

(za) the motorcycle club known as the Scorpions.

Members should note that this list includes organisations that have a presence in South Australia and organisation that are based in other jurisdictions and do not.

It might be asked why this is being done. The answer is first, that the legislation will give Parliament the chance to debate and approve the listing of criminal organisations and the places and second, while the making of a regulation is open to judicial review, the decision of Parliament is not.

I have taken extensive and detailed advice from police both on names and places listed in Schedules 1 and 2 and have considered their inclusion by reference to the proposed statutory criteria for the making of regulations. I am satisfied, based on this advice, that each meets the proposed statutory criteria for the making of regulations.

Sentencing Considerations

A number of the Queensland offences provide for mandatory minimum penalties. This Government has consistently opposed mandatory minimum sentences and it should continue to do so.

Instead of a mandatory minimum penalty, the Bill provides:

- imprisonment should ordinarily be imposed unless exceptional circumstances are found to exist;
- the period or any part of it may only be suspended if exceptional circumstances are found to exist;
- if exceptional circumstances are found in either or both instances, they must be detailed in written reasons; and
- a finding of exceptional circumstances must be backed by evidence on oath.

In addition, provision is made for a 'standard non-parole period'. The standard non-parole period must be taken into account by the court in determining the appropriate sentence and, if the court fixes a different non-parole period, the court must record its reasons for so doing and must identify each factor that it took into account. The standard non-parole period specified is nine months and represents the non-parole period for an offence, being a first offence, in the middle of the range of objective seriousness for these offences.

Conclusion

This Bill represents another step forward in the fight against organised crime.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5—Interpretation

This clause modifies the definition of criminal organisation consequentially on the insertion of Part 3B Division 2. The definition refers to the definition contained in Part 3B Division 1 and as such remains unchanged by the measure.

5—Insertion of heading to Part 3B Division 1

This clause inserts a heading to Part 3B Division 1 which serves to wrap the present contents of Part 3B into a new Division 1.

6—Amendment of section 83D—Interpretation

This clause replaces references to the 'Part' with references to the 'Division', which is consequential on clause 5.

7—Amendment of section 83G—Evidentiary

This clause replaces references to the 'Part' with references to the 'Division', which is consequential on clause 5.

8—Insertion of Part 3B Division 2

This clause inserts Part 3 Division 2 comprised of 4 sections, 3 of which are offences in relation to criminal organisations.

Proposed section 83GA includes an interpretation subclause for the purposes of the Division and provides for a declaration, by regulation on the recommendation of the Minister, that specified entities are criminal organisations for the purposes of the Division. This proposed section also provides that a change in the name or membership of a criminal organisation, or a reforming of a criminal organisation into another organisation, will not affect the status of the organisation as a criminal organisation.

Proposed section 83GB provides that any person who is a participant in a criminal organisation and is knowingly present in a public place with 2 or more other persons who are participants in a criminal organisation commits an offence. The maximum penalty is imprisonment for 3 years.

Proposed section 83GC provides 2 offences. Firstly, any person who is a participant in a criminal organisation and enters, or attempts to enter, a prescribed place commits an offence. Secondly, any person who is a participant in a criminal organisation and attends, or attempts to attend, a prescribed event commits an offence. The maximum penalty in each case is imprisonment for 3 years.

Proposed section 83GD provides that any person who is a participant in a criminal organisation and recruits, or attempts to recruit, anyone to become a participant in a criminal organisation commits an offence. The maximum penalty is imprisonment for 3 years.

Proposed section 83GE provides for matters related to sentencing which must be followed unless the sentencing court finds exceptional reasons exist for departing from the requirements of the section. The requirements are that—

(a) a sentence of imprisonment must be imposed on the person;

(b) the sentence of imprisonment cannot be suspended;

(c) sections 17 and 18 of the *Criminal Law (Sentencing) Act 1988* do not apply;

(d) section 18A(1) of the *Criminal Law (Sentencing) Act 1988* does not apply (but nothing in this subsection affects the operation of that section in respect of other offences for which the person is being sentenced).

Proposed section 83GE also requires a court, if the court is required to impose a non-parole period in sentencing a person for an offence against the Division, to have regard to the standard non-parole period, being 9 months (and representative of the non-parole period for an offence, being a first offence, in the middle of the range of objective seriousness for offences in the Division). The court must provide written reasons if it departs from the standard non-parole period.

Proposed section 83GF provides that if a court, on application by the DPP, declares an organisation to be a criminal organisation within the meaning of paragraph (a) of the definition of criminal organisation, then that organisation will, for the purposes of any subsequent criminal proceedings, be taken to be a criminal organisation (within the meaning of that paragraph) in the absence of proof to the contrary.

Part 3—Amendment of *Liquor Licensing Act 1997*

9—Insertion of Part 7B

This clause inserts new Part 7B dealing with offences relating to criminal organisations.

Proposed section 117B includes definitions for the purposes of the Part. Importantly, prohibited item means an item of clothing or jewellery or an accessory that displays the name of a declared criminal organisation, the club patch, insignia or logo of a declared criminal organisation or any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, a declared criminal organisation. This clause also provides that a change in the name or membership of a declared criminal organisation, or a reforming of a declared criminal organisation into another organisation, will not affect the status of the organisation as a declared criminal organisation.

Proposed section 117C provides an offence for the licensee, the responsible person or an employee or agent of the licensee or responsible person working at the premise if they knowingly allow a person who is wearing or carrying a prohibited item to enter or remain in licensed premise. The maximum penalty is $10,000.

Proposed section 117D provides that a person must not enter or remain in licensed premises if the person is wearing or carrying a prohibited item. The maximum penalty is $25,000 for a first offence, $50,000 or imprisonment for 6 months for a second offence and $100,000 or imprisonment for 18 months for a third or subsequent offence.

Proposed section 117E provides that if an authorised person requires a person who is wearing or carrying a prohibited item to leave licensed premises, the person must immediately leave the premises. This section also provides that if a person fails to leave when required to, an authorised person may use necessary and reasonable force to remove the person. The maximum penalty in each case is $25,000 for a first offence, $50 000 or imprisonment for 6 months for a second offence and $100 000 or imprisonment for 18 months for a third or subsequent offence.

Further, proposed section 117E provides an offence of resisting an authorised person who is removing a person. The maximum penalty is $50,000 or imprisonment for 6 months for a first offence and $100 000 or imprisonment for 18 months for a second or subsequent offence.

Part 4—Amendment of *Summary Offences Act 1953*

10—Substitution of section 13

This clause substitutes a new section dealing with the offence of consorting. The proposed new offence applies to a person who habitually consorts with convicted offenders (whether in or out of South Australia) and then

consorts with those persons after being issued with an official warning in relation to each of the convicted offenders. The maximum penalty is imprisonment for 2 years. The provisions lists types of consorting that is to be disregarded if it is shown to be reasonable in the circumstances, such as consorting with family members or in the course of lawful employment.

11—Amendment of section 66A—Senior police officer may issue consorting prohibition notice

This clause amends the section 66A so that the provisions relating to consorting prohibition notices do not apply in relation to a person the subject of a control order under the Serious and Organised Crime (Control) Act 2008.

Part 5—Regulations

12—Preliminary

This clause provides that the *Subordinate Legislation Act 1978* does not apply in relation to a regulation made pursuant to this Part.

13—Making of *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*

This clause provides that Schedule 1 has effect to make the Criminal Law Consolidation (Criminal Organisations) Regulations 2015 (which are set out in the Schedule) being regulations that will be taken to have been made under the *Criminal Law Consolidation Act 1935*.

14—Making of *Liquor Licensing (Declared Criminal Organisations) Regulations 2015*

This clause provides that Schedule 2 has effect to make the *Liquor Licensing (Declared Criminal Organisations) Regulations 2015* (which are set out in the Schedule) being regulations that will be taken to have been made under the *Liquor Licensing Act 1997*.

Schedule 1—Criminal Law *Consolidation (Criminal Organisations) Regulations 2015*

1—Short title

This clause provides the short title of the regulations, the *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*.

2—Organisations declared to be criminal organisations—section 83GA

This clause provides the list of entities declared to be criminal organisations for the purposes of paragraph (c) of the definition of criminal organisation in proposed section 83GA(1) of the Act.

3—Places declared to be prescribed places—section 83GA

This clause provides the list of places declared to be prescribed places for the purposes of the definition of prescribed places in proposed section 83GA(1) of the Act.

Schedule 2—Liquor Licensing (Declared Criminal Organisations) Regulations 2015

1—Short title

This clause provides the short title of the regulations, the *Liquor Licensing (Declared Criminal Organisations) Regulations 2015*.

2—Organisations declared to be declared criminal organisations

This clause provides the list of entities declared to be declared criminal organisations for the purposes of the definition of criminal organisation in proposed section 117B(1) of the Act.

Debated adjourned on motion of Mr Gardner.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:46): Obtained leave and introduced a bill for an act to amend the Classification (Publications, Films and Computer Games) Act 1995. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:47): I move:

That this bill be now read a second time.

This bill amends the Classification (Publications, Films and Computer Games) Act 1995 to reflect commonwealth amendments made in response to recommendations by the Australian Law Reform Commission for reform of the national classification scheme.

The national classification scheme was reviewed by the Australian Law Reform Commission in 2011. Its final report, containing 57 recommendations, was published in 2012. In consideration of the technological changes since inception of the scheme in 1991, this review was crucial in determining how the scheme could continue to address community expectations while addressing the rapid and continuing changes to technology and challenges of media convergence. I seek leave to insert the remainder of the explanation in *Hansard* without my reading it.

Leave granted.

Ministers agreed that the reforms should initially address matters that could be incorporated into the existing legislation. The first phase of the agreed reforms was implemented through the *Commonwealth Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014*. The reforms will:

- expand the exemptions to the modification rules so that films and computer games what are subject to certain types of modifications do not require classification again;
- broaden the scope of existing exempt film categories and streamlining exemption arrangements for festivals and cultural institutions;
- enable certain content to be classified using classification tools such as online questionnaires that deliver automated decisions;
- create an explicit requirement in the Commonwealth classification act to display classification markings on all classified content; and
- enable the Attorney-General's Department to notify law enforcement authorities of potential Refused Classification content without having the content classified first, to help expedite the removal of extremely offensive or illegal content from distribution.

The reforms will have a staggered commencement. Amendments relating to certificates for exempt films and computer games, amendment relating to determined markings and consumer advice and amendments in relation to modifications have commenced. Conditional cultural exemption reforms will commence later this year.

This Bill makes minor amendments consequential upon the Commonwealth amendments.

Previously, section 21 of the Commonwealth Classification Act provided that, subject to some very limited exceptions, if a classified film or classified computer game was modified, it became unclassified. The requirement to reclassify where content has not changed, for example, each time a caption is added or removed from a film, is costly, time consuming and unnecessary. The Bill amends the Classification Act to reflect the amendments to section 21 of the Commonwealth Act, which now allows modifications of a kind prescribed in a legislative instrument made by the Minister to occur without re-classification, and allows a format change from 2D to 3D without re-classification where the format change is not likely to cause the film or game to be given a different classification.

Section 5B of the Commonwealth Act has been amended to expand the definition and scope of exempt film categories. Where it was required that a film must 'wholly comprise' particular content in order for it to be exempt from classification requirements, the categories have been expanded to include films that 'mainly comprise' particular content and two new categories, social sciences and natural history, have been added. This will accommodate a range of documentary-style content that it is appropriate to exempt. These films must not contain content that would be likely to be classified M or higher. In other words, content that is up to and including the PG level of classification.

The reforms will also simplify exemption arrangements for festivals by removing the requirement to apply to the director of the Classification Board for formal exemption and replacing it with a , deregulated, self-assessment exemption process. The Act sets out clearly who may be eligible to exhibit or demonstrate unclassified content and safeguards similar to those currently in place for festivals will ensure that protection for the public is retained. For example, exemption conditions include restrictions on the screening, exhibition or demonstration of unclassified content to particular age groups if it is strong or high impact and patrons will be provided with warnings about the content. Screening or demonstration of material that is likely to be classified X18+ or RC is prohibited. Training and registration facilities will be established by the Commonwealth to support the Classification Liaison Officers, who will continue to monitor the operation of the arrangements as part of the routine compliance and educational activities. This reform is also a response to the Australian Law Reform Commission recommendations and is aimed at reducing the administrative and regulatory burden on industry and individuals, providing more flexibility to the scheme and support for the arts and cultural sector.

Part 8 of the Classification Act deals with exemptions. Under Part 8 an application made the Minister is taken to be made to the director of the Classification Board. As a consequence of the introduction of a new exemption scheme, the Bill will repeal Part 8 of the Classification Act.

Another important reform introduced by the Commonwealth, but not requiring consequential amendment to the Classification Act is the introduction of classification tools, such as online questionnaires that might be developed by government, industry or other classification bodies overseas. These tools are a way of classifying the significant volume of unclassified online and mobile computer games available in the market today. Enabling the use of such instruments will support and complement the work of the Classification Board, provide certainty to industry and increase compliance with Australian classification laws. Significantly it will mean that the public has access to more classification information that is available under the current system. The tools can only be implemented following approval by the Minister and in deciding whether to approve a particular tool the minister must consider whether it delivers decisions that are consistent with Australian classification requirements. The Classification Board will have the power to override a classification if it deems it necessary. Further, approval for a classification tool may be suspended or revoked at any time.

These national reforms are the first step in streamlining the classification scheme and dealing with the rapid and ongoing changes in technology. I am pleased to present this Bill in support of these long-awaited reforms and look forward to assisting in the implementation of further improvements to the national scheme.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Classification (Publications, Films and Computer Games) Act 1995*

4—Amendment of section 6—Application of Act

This clause proposes to amend section 6 of the *Classification (Publications, Films and Computer Games) Act 1995* so that the Act does not apply to a publication, film or computer game that is subject to a conditional cultural exemption (within the meaning of the Commonwealth Act).

5—Amendment of section 23—Declassification of classified films or computer games

This clause proposes to amend section 23 of the *Classification (Publications, Films and Computer Games) Act 1995* to provide that section 23(1) (which provides that a classified film or computer game becomes unclassified when it is modified) does not apply to a modification of a kind referred to in section 21(3) of the Commonwealth Act.

6—Amendment of section 28—Exhibition of film in public place

This clause proposes to amend section 28 of the *Classification (Publications, Films and Computer Games) Act 1995* to provide that section 28(1) (which creates an offence of exhibiting a classified film that has been altered or added to in a public place) does not apply where the alteration or addition is a modification of a kind referred to in section 21(3) of the Commonwealth Act.

7—Amendment of section 37—Sale of films

This clause proposes to amend section 37 of the *Classification (Publications, Films and Computer Games) Act 1995* to provide that section 37(1) (which creates an offence of selling a classified film that has been altered or added to) does not apply where the alteration or addition is a modification of a kind referred to in section 21(3) of the Commonwealth Act.

8—Amendment of section 54—Sale or demonstration of computer game in public place

This clause proposes to amend section 54 of the *Classification (Publications, Films and Computer Games) Act 1995* to provide that the offence in that section is not contravened by the sale, or demonstration in a public place, of a classified computer game where an alteration of or addition to the classified computer game is a modification of a kind referred to in section 21(2) or (3) of the Commonwealth Act.

9—Repeal of Part 8

This clause proposes to repeal Part 8 of the *Classification (Publications, Films and Computer Games) Act 1995*.

Schedule 1—Transitional provisions

1—Exemptions

This clause provides transitional provisions for exemptions granted under Part 8 of the *Classification (Publications, Films and Computer Games) Act 1995* before the commencement of section 9 of this Act to continue according to their terms. The clause also provides that an application under Part 8 that hasn't been determined before the commencement of section 5 of this Act is taken not to have been made and any fee paid in respect of the application must be refunded to the person who made the application.

Debate adjourned on motion of Mr Gardner.

CONTROLLED SUBSTANCES (SIMPLE POSSESSION OFFENCES) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:48): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:49): I move:

That this bill be now read a second time.

This bill will amend the Controlled Substances Act 1984 to address an anomalous application of the Police Drug Diversion Initiative, which operates under that act to divert people charged with simple possession offences away from the criminal justice system into drug assessment for counselling and/or treatment. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The Police Drug Diversion Initiative (PDDI) was introduced in South Australia in 2001 through legislation under the *Controlled Substances Act 1984* (sections 33L, 34-40). Under the PDDI, if a person is alleged to have committed a simple possession offence, ie possessing a small amount of illicit drugs, a police officer must refer the person to a nominated assessment service for assessment, which involves attending interviews and/or medical examinations. Underpinning the scheme is the notion that personal drug use is more appropriately and effectively addressed with a health response, rather than a criminal justice response.

It is important to ensure that the PDDI scheme is targeted appropriately, however. It has been brought to the Government's attention that the scheme can be invoked in unintended circumstances.

Regularly when a person is apprehended for manufacturing illicit drugs, the person is also found to have a small amount of the drug in their possession and therefore also charged with simple possession. In these circumstances the offending is not properly characterised as personal drug use, therefore this is not considered to be an appropriate application for the PDDI scheme.

To address this, this Bill will amend the *Controlled Substances Act 1984* to preclude a person who is charged with a 'serious drug offence', as defined in the Bill, from being diverted under the PDDI scheme for a simple possession offence arising out of the same circumstances.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Controlled Substances Act 1984*

4—Substitution of section 34

This clause substitutes a new section 34 to provide that the Division dealing with simple possession offences does not apply to a person who is alleged to have committed a simple possession offence and is charged with a serious drug offence (which is defined) arising out of the same circumstances.

Schedule 1—Transitional provision

The Schedule provides that a referral to an assessment service under the relevant Division before the commencement of the measure is unaffected.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (SUPERANNUATION) BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:49): Obtained leave and introduced a bill for an act to amend the Police Superannuation Act 1990 and the Southern State Superannuation Act 2009. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:50): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the following Acts for the purpose of altering the superannuation arrangements provided under those statutes: the *Police Superannuation Act 1990*, and the *Southern State Superannuation Act 2009*.

One of the main proposals dealt with in the Bill relates to the introduction of a facility that would permit police officers who are members of Triple S to elect to make their compulsory superannuation contributions required under the *Southern State Superannuation Act 2009* (4.5% for most police officers) on a salary sacrifice or pre-tax equivalent basis. In order to ensure that the final benefit is not adversely reduced by tax, it is necessary for the salary sacrificed amount to be increased to take account of the 15% tax that will be payable on the contribution when it is paid from the scheme as a benefit. This will mean that police officers will be required to make a contribution of at least 5.3% of pre-tax monies to ensure the equivalent after tax contribution of 4.5% is maintained.

Police officers who are members of Triple S and who were previously members of the former Police Lump Sum Scheme may currently contribute to Triple S at the 'applicable percentage', being the rate that they were required to contribute under that former Scheme. This will ensure that they remain eligible for the 'minimum guaranteed benefit' upon retirement under Schedule 1 of the *Southern State Superannuation Act 2009*. The intention is for these members to be permitted to make these compulsory contributions on a pre-tax basis. However, the applicable percentage in respect of each eligible officer will need to be increased to take account of the tax that will be payable on the pre-tax contribution once the benefit becomes payable.

Any police officer who makes a pre-tax contribution of at least 5.3% (or the greater adjusted applicable percentage required in respect of those wishing to maintain the minimum benefit guarantee) will no longer be required to make their compulsory contribution on a post-tax basis. However, such officers will be permitted to make extra after tax contributions on a voluntary basis.

The maximum 10% employer contribution rate will continue to apply to those making a pre-tax contribution of at least 5.3% or a post-tax contribution of at least 4.5%.

The other main proposal in the Bill seeks to implement the proposal to increase from 10% to 11% the rotating shift allowance multiple recognised under the *Police Superannuation Act 1990* in respect of contributors to the Police Pension Scheme who hold the rank of senior sergeant or a lower rank who at any time during the contribution period were rostered to work on day, afternoon and night shifts (or on any two of those shifts) on a rotating basis.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Police Superannuation Act 1990*

4—Amendment of section 4—Interpretation

This amendment increases from 10% to 11% the percentage to be applied in determining increased contributions and benefits of the actual or attributed salary of a contributor who, at any time during the contribution period, was rostered to work on day, afternoon and night shifts, or on any 2 of those shifts, on a rotating basis. The provision only applies in relation to contributors holding the rank of senior sergeant or below.

Part 3—Amendment of *Southern State Superannuation Act 2009*

5—Amendment of section 3—Interpretation

This clause inserts a definition of salary sacrifice contribution.

6—Amendment of section 5—Employer contribution percentage

This clause amends section 5(3) of the Act to provide that a prescribed member who makes salary sacrifice contributions at a rate of at least 5.3% is entitled to an employer contribution of 10% or a percentage equal to the charge percentage applicable to the employer of the member under the Commonwealth Act, whichever is the greater. A prescribed member may, in addition, make contributions under section 20 at a rate of at least 4.5%. A prescribed member is defined as a police member (other than a police cadet or a police officer employed on a contract having a fixed term) or a member or members of a class prescribed by regulation.

7—Amendment of section 20—Contributions

Section 20(1)(b) of the Act provides that a police member must make contributions to the Treasurer as a deduction from salary at a rate that equals or exceeds the percentage prescribed by regulation. This clause amends section 20 so that a police member who is making salary sacrifice contributions at a rate of at least 5.3% need not comply with section 20(1)(b).

8—Amendment of section 21—Payments by employers

This clause inserts a new subsection 21(2) in order to require employers to make payments on behalf of members who make salary sacrifice contributions.

9—Amendment of Schedule 1—Transitional provisions

The amendments to this provision are consequential on amendments in clause 6 of the measure, and will extend the guarantee of minimum benefits provided under the transitional provisions (which are determined in accordance with the regulations) to former members of the Police Superannuation Scheme who are making salary sacrifice contributions under the Triple S Act in accordance with the requirements of the provision.

Debate adjourned on motion of Mr Gardner.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Introduction and First Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:51): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982; and to make a related amendment to the Freedom of Information Act 1991. Read a first time.

Second Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:52): I move:

That this bill be now read a second time.

At the last state election the government made a commitment to make changes to the law to ensure 'no body, no parole'. The commitment promised that changes would be progressed to ensure that prisoners sentenced to life imprisonment for the offence of murder assist and cooperate with investigative authorities to locate the remains of their victims.

The Correctional Services (Parole) Amendment Bill 2015 provides for amendments to be made to the Correctional Services Act to implement some important changes to the process for release on parole of life sentenced prisoners as well as the election commitment. The 'no body, no parole' changes compel the Parole Board to give consideration to the degree to which life sentenced

prisoners who have applied for release on parole have cooperated with authorities in the investigations of the offence.

The new provisions will also apply to prisoners convicted and sentenced to life imprisonment for the offences of conspiracy to murder and aiding, abetting, counselling or procuring the commission of murder. The way it does this is by inserting provisions into the act that require the Parole Board to obtain and consider a report from the Commissioner of Police providing an evaluation of the significance and usefulness of the prisoner's cooperation in investigations. The bill provides that the board must not release the prisoner on parole unless the board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence.

When the government announced this commitment, it very rightly received overwhelming support from victim advocacy groups and the public alike who have unfailingly expressed their utter outrage and disgust at the very thought that a murderer could deliberately withhold information, further traumatising grieving families and loved ones. The changes are designed to bring closure to victims' families and provide a strong incentive for criminals to cooperate with authorities. It is very simple: no cooperation means no parole.

The bill also seeks other amendments to the act in relation to parole for life sentenced prisoners. Under the current provisions, a life sentenced prisoner becomes eligible to apply for parole once they have served a non-parole period in custody, providing they have a fixed period. The application process for life sentenced prisoners to be released on parole in South Australia is a two-stage process. Firstly, the Parole Board of South Australia will consider the application and either recommend or decline release.

Applications require a significant amount of consideration, particularly in relation to assessing the risk to the community. The Parole Board must be satisfied that the prisoner has taken adequate steps to address their offending behaviour before a recommendation for release to parole will be made. If the Parole Board recommends the release, the recommendation is forwarded to the Governor in Executive Council for consideration. The Governor in Executive Council has the final decision as to whether a life sentence prisoner is to be released to parole. This state is one of only two states in Australia that still has the Governor as a decision-maker.

Whilst it may be easily accepted that release to parole for these prisoners warrants a different process to other parole releases, and simple to argue that the decision-making process must have a review instrument of sorts, the involvement of the government and the Governor in making such an administrative decision has received a great deal of scrutiny, including from the parliament from time to time. The bill seeks to remove the Governor's role but inserts new provisions to provide an independent review process of these decisions, never previously put to parliament to consider. Further, it inserts some extra provisions for release on parole and, in doing so, it maintains and strengthens the commitment to community safety and to victims of crime. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The proposal to remove the Governor's role and insert a new review role in the parole process has received support from stakeholders consulted to date.

Stakeholders who have offered their support for the proposal include the Law Society, the Presiding Member of the Parole Board and the Commissioner for Victims' Rights.

The Bill maintains the role of the Parole Board as the first stage of determining release on parole for life sentenced prisoners; the Board will undertake determinations much as it does now, albeit with the additional consideration of whether or not a prisoner has cooperated with authorities in locating the remains of their victim(s) in relevant circumstances.

In accordance with current provisions in the Act, the paramount consideration of the Board when determining an application for the release of a prisoner on parole must be the safety of the community.

Under the new proposal, the Parole Board will either refuse the application for release on parole, or make a decision to release on parole.

In keeping with that appropriate focus of community safety, in the event the Board makes a decision to release a life sentenced prisoner on parole, the Bill provides a right to seek a review of the decision by:

- The Attorney-General;

- The Commissioner of Police; and
- The Commissioner for Victims' Rights.

If none of the parties lodge submissions within the review period, the prisoner is released on parole subject to the conditions determined by the Parole Board.

Should an application for review be lodged by any or all of the responsible individuals seeking additional conditions or amendments to the release conditions, the Bill provides for this consultation to be undertaken through conference with the applicant(s) and the Parole Board in order to reach a settlement. The prisoner is represented in these proceedings by the Parole Board.

If the application is for a review of the Parole Board's decision, notification will be made to the prisoner, the Board, the applicant(s) and each of the other persons able to make application for review, and a full review will be undertaken.

The Bill establishes the Parole Administrative Review Commissioner (PARC) to undertake this review process and provides for the powers and procedures of the Commissioner in carrying out a review.

The establishment of the PARC for this function will maintain and even strengthen confidence in the parole decision process for these prisoners as the Bill limits eligibility for appointment to former Court Judges only: Exceptionally respected, learned individuals who it could be easily argued are the very best placed citizens to be appointed to undertake such a review.

At the conclusion of the review, the Commissioner may affirm or vary the decision of the Parole Board. The Commissioner may also set aside the decision of the Parole Board, and either substitute their own decision, or send the matter back to the Parole Board with directions or recommendations.

The establishment of the Commissioner and the right of review process will provide the appropriate oversight of decisions made by the Parole Board for the release of life sentenced prisoners.

Other changes to strengthen the parole provisions for life sentenced prisoners includes amending the current discretionary power of the Parole Board to impose electronic monitoring on life sentenced prisoners released on parole. In order to mirror amendments progressed for child sex offenders that were passed by the Parliament unopposed in late 2013, this Bill will see the Parole Board compelled to consider imposing electronic monitoring as a condition of parole for these prisoners (which could include GPS monitoring).

Electronic monitoring is a valuable monitoring tool currently used by the Department for Correctional Services for the rigorous monitoring and supervision of certain offenders in the community. Recently the Department commenced using more sophisticated GPS technology for this purpose.

Electronic monitoring specifically enhances the ability to monitor an offender's compliance with the special conditions to which they are subject. It can significantly assist offenders to comply with the conditions of their Order and further support them to live offence-free lifestyles whilst at the same time, balancing the needs of the public in regards to contributing to community safety through providing a high level of monitoring and supervision.

An electronic monitoring condition can be imposed for the whole period of parole, or part thereof.

In relation to the parole period for life sentenced prisoners, the Act currently provides terms to be set at not less than three years and not more than ten years.

The Bill seeks to change that provision to life on parole for life sentenced prisoners.

The Commissioner for Victims' Rights agrees with this amendment.

Varying parole periods exist in legislation for parole of life sentenced prisoners across the rest of Australia, ranging from six months through to the remainder of the parolee's natural life.

Amending the SA Act to provide life on parole as mandatory for life sentenced prisoners in this State will be consistent with some other States and Territories including the Northern Territory, Queensland and Tasmania. All of which have provisions for parole to be for the remainder of the offender's life. Similarly in ACT, a life sentenced prisoner may be released on a licence which is in place for the remainder of the offender's life.

It will provide comfort to victims, families and the community that 'life' will continue to mean 'life' in some capacity; the offender will not only be in custody for a long period of time but if they achieve release to parole, they will be subject to supervision and monitoring for the rest of their life.

Finally, the Bill contains transitional provisions indicating that the amendments do not apply to life sentenced prisoners who have already had a decision made about their release on parole by the Parole Board or the Governor in Executive Council.

An amendment is also included to the *Freedom of Information Act 1991* to include the Parole Administrative Review Commissioner as an exempt agency, consistent with current provisions for the Parole Board.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 33—Prisoners' mail

This amendment is consequential.

5—Amendment of section 64—Reports by Board

This amendment is consequential.

6—Amendment of section 67—Release on parole by application to Board

Currently, the Board makes a recommendation to the Governor relating to the release on parole of a prisoner serving a life sentence. The amendments authorise the Board to grant parole to such prisoners and provide for the release to be on a day that falls after the period for seeking a review of the decision by the Parole Administrative Review Commissioner.

Provisions are also inserted into the section providing that the Board cannot release on parole a prisoner serving a sentence of life imprisonment for an offence of murder unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence (and the Commissioner of Police may provide a report on the cooperation).

7—Amendment of section 68—Conditions of release on parole

Technical and consequential amendments are made. The insertion of new subsection (1aaa) requires the Board to consider imposing a condition on the release on parole of a prisoner serving a sentence of life imprisonment that the prisoner be monitored by use of an electronic device.

8—Amendment of section 69—Duration of parole

This amendment provides that a prisoner serving a sentence of life imprisonment who is released on parole after the commencement of this subsection will, unless the release is cancelled or suspended, or the sentence is extinguished, remain on parole for the remainder of the sentence

9—Repeal of section 70

Section 70 is repealed as a consequence of the amendment to section 69.

10—Amendment of section 71—Variation or revocation of parole conditions

The Attorney-General, the Commissioner of Police and the Commissioner for Victim's Rights are given a right to apply to the Board for a variation or revocation of conditions relating to parole for a person serving a sentence of life imprisonment. They are also given a right to put submissions on any variations or revocations to conditions proposed to be effected pursuant to an application of the person or on the Board's own motion. The other amendments to section 71 are consequential.

11—Insertion of Part 6 Division 4

New Division 4 of Part 6 is inserted:

Division 4—Review of release on parole of life prisoners

Subdivision 1—Preliminary

77A—Interpretation

Definitions for the purposes of the Division are inserted. A key definition is that of reviewable decision.

Subdivision 2—Parole Administrative Review Commissioner

77B—Appointment of Commissioner

Provision is made for the appointment of the Parole Administrative Review Commissioner.

77C—Acting Commissioner

An Acting Commissioner may be appointed.

77D—Staff

The Commissioner may make use of the staff of an administrative unit of the Public Service.

Subdivision 3—Reviews by Commissioner

77E—Right of review of Board decision to release life prisoners on parole etc

The Attorney-General, the Commissioner of Police and the Commissioner for Victim's Rights may apply for a review by the Commissioner of a reviewable decision. The nature of the review and the powers of the Commissioner on a review are set out.

77F—Effect of review proceedings on Board's decision

A decision of the Board to release a prisoner serving a life sentence on parole is stayed pending any review proceedings.

A prescribed reviewable decision (such as a decision to impose a particular condition on the parole of a life prisoner) is not automatically stayed, but the Commissioner may stay the operation of the decision if it is just and reasonable to do so.

77G—Proceedings to be heard in private

Proceedings for the review of a reviewable decision before the Commissioner must be heard in private.

77H—Board to assist Commissioner

The Board must use its best endeavours to assist the Commissioner in a review of its decision.

77I—Parties

The applicant and the Board are the parties to a review, and the other persons who have a right to apply for a review may also appear and be heard on a review.

77J—Compulsory conferences for prescribed reviewable decisions

The Commissioner must, as soon as is reasonably practicable after the commencement of proceedings for the review of a prescribed reviewable decision (such as a decision to impose a particular condition on the parole of a life prisoner), require the parties to the proceedings to attend a compulsory conference before the presiding member or deputy presiding member of the Board for the purpose of attempting to resolve the matters in dispute

77K—Powers and procedures of Commissioner

The Commissioner's powers and procedures on a review are set out.

77L—Commissioner to proceed expeditiously

Reviews are to be conducted as expeditiously as possible.

Subdivision 4—Other matters

77M—Immunity from liability

The Commissioner is given an immunity from liability.

77N—Privilege and public interest immunity not affected

The rules and principles relating to legal professional privilege and public interest immunity are not affected by a review.

77O—Confidentiality of information

Confidentiality of information relating to a review is protected.

77P—Proof of decision of Commissioner

An evidentiary provision is included relating to proving a decision of the Commissioner.

Schedule 1—Related amendment and transitional provision

Part 1—Related amendment to *Freedom of Information Act 1991*

1—Amendment to Schedule 2—Exempt agencies

Parole Administrative Review Commissioner is included as an exempt agency for the purposes of the *Freedom of Information Act 1991*.

Part 2—Transitional provision

2—Transitional provision

A transitional provision is set out for the purposes of the measure.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (GAMBLING MEASURES) BILL

Second Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:56): I move:

That this bill be now read a second time.

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

Leave granted.

This Government has introduced a range of measures aimed at strengthening responsible gambling environments and eliminating regulations that are no longer required.

Significant reforms were introduced in the *Statutes Amendment (Gambling Reform) Act 2013*. Most of the measures have now been implemented.

This is an opportune time to identify any need to fine tune the statutory framework applying to gaming.

The Bill proposes to fine tune some provisions in the Gaming Machines Act 1992, the *Independent Gambling Authority Act 1995*, the *Lottery and Gaming Act 1936* and the *Problem Gambling Family Protection Orders Act 2004.*

Recently, Consumer and Business Services, in association with South Australia Police, raided properties and seized gaming machines held by unlicensed persons. Consumer and Business Services had received information indicating that unlawful gaming machines were being brought into South Australia by unlicensed persons, but action could not be taken until the gaming machine was in the unlicensed person's possession.

The Bill proposes to make it an offence under the Gaming Machines Act for a person to purchase, or enter into a contract or agreement to purchase, a gaming machine, unless licensed.

Another proposed amendment to the Gaming Machines Act is the removal of the prohibition of EFTPOS facilities in gaming areas in hotels and clubs.

Currently gamblers are required to leave the gaming room and withdraw cash using EFTPOS facilities outside the gaming area. This means that the gambler may not be able to be observed or served by trained gaming area staff.

It is considered that there is a better chance of appropriate intervention when the gambler is exhibiting problem gambling characteristics if the EFTPOS facility is located in the gaming area.

Unlike ATMs, EFTPOS facilities involve human interaction at point of cash withdrawal. This provides a good opportunity for interaction between the gambler and trained gaming staff and for trained gaming staff to observe cash withdrawal behaviour.

Other amendments to the Gaming Machines Act include: providing the Liquor and Gambling Commissioner with power to seek input from the Commissioner of Police about any gaming manager or gaming employee, and reducing red tape by removing the requirement that the Liquor and Gambling Commissioner approve the layout of gaming machines in a gaming area.

The Lottery and Gaming Act prohibits a range of activities associated with lotteries, gaming and betting.

A lack of clarity exists as to whether gambling on poker is prohibited under the Lottery and Gaming Act.

Tournament poker that does not involve gambling is a popular activity and is undertaken by many hotels, clubs and other not-for-profit associations. There is, however, concern that some poker games being conducted in public places, under the guise of being tournament poker, may involve gambling and are being conducted without any integrity or responsible gambling regulation.

The Bill proposes to make it unlawful to play at, or engage in, a game of poker in a public place. It also proposes to provide the Minister with the power to make a regulation to prescribe the circumstances in which playing, or engaging in, a game will, or will not, constitute unlawful gaming.

It is the Government's intention to make a regulation to clarify the definition of tournament poker and to ensure that tournament poker that does not involve gambling is not an unlawful game.

The Bill also proposes to amend the Lottery and Gaming Act to provide modern powers of delegation to the Minister. There are also many statute law revision amendments that modernise the Lottery and Gaming Act.

The Independent Gambling Authority Act establishes the Independent Gambling Authority and the statewide gambling barring regime.

The Bill proposes that Independent Gambling Authority Act be amended to provide greater clarity in administrative arrangements. The Bill includes a new staff provision clarifying that the staff of the Independent Gambling Authority are Public Service employees that have been assigned by the relevant Chief Executive. The new provision replaces the Secretary provision which is not specifically required.

Further, to provide flexibility to the Independent Gambling Authority, the Bill proposes to extend delegation making provisions so that its powers and functions can be delegated to any person or body. These delegations can be subject to conditions and can be revoked. This extended delegation provision could facilitate a one-stop-shop arrangement for the gambling sector by delegating business facing functions to Consumer and Business Services.

The Bill also proposes to fine tune the barring framework. It extends confidentiality obligations to authorised persons to ensure confidentiality of information gained through the barring regime is maintained. Further, the power to remove a barred person is clarified by the proposed amendment that would enable the removal of a barred person from a place where specified gambling activities set out in a barring order are engaged in.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Gaming Machines Act 1992*

4—Amendment of section 15—Eligibility criteria

This amendment removes the requirement for an applicant for a gaming machine licence to satisfy the Commissioner that the proposed layout of gaming machines in a gaming area is suitable for the conduct of gaming operations.

5—Amendment of section 18—Form of application

This amendment is consequential on the removal of the requirement that an applicant for a gaming machine licence satisfy the Commissioner that the proposed layout of gaming machines in a gaming area is suitable for the conduct of gaming operations.

6—Amendment to heading to Part 4AA

This amendment is consequential to the insertion of proposed section 44AAA.

7—Insertion of section 44AAA

This clause inserts a new section as follows:

44AAA—Commissioner may notify Commissioner of Police of appointment of gaming managers and gaming employees

Subclause (1) provides for the Commissioner to provide a copy of a notification of the appointment of a gaming manager or gaming employee to the Commissioner of Police. Subclause (2) provides that the Commissioner of Police, as soon as reasonably practicable following receipt of a notification, must make available information about any criminal convictions of the gaming manager or gaming employee and may make available any other information relevant to whether the Commissioner should issue a prohibition notice under section 44AA of the Act.

8—Amendment of section 45—Offence of being unlicensed

This clause amends section 45 to create a new offence of purchasing or entering into a contract or agreement to purchase a gaming machine without being licensed to do so, with a maximum penalty of $35 000 or imprisonment for 2 years.

9—Amendment of section 51A—Cash facilities not to be provided within gaming areas

This clause amends section 51A to remove the prohibition on providing EFTPOS facilities within gaming areas.

10—Amendment of Schedule 1—Gaming machine licence conditions

This amendment removes the condition of a gaming machine licence requiring the layout of the gaming machines within a gaming area to be in accordance with the layout approved by the Commissioner. The amendment is consequential to the removal of the requirement for the Commissioner to approve the layout of gaming machines within a gaming area.

Part 3—Amendment of *Independent Gambling Authority Act 1995*

11—Amendment of long title

This clause updates the long title of the Act to refer to the Independent Gambling Authority.

12—Substitution of section 10

This clause substitutes section 10 as follows:

10—Staff

Proposed section 10(1) provides that the staff of the Authority will consist of Public Service employees assigned to the Authority. Proposed section 10(2) provides that directions given to an employee by the Authority in relation to the exercise of its functions prevail over directions given by the chief executive of the administrative unit of the Public Service in which the employee is employed to the extent of any inconsistency.

13—Amendment of section 11B—Delegation

This clause amends section 11B to allow the Authority to delegate certain functions and powers to a person or body, and permits the further delegation of those powers and functions if the instrument of delegation so provides.

14—Amendment of section 14—Powers and procedures of Authority

These amendments remove the references to the Secretary of the Authority, consequential on proposed section 10.

15—Amendment of section 15I—Powers to remove etc

The definition of barring orders in section 15B refers to a person being barred from a place or from taking part in specified gambling activities. This clause amends section 15I(1) to reflect this definition, giving an authorised person power to require a person to leave a place if the person suspects on reasonable grounds that a person who is in, or who is entering or about to enter, that place is barred from that place or from taking part in specified gambling activities at that place.

16—Amendment of section 17—Confidentiality

The clause amends section 17 to include a requirement limiting the disclosure of confidential information by an authorised person obtained in the course of exercising powers, functions or duties under this Act or a prescribed Act.

Part 4—Amendment of *Lottery and Gaming Act 1936*

17—Amendment of section 4—Interpretation

Subclause (1) amends the definition of unlawful gaming to include playing at or engaging in a game of poker in a public place. The regulations may prescribe circumstances in which playing at or engaging in a game of poker will or will not constitute unlawful gaming. The amendment in subclause (2) is consequential on the amendment in subclause (1).

18—Amendment of section 61—Unlawful gaming and playing of unlawful games

This clause inserts a new subsection (4) which makes it an offence to organise or promote unlawful gaming with a maximum penalty of $2,500.

19—Insertion of section 117

This clause inserts a new section as follows:

117—Delegation

The section provides that the Minister may delegate to a person any of the Minister's powers or functions under the Act.

Part 5—Amendment of *Problem Gambling Family Protection Orders Act 2004*

20—Amendment of section 3—Interpretation

This amendment removes the definition of Secretary and is consequential on the staffing provision in proposed section 10 of the *Independent Gambling Authority Act 1995*.

21—Amendment of section 13—Notification of making, variation or revocation of problem gambling family protection orders by Authority

This amendment removes the reference to Secretary and is consequential on the staffing provision in proposed section 10 of the *Independent Gambling Authority Act 1995*.

22—Amendment of section 18—Report to Parliament

This amendment removes the reference to Secretary and is consequential on the staffing provision in proposed section 10 of the *Independent Gambling Authority Act 1995*.

Schedule 1—Statute law revision amendments of *Lottery and Gaming Act 1936*

The Schedule makes various amendments of a statute law revision nature to the Act.

Debate adjourned on motion of Mr Gardner.

Resolutions

JUMPS RACING

Consideration of Message No. 14 from the Legislative Council.

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) (15:57): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Bills

INTERVENTION ORDERS (PREVENTION OF ABUSE) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:58): Prior to the luncheon adjournment I was making a contribution to this debate, and members will be delighted to know that I am back to the Magna Carta in the 13th century, only briefly—

The DEPUTY SPEAKER: Because we have been doing some work on that in lunchtime.

Ms CHAPMAN: Yes; so I thought I might just place on the record that in 1217 to 1225 it was the first publication of this log of claims that was presented and petitioned to King John I. I was referring to a rendition later that century and a contribution, so for the benefit of members I am going to outline to them that I was specifically referring to article 54 of the Magna Carta. Again, I urge members to have a read of this. It would be difficult in its original form because, of course, it is in Latin, but for those who cannot read Latin, I urge you to look at the—

The DEPUTY SPEAKER: I bet you read the English version.

Ms CHAPMAN: Indeed. As the Deputy Speaker has pointed out, I am not fluent in Latin—just a few words at law school—and I certainly would have been struggling. In fact, I even struggled sometimes reading it in English, but I just want to say that it is a foundation document to the democracy we enjoy today. The independence of the judiciary and a number of other very fundamental principles that we enjoy provide and protect the freedoms that flourish in a civilised community.

I just mention, though, that, in reference to article 54 which translated reads, 'No-one shall be arrested or imprisoned upon the appeal of a woman for the death of any other than her husband.' I also made reference to the right to occupy property upon widowhood, and articles 7 and 8, which outline the right of widows to occupy and remain in property for up to 40 days after the death of their husband. Anyone following this debate can be enlightened about that important principle and their right to have their inheritance and marriage portion, as it was known in early days.

I find it a most inspiring document. Members should also be aware that for, I think, about £12,000, former prime minister Sir Robert Menzies actually bought one of the only four remaining

original copies of the Magna Carta. That was purchased for, obviously, a lot of money some 50 or so years ago. It is kept in the great parliament in Canberra and is available for viewing. From time to time, on very special occasions, it is taken out of its box, rather than being viewed behind glass, but this is just the measure of the importance this document has in our legal history.

In any event, I was making the point this morning that, whilst there are some foundation principles for the protection of women, there were also the principles that related to property and entitlement. Suffice to say, the battle went on under King John over a number of years. Ultimately, he died. His nine-year-old son, Henry III, took the throne and the saga continued. Nevertheless, by the end of the 13th century, they had sorted out an agreed set of rules and they, of course, became the foundation for our legal and democratic systems today.

Going back to the law of provocation, I was saying before the adjournment that the charge of murder can be reduced to manslaughter in circumstances in which it is established that a person acted upon the provocation of the victim. There are a number of rules under our common law that need to be satisfied for the accused to be eligible for what is called a partial defence and, in essence, there has to be some provocative act on the part of the victim. The provocation must have caused the accused to lose control and, in fact, then, as a result, kill the victim.

Then there are some objective tests in respect of an ordinary person where, if the same circumstances were presented to them, they would have also been provoked and, according to the objective test, they would have responded with an act resulting in a death. There are some very high barriers to achieve in order for this to apply. Members would also be aware that this is distinct from the complete defence of self-defence—that is, when one is acting and causes the death of another whilst attempting to protect their own safety or, indeed, that of another.

The partial defence of provocation has attracted some academic discussion in the last 10 years or so and, in fact, three of our states—Victoria, Tasmania and Western Australia—have all abolished the partial defence of provocation. That is no longer available to someone who is accused of murder in those states.

However, it has been the subject of some controversy, most recently for two reasons. First, there has been a recent case in which provocation was pleaded where there had allegedly been an advance to interact in some homosexual activity and where money was offered to do so. That provocative act was pleaded as being the basis upon which the recipient of this advance responded by killing that person.

That case of R v Lindsay has gone off to the High Court and the High Court is considering it. As I was saying before lunch, the direction in that case that there be a retrial has raised the question about whether the gay advance defence, as it is commonly known, or the gay panic defence, as it otherwise known, should still prevail or even be available. I was saying before lunch that the Legislative Review Committee conducted an inquiry into this issue and it was their view that the current law in South Australia is sufficient because requests which have been made in prior cases to seek relief under the partial defence law have failed where there has been a homosexual advance, and therefore that law is sufficient to deal with this matter and it would only be in a most extreme case under our case law in South Australia where even that would be successful.

Secondly, the Legislative Review Committee had a look at the question of amending the law of provocation as a partial defence in light of the fact that we have mandatory nonparole periods for murder under our Criminal Law Consolidation Act now at 20 years. Life sentence is the sentence obligation under our law for murder, with a mandatory nonparole period of 20 years. That is a more recent innovation. They said we would need to review that aspect as well if we looked at the partial law of provocation.

In light of this High Court position, the opposition has taken the view that it is reasonable for the Legislative Review Committee to look at this issue again and, in particular, the outcome of the High Court case before we progress with our last state election commitment, and that was to review the law of provocation in any event. We are still committed to do that. However, currently under consideration in academic and media circles is whether there is a wholesale abolition of this partial defence or whether it is amended and, in our view, we will have to await further advice from the

Legislative Review Committee. As I say, they have had a comprehensive inquiry, so it is only reasonable that they have a chance to have a look at this again.

I place on the record one concern I have: it does seem that the general discussion promoting the argument that there should be a complete abolition of this partial defence could in fact be detrimental to women. It does concern me that what has been a fairly superficial argument that has developed around the gay advance defence and the need to abolish this could, in fact, be doing quite considerable harm in not leaving it available for women, particularly in a circumstance where they may be provoked and they may kill another party.

I raise this issue because some reform occurred last year in New South Wales to their law of provocation. They have moved to amend it, to keep it, but only in extreme provocation circumstances. They have passed laws to specifically exclude from the cases where it is sought to be applied circumstances where there is a non-violent sexual advance, which will cover the gay panic defence, and, secondly, to remove the circumstance where domestic violence is used as a basis to justify the conduct. I will paraphrase it because it is quite a long amendment.

They codified a new partial defence of extreme provocation in trials for murder, and they have made very clear the circumstances in which provocation is allowed, and they have specifically excluded two things, and I will read them:

(a) the conduct was only a non-violent sexual advance to the accused, or

(b) the accused incited the conduct in order to provide an excuse to use violence against the deceased.

In those circumstances you cannot come along and say, 'I want to be eligible for a diminution of the charge from murder to manslaughter on the ground of provocation.' I mention this because, aside from this excuse to use the violence circumstance, another situation which has arisen is where usually a female in the household (the more vulnerable perhaps physically in a number of circumstances) is the perpetrator of the killing. If we were to remove the defence of provocation completely, one of the consequences that could be adverse to women is perhaps best illustrated by an example.

A number of years ago, I was involved in a case in which a woman killed her husband. That is not unusual; unfortunately, that occurs from time to time. It was in a circumstance where she alleged that her husband had had intimate sexual relations with her 13-year-old daughter. She married her husband when he had three very young children, including a tiny baby. It was asserted to her that his first wife and the mother of these three children had died. In fact, she had fled for her life to the United States. Upon hearing about the death of the husband, the first wife came back from the United States to find her children.

Meanwhile, the second wife (the person who came to see me at some stage) was charged with murder. She progressed through a jury trial. Evidence was presented of the provocation upon which she then shot her husband multiple times. There was no immediately prior act of sexual activity between the deceased and the 13-year-old girl, but she knew about it. She was outraged by it, she acted on it, and she killed him. There were two fairly clear things about this matter: firstly, that he died and, secondly, that she killed him. In that case, quite peculiarly the jury found that she was not guilty of anything. It is a curious case because perhaps that jury just felt that they would take justice into their own hands and decide that she should not be found guilty of murder or manslaughter. She was acquitted completely.

Leaving aside the quirky aspect of the case, I make the point that, if we pass a law today which removes the opportunity for someone in those circumstances to plead the partial defence of provocation, then more than likely, if the other features had been successfully pleaded, she would have been found guilty of murder and there would be no relief. I do not think anyone would say that that is fair or just.

The Attorney-General in particular, who has the carriage of this bill for the rats and mice in relation to tidying up intervention orders, it seems to me is likely to address the question of provocation. Everyone is out there talking about it at the moment and we certainly raised at the election that it needs to have some attention for the reasons I have said, and we will put it through a committee process. I just say to the Attorney—I want him to be on clear notice—that, if he wants to

start tampering with this in an effort to look like he is coming to the aid of those who might be murdered as a result of their sexual interest or murdered in a circumstance of infidelity (although probably in the modern day we would not accept a husband being justified in killing someone on the allegation of infidelity of their partner, which is or has been a common use of this defence), we will have some very considerable reservations about the complete abolition of this. Whilst it seems quick to jump to the defence in certain circumstances, let's not throw the baby out with the bath water in relation to this.

I have read the committee's report. When they did their examination—a year or so ago I think they tabled their report—I think they raised a very good point: that we also need to look at this question of mandatory sentencing if we are going to do some justice to reform in that area. It is not a commonly used or pleaded defence. Unfortunately, murder is probably more common than we would like it to be, but it is not the most common offence in relation to which this can be pleaded, so I do not see it as urgent. I see what is more important is that we do it properly.

The other matter I want to raise, and I think previous coroners have raised this in their annual reports to the parliament, is the question of ensuring that we have clear statistical data in respect of violence perpetrated on women and children. I wrote to the Attorney immediately after a briefing was provided on this bill seeking details on the intervention order statistics and on violent crime as at least recorded in the courts. Members may be aware that the police, as part of their duties, keep data in respect of a number of areas of criminal offence but, for the purposes of this, charges against a person for assaults and other offences, and the courts also keep data in respect of the prosecution/conviction of offences. Each of them, through the different annual reports to the parliament, provide us with retrospective data in that preceding year of what they have kept.

But there has been concern raised about the fact that there seems to be no keeping or publishing on a regular basis of the detail of the examination of cases not just that come before the Coroner, because the Coroner's Court only does a selection of deaths in South Australia: they can be suicide, they can be unusual, they can be in a bushfire, they can be children in accidents and so on, all other than criminal offences and may well be accidental.

I asked that I be provided with some data and, last month, the Office of Crime Statistics and Research provided data on the recorded victimisation of the sex of the victim and the type of offender-victim relationship between 2010 and 2014. For the purposes of this debate, in the 2014 data, the sex of the victim and the offender-victim relationship information is as follows.

Firstly, those who were victims were female on 11,571 occasions, bearing in mind that some of these were multiple with the same victim. If we take that into account, the number of victims total 9,552. The reason I mention this is that, of those, a family member as an offender, being either a partner or other family member, totalled 4,578; and a non-family member, being an ex-partner or other non-family member, totalled 5,006, and of those, nearly 2,000 were ex-partners.

In short, out of 11,500 victimisations, about 9,500 were committed by a family member, being a partner, son, daughter, auntie, uncle or whatever, or a non-family now ex-partner, and the remaining 2,000 were committed by strangers or persons unknown. Now, that probably tells us what we already know; that is, in all likelihood the most dangerous place for a person to become a victim of violence—a personal offence against a person—is in their own home.

It is important that we not only keep this data, but it should be published and it should be available so that we are able to start working clearly on how we manage this. There is no point in putting our head in the sand, there is no point in just ignoring it. We have to start dealing with this and dealing with it in a serious way.

The Coroner, who has been a very busy person, I must say, is of course obliged, under the statute, to give us an annual report. In November last year, he tabled his 2013-14 annual report, and he specifically reported to the parliament, under specific matters arising during the 2013-14 year, on a domestic violence research project.

In short, members may recall that, in 2010, the Office for Women established a senior research officer (domestic violence) position, in partnership with the Coroner's Office, to research and investigate open and closed deaths relating to domestic violence. This then started in January 2011. I certainly hope that the government continues this because I think it is a worthy

project, and it is important that we have some diagnosis of the deaths of persons, mostly women and children but in fact anyone who is a victim of domestic violence. The Coroner reports that:

> The broad role of this position is to identify and investigate deaths which occur in a context of domestic violence. The scope of this position encompasses homicide, suicide and multiple fatality incidents involving adults and children.

The senior research officer is Heidi Ehrat. In his report the Coroner said:

> Over the past year this position conducted reviews and provided advice on 25 coronial matters where domestic violence featured as part of the context of those deaths. Most particularly in 2013-14 this position had an active role in providing advice into the inquest of the death of Zahra Abrahimzadeh. The findings in this matter were released on 7 July 2014 and included 10 recommendations for system improvement in the handling of domestic violence matters. These recommendations were directed to the South Australian Premier. Also of note in 2013-14 is the South Australian government's development and implementation of a database to identify serial offenders of domestic violence. This initiative relates to the 2011 findings and recommendations by the Deputy State Coroner in the matter of the death of Robyn Eileen Hayward at the hands of her ex-partner, Edwin Raymond Durance.

Of course, he goes on to present his case to the parliament to seek the continued operation of that role in the Coroner's office. Both of the deaths that are referred to in his report have had significant comment made about them in this and other places. I have spoken at length on the findings of the Robyn Hayward murder, and I think that all members of this house would be very well aware of Zahra Abrahimzadeh's murder and subsequent imprisonment of her husband.

The biggest concern is not that the Coroner's work is going unread or even unattended to. It seems to be that they were two cases, for example, where there had been severe criticism mostly of people in the police department and where we have senior members of the department and representatives of the commissioner's office saying that they are progressing the recommendations and have taken heed of the concerns.

The Zahra Abrahimzadeh case was most notable because, in that instance, an injunction was applied for and obtained on an interim basis, and even though the place of residence and work of the alleged abuser was well known he was never served, and then there was just a litany of failings of improperly investigating, protecting and actioning for her protection. She was stabbed and that was the end of that matter.

In Mrs Hayward's case she was murdered by Mr Durance. He was then killed by the police. The litany of problems there was that there were not only injunction-type orders similar to what we now have as an intervention order, but there were breaches of it; and again there were just repeated failings to act on the notifications of the breaches in this regard. We just had a whole lot of rules that had been established which said that where certain situations occur there has to be an inquiry as to whether there is an existing intervention or injunction and that has to be recorded, and then it has to be acted upon if there is an allegation of breach, and none of these things happened. It is just a shocking case.

I have spoken on it on a number of times in this place and it sickens me every time I think about it. But I tell members what really makes me angry: that even after those two cases highlighted by the Coroner and published in the Coroner's recommendations (which, of course, come in here and we hear about them, and sometimes there has to be a mandatory response if the deaths are in prison or in custody), very often we hear the plaintiff presentation of a minister that they have listened and they will learn and they will activate and they will do what they can to ensure that this does not happen again. However, almost at the very time of the handing down of the Abrahimzadeh coronial inquest, within days—and bearing in mind there was (just like the sad Chloe Valentine case) a whole lot of public media surrounding the evidence given at that inquest over the months beforehand—we find the murder in Encounter Bay of Graziella Daillér. She was murdered this time last year and it appears that her partner had then killed himself. Both bodies were found.

Again, there had been a history of complaint. In this case, there was a very supportive family. Her children, and even her former husband, have come forward to try to get some relief and understanding about what has happened here. How is it that their mother could be murdered in a circumstance where there was a known history of threats and violence? We have all of this media happening around the Abrahimzadeh case and others as they have limped along with the shocking revelations that had occurred. It is now a year since Ms Daillér was murdered and still they have not

heard from the Coroner's office as to whether there will be an inquest. They cannot get a death certificate for their mother, they cannot move on. This raises another important question of the Coroner's office having sufficient resources to be able to conduct inquests when they need to be done.

I do not want to be reading any more Coroner's reports. I am sick of reading them. I have been reading them for 30 years and it is alarming to me that I hear the same words, the same pleas, the same promises and still nothing has happened. I thought that after the Hayward case and after the Abrahimzadeh case—these are so wicked, these are so horrid—that there would be some assurance to make sure that when it is known it would be acted on. I have never said and I do not think anyone would expect our enforcement authorities to be able to understand or certainly to be providing surveillance to every possible household. How can they? Of course, they cannot, but when they know about it and when there are complaints like in child abuse there has to be some responsibility to act on it and ensure that there is protection.

The way that the government has acted on dealing with domestic violence includes this bill, and we will support it. It needs to tidy up some of the intervention order processes; we have accepted that. What makes me cross, though, is that there has been great fanfare around introducing a bill of this nature as though this is going to be some magic wand to deal with the issue, and it clearly is not. This is a tidying up exercise that obviously we will not stand in the way of, but I can remember when the government introduced the principal bill to create intervention orders which replaced the old restraining order process that we had which was only through the court system. These new intervention orders were going to be a very important tool in being able to protect women and children and other vulnerable people, sometimes they are men, from abuse and threat.

One of the initiatives was that it would be able to be issued by a police officer of a certain rank, protected by a process of having to be brought before a court within a certain time for approval by a magistrate and that that would make it more accessible and more immediate for the relief of those who are going to be protected. At the time, there was not any evidence that magistrates could not be made available to make urgent orders, even in the middle of the night, because there are duty judges and magistrates at all times, nor was there any evidence that a person was left at risk in the immediate vicinity or proximity of the accused person because, if that was the case, there was a capacity for the police to be able to undertake the arrest and use other means, including bail conditions, to be able to protect a person until court the next morning.

So even though I was not moved by the need for this to be done by a police officer, and moreover was concerned about how police officers were going to actually manage the information that was coming to them, especially in a circumstance where there was no observable injury to one of the parties as a victim, we nevertheless supported it. The government said, 'This is going to be a great new initiative, it is going to help women and children and vulnerable people in these circumstances,' yet it took them two years before they commenced its operation, and their excuse was, 'Well, we need to train up the police.'

That is just complete nonsense. It seems to me that the government wanted to get the headline and be able to say that they were doing this, but to then not introduce it for two years was shameful. Maurine Pyke QC had been commissioned a few years earlier by the government to look at reforms that would assist in relation to domestic violence—she also wrote an excellent report, the actual name of which I cannot recall now, but it was a very good and comprehensive report—and this was one of the things that she thought was applying in some other jurisdictions and was worthy of us supporting. Well, we did, yet the government took two years to implement it once we had passed the matter through this parliament.

I get very concerned that we come in here in a fanfare of reform with the government's ambitious attempts to deal with difficult issues with some sort of panacea of capacity to provide protection, and it falls very short. There was no justification for the delay. They could have done it at the time we were dealing with that, as they frequently do with other bills—they appoint people to boards, they have people starting their training programs, they get things in place even before we have considered them in the parliament; when it suits them they will get it ready—and in this case there was every opportunity for a small number of police officers to at least be given some extra training.

The other thing is that I think it was a bit of an insult to the police. Certainly, in the 30 years that I have either been in practice or have been in here there has been a very strong focus on teams within the police force to deal with sensitive and careful questioning and interviewing of victims. It started with a lot of attention in the 1970s, particularly regarding women who were victims of rape or sexual assault, followed by an enormous amount of training in respect of the identification of indicia to raise concerns, where necessary, for child abuse, including child sexual abuse.

That went all through the eighties; we dealt with the law on that and the police picked up on it and made sure they had proper teams. Indeed, there were identified concerns raised and two units were set up at our hospitals to make sure that there was proper forensic assessment of children, specialist trained police officers and others to interview alleged victims, child victims and other members of the family during very stressful situations to ensure two things. The first was that as much of the information as could be was elicited for the purposes of having a successful prosecution, and the second was to make sure that it was not contaminated along the way so that it would not potentially abort a successful prosecution down the track.

I was very concerned at the time, and I kept asking the then attorney and other members of the government, 'Where are these intervention orders? Why haven't they been introduced?' They said, 'Oh well, we are still training the police.' It was woefully ignorant, and I think it showed a complete disregard of the urgency and importance of protection in this area. I would hope that, at the very least, in the tidy up we are being asked to consider here that they do get on with this. We are debating here its passage through this house to make sure that these initiatives are implemented. I would think the electronic transfer of information, which we are supposed to be supporting today with amendments to make it easier to get that material out and fulfil the obligations on courts and other parties to distribute it, is also helpful.

However, I just make another point: the court infrastructure in South Australia is in an appalling state. I will not even go on about the fact that the court precinct plan seems to have completely evaporated on the grounds that it is no longer 'value for money', whatever that is. We have had announcements that there will be closures of suburban courts. More recently, the Port Adelaide Magistrates Court has been salvaged.

The state of the infrastructure generally in the courts is a disgrace. One of the factors holding up the implementation of some reasonably modern electronic equipment in these institutions is that it has been hampered by the poor infrastructure. In the years I have been here, it has been said, 'Well, look, we're not going to implement that. We're just going to do a bit of a patch-up on the package that we've got at the moment, whether it is hardware or software, because we're going to be building new courts and sometime down the track, we will then do it all properly.'

I, for one, accepted that that is not an unreasonable thing to do—build something purpose-built, and not try to retrofit all of the modern technology that we want to be able to apply, not only for electronic lodgement, collation of exhibits and all the other things for trial work, but also for the processing of all the civil claims. It is a great idea, but that does not mean that we should be waiting around.

In the 14 years I have been here, we are still waiting for that infrastructure to be built, and then they come in here and say, 'Well, we're going to make sure that we've got a new regime legislatively to facilitate electronic transfer of this information.' We do not even have a decent courthouse at this point, let alone some of the equipment that is going to be used to patch up what we have to try to exploit this opportunity.

I am not overly confident that that will be dealt with in a hurry either and, meanwhile, women and children continue to be bashed and killed and we continue to read the sorry saga in coronial reports and media articles. It really is a shameful situation. The Deputy Speaker will be pleased to know that that is the conclusion of my contribution.

Mr PEDERICK (Hammond) (16:42): I rise to speak to the Intervention Orders (Prevention of Abuse) (Miscellaneous) Amendment Bill 2015, and I will assure the parliament that I have no notes on the Magna Carta, which is a shame.

The DEPUTY SPEAKER: Give him something quickly!

Mr PEDERICK: The original Intervention Orders (Prevention of Abuse) Act 2009 came into operation on 9 December 2011. This was about reforming issues around domestic and personal violence restraining orders by creating intervention orders and broadening the range of people who would be protected by these orders. Obviously, these orders can be made to protect people from violence and from threatening and controlling behaviour. The act recognises not only physical forms of violence but also emotional and psychological harm and unreasonable and non-consensual denial of financial, social or personal autonomy.

As we have just heard from the deputy leader, this bill is about facilitating the electronic transfer of information between the South Australian police, the courts and other relevant public sector agencies, by allowing the provision of the prescribed details of an order rather than a copy of the order itself.

As the deputy leader said in her contribution, there is still so much work to be done in regard to courthouses, and not just in the city. We are waiting for an upgrade of the courthouse at Murray Bridge. The site is right next to the new police station. The sooner we can get a new courthouse, which will facilitate the fact that we do not need to transfer prisoners from Swanport Road through to the main street in Murray Bridge, the better off we will be in Murray Bridge in dealing with any court matters.

Section 31 of the act is also amended to give courts the sentencing power to require perpetrators of domestic violence to bear the financial burden of an intervention program. These programs, sadly, are only available in metropolitan Adelaide and are fully funded by the government. The amendment to the act that is currently in use will give the court a discretionary power to order a defendant, upon conviction of a breach of an intervention order involving physical violence or a threat of physical violence, to make a payment of not more than the prescribed amount towards the cost of any treatment program ordered as a term of their intervention order. It is supposed that this cost recovery service will allow perpetrator programs to be expanded to regional areas.

I am a member of the Social Development Committee and we are currently conducting an inquiry into domestic violence, and we are hearing some terrible stories and some intriguing evidence at times. Domestic violence is a terrible scourge in our society. I think a big part of the issue is not only that we do not have women's shelters in many regional areas where women experiencing domestic violence can go—they are usually put up in motel rooms—but also that there are no perpetrator programs so that we can talk to the perpetrators of domestic violence and stop this cycle of events going on and on and on. If we do not get these perpetrator programs in place right across the state, we will never even get close to ending the cycle of domestic violence.

In regard to having to pay for treatment, the amendment has been drafted to include a requirement that the court inform a defendant that there is a possibility that the court can order them to pay for their court-mandated treatment if they breach the intervention order by an act or a threat of physical violence. As I said earlier, it is hoped that that will act as a deterrent for a breach of an intervention order.

Section 21 is being amended so that, in court proceedings for the making of an interim intervention order where the applicant is a police officer, the court is not bound by the rules of evidence but may inform itself as it thinks fit. In doing so, the court must act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal form. I am told that there is a precedence for this approach in South Australia. When determining whether to make a problem gambling family protection order under the Problem Gambling Family Protection Orders Act 2004, the Independent Gambling Authority is not bound by the rules of evidence.

Another change to section 34 of the act will assist police with serving intervention orders, in that this section provides powers for police to facilitate service of unserved intervention orders. The situation at the moment is that a police officer may require a person to remain at a particular place for so long as may be necessary for an intervention order to be served. In some cases, this may be impractical. Again, this can happen in small regional and remote areas.

For greater protection for victims, the amendment to section 34 would work so that a police officer may also require a person to accompany them to the nearest police station for the purpose of service of an intervention order. If this occurs, police have an obligation to ensure that the person is

returned to the place at which the request was made or taken to a place that is near to that place unless to do so would be against the person's wishes or there is good reason for not doing so.

The amendments to section 23 of the act require the court, when determining whether to confirm, vary or revoke an interim intervention order, to make inquiries about the existence of any relevant Family Law Act orders or Children's Protection Act orders and consider how the final intervention order and that existing order would interact. The court is also required to take such steps as it considers necessary to avoid inconsistency between the orders.

In cases where a parenting order is made under the Family Law Act, to the extent that it provides for a child to spend time with a person, or requires or authorises a person to spend time with the child, or it will be inconsistent with the terms of the intervention order, South Australian magistrates have the power, under section 68R of the Family Law Act, to revive, vary, discharge or suspend the parenting order to remove any inconsistencies related to contact with children. If there are no concurrent proceedings in the Family Court, the exercise of this power by a magistrate would remove the need for the applicant to commence new proceedings in the Family Court to vary the parenting orders.

I think this is an issue which is central to a lot of cases, whether I have heard it in regard to the committee or whether I have heard it just through life or as a member of parliament, and that is children in custody battles, custody issues, parenting issues. Sadly, this is sometimes the trigger for people to commit violent acts. There is no excuse for any of this domestic violence, especially when victims are mainly women and children; it is disgraceful. People are sometimes restricted from their access for various reasons and, sadly, they take out their anger on their former partner and loved ones. It is totally wrong, but as I have said before we have to get perpetrator programs in place as well because the cycle will just go on and on. We are all human beings and everyone can get angry, but people need to restrain themselves, and people need to know that they have the right support and that they do not have to commit these violent acts.

Section 21B of the Bail Act 1985 is being amended to give the court the power to order attendance at a treatment program as a condition of bail. Again, we would need to make sure that funds are in place for these programs for perpetrators. In regard to the cross-examination of certain witnesses, this is dealt with in section 13B of the Evidence Act 1929, which will be amended to include an aggravated assault where the form of the aggravation is as set out in the Criminal Law Consolidation Act; that is, the offender committed the offence knowing that the victim of the offence was a spouse or former spouse of the offender, or a domestic partner or former domestic partner of the offender, or, as I indicated earlier, it could be a child who normally or regularly resides with the offender or spouse or domestic partner, or a former spouse or domestic partner of the offender.

In regard to another amendment, which was requested by the chief magistrate, it reinstates a provision that was deleted in 2013 to make it clear that a court may treat a defendant's participation and achievements in an intervention order program as relevant to sentence. Again, appropriate programs need to be introduced right across the state so that we can stop this cycle of violence. Certainly in regard to sentencing, it will be made clear to a court as well as to a defendant that successful participation in an intervention program is a relevant consideration in determining a sentence.

Just going through a bit of a summary of some of the amendments that are being made with this bill, it does allow the courts and relevant public sector agencies to provide prescribed details of a court order rather than a copy of the order itself. It requires perpetrators of DVOs (domestic violence orders) to bear the financial cost of an intervention program and with discretionary powers of the court if they fail to attend or breach the obligation. It also requires a person subject to a police interim intervention order to notify the Commissioner of Police in writing of an address for service and other amendments to assist in the serving of intervention orders, and also the Commissioner of Police to be notified of all applications for variation or revocation of intervention orders.

Also, in regard to that, an intervention order will be allowed to contain the term 'in the vicinity of' of certain premises or localities and there will be a transitional provision to provide for concerns requiring the court to make inquiries about the existence of a family or youth court order before dealing with an interim intervention order. It is for the court to further avoid inconsistency, and

magistrates will continue obviously to have power to vary the orders. There will be an amendment around the provision for the police to issue an interim intervention order where the defendant is not present or in custody. As I indicated earlier, this will allow the court not to be bound by the rules of evidence, and this, as I said, follows the precedent in regard to the problem gambling family protection order process.

As I indicated earlier, I am a member of the Social Development Committee, and we are doing an inquiry at the minute on the prevention of domestic and family violence. We have had several hearings in Adelaide. We have had some regional hearings and we will be having more hearings as the year unfolds. There certainly is some disturbing information that comes to us, but there has also been some very interesting information, such as the fact that one regional service provider had a percentage of their victims in regard to domestic violence and men and then in regard to another low percentage where there are both male and female partners in a domestic situation who are both perpetrator and victim. So, I certainly do not believe, from the initial information that has been presented to the committee, that it is just a single gender-based issue. Mind you, women are well and truly over-represented as victims in regard to domestic violence, but there is no excuse for anyone in a domestic situation to beat up on their loved ones.

We must also make sure that all the programs can be extended across the state. I was talking to one of the senior police in the region about what is needed for domestic violence in relation to managing cases where men may be victims, and he indicated to me (and he was aware of the fact) and said, 'Let's try to get ahead of all the dramas we have with managing the issues around women and children being victims,' and he had a fair case there.

There is so much work to do, and you hear from the non-government agencies that work in this field that everything is at crisis point. Everything is at the sharp end of looking after or trying to assist victims of domestic violence. Sadly, it is all that crisis-end work that needs to happen, whether it is providing emergency care in motels because the shelters are not available or just trying to essentially keep people alive in the case of a lot of these domestic violence cases.

There has to be a lot more work done, a lot more investment, and we certainly have to break the cycle. A lot of that is in regard to working with perpetrators so that we can stop the circle of violence. I commend the bill and wish it speedy progress through the house. Let's get this into law so that we can do some good for the people of this state.

Mr PENGILLY (Finniss) (17:00): I will not make a long contribution, but I listened with interest to the points the member for Bragg made and felt that I needed to endorse a couple of those points. I will perhaps just pick up first on something the member for Hammond mentioned a minute ago that this domestic violence is not confined to women. Indeed, the overwhelming number of victims are women, I acknowledge that freely; however, I know very well an Adelaide lawyer who himself was the victim of domestic violence, unfortunately, and he is still struggling with that years later.

I seriously question where we are going as a society with the impact of drugs and particularly, more latterly, the impact of methamphetamines and ice. Marijuana is not called dope for nothing, but what methamphets and ice do to people's behaviour is absolutely horrendous. Having just been through a number of prisons with the Public Works Committee, I read some more information on the 2,400 prisoners in South Australia who are in there for violence. How many of those are actually to do with domestic violence I am not sure, but the numbers, I feel, would be horrendous.

I am probably no different to many other members on both sides of the house, but I seem to have an increasing number of constituents come through my office—women—who have been or are subject to domestic violence. It is rather horrifying that that seems to be increasing. In some cases, they feel severely let down by government agencies, and I think that is something that we have to come to grips with. Why, in some cases, the agencies are failing I am not quite sure. Whether the information does not get through, I am not quite sure. I do not say this with any intent, but whether as a society we are getting too blasé about it, I am not too sure, but something has to happen. It is too regular.

More particularly, the member for Bragg mentioned the case of Graziella Daillér. It is something that has been to the fore in my electorate over the last 12 months since Ms Daillér was

murdered. The fact is that they still have not got a death certificate, and the Coroner still appears to be doing nothing. Graziella's family have buried her in France, but they cannot understand for the life of them why the authorities in South Australia have not tidied up much of this, why indeed they do not have the certificates that they need, why the system is so slow and why they cannot get some finality. That is the family in France.

Graziella's former husband Kym Holly has been a tower of strength for his children. His children are Natasha, Adelaide and Vincent, and they are really struggling some 12 months later with the effect of their mother's brutal murder by Dion Muir in Encounter Bay. They should not have to. They should be able to get some finality on this. I think the state has failed them, quite frankly. I think that the state has failed them dismally and it is simply not good enough. These are young people. Natasha has a couple of young children. Adelaide is in her mid-20s and Vincent, I think, is about 19 or 20, and they are at their wits' end to get some finality so they can set their minds at rest and move on with their lives.

It is having a devastating impact on them and it should not. When I say 'it should not', what should not be is the fact that it has been delayed for so long. Now, what is SAPOL doing? I have asked questions in the house on this. I still have not had any answers. I was hoping that the police minister would come back with some answers, or the Attorney, but no. Natasha, Adelaide and Vincent are still being torn apart. I do not know where all this finishes, I really do not. Perhaps we are becoming a decadent society, I just do not know, but it is a worry.

We do not know what will eventually come out in the Coroner's report. There were ongoing cases of violence by Dion Muir directed towards Graziella Daillér but it still went on until she was dead, and she could have been dead for a couple of days down there at Encounter Bay. So, anything we can do to expedite action against domestic violence—and I would put in brackets drugs, methamphets and ice because I think it is all linked in—we have to do, because we have to do something about it.

There has always been violence. I have seen examples of my parents' generation—my father and others who fought in the Second World War—and what happened after the war. There was no such thing as PTSD and there with was no treatment. There was no such thing as what happens with the Vietnam vets and those who have fought in Afghanistan, Iraq and East Timor. There was none of the treatments or things available for them that there is now. It was mainly alcohol fuelled because these poor blokes really had no outlet to do something about the dreadful problems and things that they brought back from World War II.

With those few words I am supportive. I hope that we do get this through in rapid time, but I reiterate: somebody in the government or someone in government agencies need to get off their collective backside and do something about the case of Graziella Daillér for her family's sake. You failed dismally. Someone has failed. Some heads need to be cracked. The ministers do it, the Premier does it or the Attorney, I do not care, but the bureaucracy is failing and the government is failing to do something about the tragic death of Graziella Daillér.

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

A quorum having been formed:

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:09): This is, indeed, a great thing. I am very pleased that we have had so many very useful contributions in relation to this matter. I am also relieved that we are not going into committee, as I understand it, which is very positive.

The DEPUTY SPEAKER: Well, you would just want to move that it is read a second time.

The Hon. J.R. RAU: I think that is basically what I am getting to.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:10): I move:

That this bill be now read a third time.

I cannot say any more than I have already said. It has been terrific and thank you.

Bill read a third time and passed.

STATUTES AMENDMENT (VULNERABLE WITNESSES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 May 2015.)

Mr GARDNER (Morialta) (17:11): I indicate that I am not the lead speaker for the opposition; the member for Bragg will in due course take that role. I look forward to contributions by the member for Bragg and the member for Hartley, who I know has a bit to say on this matter, and others. The role that I held through 2011-12 of shadow minister for disabilities gave me an opportunity to spend a good many months visiting with stakeholder groups, representative groups and, more importantly, families of people with disabilities and people with disabilities in a range of areas.

It was a really cherished period in my life where I was able to gain a fuller understanding of many of the issues confronting some of the people in this situation and the absolute horror felt by so many members of the community upon hearing of cases such as the one that I am sure will attract some comment in other speeches of children on a school bus being taken off the school bus and abused disgustingly and then prosecution not being able to be made because the evidence available to the prosecution was not of a nature that was sufficient to get a conviction. Imagine the horror of the families of those children. Imagine the horror of families of any children who would be in such a circumstance. Reform of this nature is important that it be undertaken because it is not good enough for us as a society to cling to a process that delivers such poor outcomes when changes can be made.

So, I look forward to the further debate on this matter. The intent is to enable assistance to be given to vulnerable witnesses in order that their testimony may be appreciated by the court. One would hope that its intent will be fulfilled and that it may benefit the children in particular and other vulnerable witnesses and vulnerable victims, and that we do not again have the situation that was particularly brought to my attention that I referred to earlier.

Mr TARZIA (Hartley) (17:14): I also rise to speak to the Statutes Amendment (Vulnerable Witnesses) Bill 2015. I will be supporting the bill. As we have heard, the bill was introduced by the Attorney on 6 May and what it actually does is amend the Evidence Act 1929, which consolidates the rules regarding presentation and admissibility of evidence in our courts. This is very important.

Obviously there are a number of things at play when you instigate these kinds of laws: making sure that you protect the integrity of evidence, making sure that you protect the vulnerability of witnesses, and making sure you protect the vulnerability of witnesses in the context of the evidence they give as well. This is what this bill does. It goes to the heart of these sorts of issues, and what we have here are related amendments to acts covering the Supreme Court, District Court and Magistrates Court acts as well as many others.

As a background to this, we know that the government published the Disability Justice Plan back in 2011, and it is welcome that it is trying to fulfil some of these election commitments to progress what have been some of the highest priorities of that report. The government claims that the bill will improve the position of vulnerable parties, including children and people with disability, whether they are victims, witnesses, suspects, plaintiffs or defendants.

However, one of the things the government has failed to take up is the courts precinct, and I need not remind the government that it does have an obligation to upgrade these facilities. We know that the court infrastructure in South Australia is not where it needs to be; the IT software in the courts

in South Australia is not where it needs to be. Time and time again judges, magistrates, members of the legal fraternity have called for upgrades to this. It seems to be a fundamental element that the government continually fails to address, and I would like to point that out and seek sight of that in the budget that is coming up. We need to get these things right, and for too long the profession has had to operate in an environment with substandard facilities. It is not good enough, and the government needs to do better.

However, back to the bill. The bill provides for the definition of cognitive impairment and defines what that is. It also defines 'vulnerable witness', and that has actually changed to accommodate more recent developments. The definition of 'young child' is increased from age 12 to age 14. It also talks about admission into evidence of audiovisual records. Regulations will require that an interview be conducted by a specially trained person while the court retains discretion in respect of admissibility. Specialist training for interviewers is proposed to support these changes.

The bill also talks about special hearings for the pre-trial taking of evidence from children 14 years and under with disability, or persons with a disability who are victims or witnesses in trials involving sexual or violent offences. This will allow evidence to be taken as close as possible in time to the charges as they are laid, to assist memory and also to avoid what may be a reliving of the experience suffered months later. It also provides for the extension of priority of sexual assault trials where the complainant is a child to those where the complainant has a disability. It also amends the Evidence Act.

I compliment the drafters of the bill. This is not an easy task; it is a very tricky bill to get your head around. I spent many weeks toiling over the Evidence Act in my law school days and I think the drafters of the bill have done quite a good job, initially, in getting this right. The bill aims to amend the Evidence Act to give people with complex communication needs the right to a general entitlement to have a communication assistant present for contact within the criminal justice system, both in and out of court, and the model expands on the existing rights to an interpreter.

The bill also amends the Evidence Act to clarify an increase in access to appropriate persons to provide emotional support, both in and out of court, and to broaden special arrangements that are available in the giving of evidence. I note that the court could regulate the manner, the topics and also the timing of questions. It also goes to the heart of what inappropriate questions are and clarifies the definition of inappropriate questions, including those 'too complicated for a witness to understand'.

Additionally, the bill repeals section 34CA of the Evidence Act to allow admissibility as a limited exception to the hearsay rule. There are claims that new section 34LA will resolve this, and I look forward to hearing the Attorney explain how that will be done. The bill also clarifies criteria for the determining of the competence of a witness and, furthermore, clarifies the operation of the law that governs exemptions to close relatives from giving evidence against the accused.

In addition, the bill clarifies the rules in relation to the initial complaint of sexual conduct by an alleged victim allowing it to demonstrate a consistency of conduct. In this bill, the weight is still left to the judge or jury. This bill tightens the restrictions on access to audiovisual records and transcript, expands the meaning of 'sensitive material' and allows regulations to provide a procedure so that interviews can be reviewed for training purposes.

When you look at what other jurisdictions have done, it is interesting to put what we are suggesting here in context. I note that Victoria has an Independent Third Person scheme as part of the Office of the Public Advocate. In the Northern Territory, I believe they have drafted legislation to allow exceptions to the hearsay rule being considered. Overseas, it is the case, especially in Canada and England, that wide general exemptions to the rule are allowed. I note that SA, WA and Queensland are not party to the uniform evidence act.

I note that the bill has been put out for consultation. The Law Society especially has provided a draft submission to the Disability Justice Plan, and has expressed the concerns that I raised just a short time ago in regard to the budgetary resources of our courts. The courts are already overloaded and there are concerns in regard to greater delay in other criminal cases and civil trials.

However, if this does result in more prosecutions, if this does result in more evidence being able to be used for good purpose and benefit, that is certainly a good thing. At the same time, I note that we are still waiting for certain stakeholders to provide their feedback, so it may be that, in another place, this bill will be subject to further scrutiny, as is the case for many laws.

Overall, I support the intent of the bill. I applaud the writers of the bill. I understand that it is a tricky part of law and I think this is a good attempt to get right an area that has probably been not where it needs to be for a long time. With those few words, I commend the bill to the house.

Dr McFETRIDGE (Morphett) (17:24): I rise to support this legislation and look forward to it coming into force. People who have been around here a little while will know that this is an issue that has been raised a number of times in this place: questions have been asked, reports have been prepared and committees have been set up. All sorts of attitudes and opinions have been voiced about what we should be doing to protect some of the most vulnerable people in our society, and particularly people with disabilities.

I have been personally involved in one of the cases that has been talked about a lot in this place, and that is the St Ann's Special School case. The son of some very good friends of mine was at St Ann's Special School and he was one of the victims of the bus driver. I know the impact that it had not only on the son of my friends but also on them, and they are still suffering. Unfortunately, their son died from an unrelated medical condition, but they are still suffering from the effects of not being able to protect their son from an evil predator.

We need to do everything we possibly can to protect people who are not aware of their surroundings. We in this place are lucky enough to be completely cognisant of what is going on, the consequences of actions and the way people try to manipulate outcomes in certain circumstances. The failure to communicate is a problem in many areas, but in particular—and I am not a lawyer; I keep saying in this place that I am just a humble veterinarian—we need to make sure that we do have a justice system and not just a legal system. That is something I am very keen to see.

I think we should have the ability to change the law and to broaden the scope of legislation so that evidence can be admitted into a court of law. I should say that I trust the wisdom of our judges to determine whether that evidence is admissible, the veracity of that evidence and the weight that is put on that evidence. Whether it is evidence being given by a defendant, a victim or a witness, I think that evidence should be weighed by a judge, and I do not think it is a black and white issue in these particular circumstances. There has to be some opportunity for people who cannot express themselves as well as we can in this place to tell what has happened to them, their circumstances or the trauma that they may have undergone.

We need to make sure that there is a place in our law and a place in our justice system for people to be heard and protected, and for people to be punished if they have done the wrong thing. Whether it is the horrendous serial acts of the bus driver in the St Ann's case or a one-off offence, it does not matter, we have to make sure that the whole process is gone through and that the people involved—particularly the victims who are unable to express themselves in a manner that you and I might easily understand—are given that opportunity. This is where the use of communication assistants and witness assistants is a really good move. To be able to admit hearsay evidence and to allow the judge to weigh that is another good move, because sometimes these victims will communicate with trusted members of the family or trusted carers and give evidence of things that have gone on.

We need to make sure that our society is able to assist victims and assist the whole of that disability sector, and others who are unable to communicate as well that might be included in this area, with not such strict letter of the law but rather an understanding and an interpretation of the intent of the legislation that we are putting through this place. Sometimes it is frustrating for me to see that the intent of the legislation is not exactly what is happening in the application of the legislation. If this legislation goes anywhere towards assisting an outcome of fairness, equity and justice, it will be a good piece of legislation. I understand there are still some questions about the nuances and that there are certain submissions still being reviewed and possible amendments may have to be looked at. If that serves to make sure that this legislation is doing what is intended by all of us, that is a very good thing.

I will leave the technical discussion to my good friend and colleague the deputy leader, the member for Bragg. I enjoy listening to her contributions, her dissecting of the facts and the legislation, and then splicing it all back together again to make sure that we get what we intend. With that, I will finish my contribution and just say that I hope beyond all that we get the legislation that we require in this place so that I do not have to come back into this place, as I did in questions to former premier Rann and in grieves, and ask eight times for reports on sexual abuse of victims to be released before any action is taken. It should not come to that. It should not come to a massive revelation of a horrendous series of events. Let us hope that, even if there is a one-off event, this legislation does something towards improving the outcomes for those victims.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:31): I rise to speak on the Statutes Amendment (Vulnerable Witnesses) Bill 2015. This bill was tabled on 6 May by the Attorney-General and it has been listed for progress today. I have appreciated the availability of Ms Amelia Cairney, Mr Stephen Brock and Fiona Snodgrass in two separate briefings on this matter, one to outline the legal amendments and the second to look at the implementation arrangements, particularly the tenders for specialty training for the new initiative in this bill, which, of course, is the establishment of communication assistance. I thank them for that, but we are being asked to progress this bill in the absence of hearing from some of the usual stakeholders.

I will qualify that by saying that, whilst we have not yet received any commentary from the Law Society or the Bar Association, two parties that are not only familiar and experienced with the Evidence Act 1929 and its application, which has been substantially amended in this bill, I do value their opinion; however, I have read the submission that they presented to the government, during the course of their consultation on the criminal justice system reforms, and the comments they made about amendments that might help support people with a disability. They raised a number of concerns at the time.

Secondly, there are parties who are well known in the field of disability advocacy, people such as John Brayley, who is the Public Advocate, and people such as the former chief executive of the Julia Farr Centre and, I think, Julia Farr Housing SA—

Mr Gardner: Robbi Williams.

Ms CHAPMAN: Mr Robbi Williams, thank you, member for Morialta. They are well known advocates in this field. We are assured that they have given support to the legislation before us. I also commend the extraordinary work and continued advocacy of the Hon. Kelly Vincent MLC, who represents the Dignity for Disability party in the other place. These are tireless performers and they are demonstrably successful in their advocacy for those with a disability, so their opinions I do value. I thank also the member for Hartley and the member for Morphett, the latter of whom is the representative on disability matters in the opposition. He keeps us constantly reminded of the importance to take into account matters that will affect people with a disability in all of the areas of policy and legislation that we deal with.

So, although we are without some of the contributions that would ordinarily be expected to be received, I have had those briefings. I have the benefit of the confirmation of support that has been indicated, and I have the benefit of some material that has been provided by the Attorney in his letter late last week to answer a number of the questions on this bill.

I also recognise that the government published the Disability Justice Plan back in 2011. It formed the basis of a strategy document which was presented to cover what was also called a Disability Justice Plan for 2014-17, setting out a number of priorities that they hope to achieve for reform in this area, but in the disability justice area, specifically to uphold and protect and promote the rights of people with a disability, to support vulnerable victims and witnesses in the giving of evidence, to support people with disability accused or convicted of a crime, and continuously monitor and improve performance.

It should also be noted and I do acknowledge the work of the select committee of this parliament, which reported on 25 July 2013 on access to and interaction with the South Australian justice system for people with disabilities. I do not have in front of me the full membership of the committee, and of course they have moved off the *Notice Paper* as a result of concluding their work, but I do know the Hon. Stephen Wade was also a member of that committee. He has also been very

active. Formerly a board member of the Julia Farr Centre prior to coming into the parliament here for our side of politics, he has also been a strong advocate for the recognition of those with disability.

The one thing that would temper my enthusiasm for the reforms in this area is that, when I met with Mr Stephen Brock, it seemed quite clear that, whilst there was going to be a period of tender process for the purposes of contracting a party to provide training to some communication assistants, the total budget for these initiatives is something like $3½ million over four years. The reality is, as he confirmed, we are only going to have a few trained up, it is going to take a very long time, and the piloting, whether that is going to be geographical or to a small group of lucky winners who get a chance to have these communication systems, is clearly going to start very small.

I remember saying this about the proposed National Disability Insurance Scheme and at the time that we were being asked to do reforms for people who had catastrophic injuries arising out of motor vehicle accidents. All around the time of that debate, my greatest concern was that we were receiving, in that instance, Productivity Commission reports saying that there needed to be billions of dollars put on the table to actually support these initiatives, even without that very expensive component of housing for people with disability.

So, what ends up happening is that we pass laws, everyone is gleeful at the prospect of there being reform and that there will be initiatives outlaid, but then we find that it drip-feeds out and that only a select few get access to this for quite some time. That has come true of the NDIS arrangements, which are sort of ballooning out in time before people got access to it. I, for one, do not want to raise expectations for a parent, sitting out there waiting for the progress of this bill, to think that their child who might be a witness, victim or potentially defendant in court proceedings is going to be assured of having the protection of these measures and the support of a communication assistant. That may be a very long time coming, and I do not want there to be an unrealistic expectation of that. Certainly, the government will be singing the praises of this reform. One stark omission from this reform is in their own document when they say, and I quote at page 7 of the Disability Justice Plan:

> Ensure that new infrastructure developments across the justice system including the courts precinct are accessible and disability friendly.

Well, we all know what happened to that plan. That has bitten the dust. The courts precinct project, which has been on the drawing board for years, which has had funding for its development, which has even been out to tender, was recently aborted by announcement of the Attorney-General. The courts precinct project had been developed with I suspect hundreds of thousands of dollars already spent, if not millions. Certainly, if one added all the parties other than the taxpayers, it would probably be millions that have been spent in developing courts precinct project preliminary documents, and it has all gone pear-shaped. The government has announced that it is not value for money, whatever that is. Presumably, it is too expensive for the scope they have got.

The Hon. J.R. RAU: Madam Deputy Speaker—

The DEPUTY SPEAKER: You have a point of order, do you?

The Hon. J.R. RAU: —at the risk of interrupting the member for Bragg on what no doubt for her is an interesting sideline, it really does not have any particular pertinence to the situation of vulnerable witnesses. I would be very happy to have a chat with her after about anything she thinks about courts.

Ms CHAPMAN: I speak to the objection because, at page 7 of the government's Disability Justice Plan, which lists its priority actions, some of which have been incorporated in this bill and some of which have not, I am highlighting 1.6 which specifically says:

> Ensure that new infrastructure developments across the justice system including the courts precinct are accessible and disability friendly.

The DEPUTY SPEAKER: I am going to give a ruling in Latin, once I find the word for 'okay'. Perhaps just continue with your contribution.

Ms CHAPMAN: I will. I do not intend to spend a lot of time on this, but let me say this: last year at estimates, I asked the Chief Justice whether he was aware of a mattress at the end of the

stairway that was there to help people in case they slipped down the stairs and banged into it, as an illustration of how bad the state of the Supreme Court house was. He could not recall it, actually.

I was amazed to view it on television just recently in a segment I think on the *Today Tonight* program, in which there were various people espousing how appalled they were that the government had abandoned this project. They had filmed various areas of shocking salt damp, rickety staircases, etc., and there before me on the screen was the mattress, so I know that it exists—that is how bad it is.

That is for able-bodied people who are ambulant to get up and down stairs, but what is worse is our former chief justice, chief justice Doyle, could not even get into his own courtroom when he was in a wheelchair as a result of having an accident whilst overseas. The highest judicial officer of the state was denied access during his period of infirmity. I was gleeful to see in the justice plan, when my attention was diverted to it as a result of this bill, that this was there, but of course it is finished, it is dead, we do not have a court precinct project at this point.

The Hon. J.R. Rau: No, it's not dead. It's just not very well.

Ms CHAPMAN: It is just sick. It is terminal. It has actually been terminated. The government have announced that they are now working on another idea, which presumably is the skinny version where we are going to get one tower instead of two towers, it might not be as high, it is going to have less in it. We might have smaller courts, we might have mini pews, I do not know what is going to be in it. The jury boxes might be tinier, I do not know.

However, it is just incredible how the government will say, 'We will fix this up.' We recognise there is a major accessibility issue in our courts. The former chief justice could not even get into our most senior court in the state. I am disappointed. With that rider, I am indicating that the opposition will be supporting this bill.

Can I say, however, when I get back to the select committee of which the Hon. Mr Wade was a member, and I was commending his great contribution of service to this area of advocacy, both before and in the parliament, that its chief recommendation has not been taken up. The chief recommendation is that we have disability justice advocates. During the course of briefing on this, I was advised that Victoria has developed quite a sophisticated advocacy model where they have trained up volunteers. They call it their Independent Third Persons scheme. It is part of their Office of Public Advocate. It has been operating 25 years or so. It was considered by the committee to have merit and that it was something that needed to be followed up.

They have a pool of about 90, apparently, operating over there now. I think that it is disappointing that that had not been taken up, particularly, as on the information from Mr Brock, that it is going to be months, if not years, before we actually have a significant pool of communication assistants (without wishing to be disrespectful to this other program), which is the most novel aspect of this bill, who are to have a more professional role, if I can say, as extended, trained interpreters particularly able to provide reliable information to a sister court in the expressions that are made by the person with a cognitive disability or who is 14 years or younger.

I just think that we will be some time away because remember the two aspects of this bill, which are perhaps the most controversial: one is how the application of these communications assistants is going to work. What we understand is that the amendments will give people with the complex communication needs the right to have one of these communication assistants. The whole process of their being allowed and under what terms, and the like, will be under the management of a judge.

It essentially is claimed to be an extension of the role of an interpreter, as we frequently use in courts. They have to be sworn in. They have to swear that they are going to give a correct translation—in that case of a language. Here it is going to be a more extended role. There will be explicit powers allowing for the use of a communication assistant. It will also provide for the use of a communication device.

Apparently there are regulations as to who can provide the communication assistant in court and during an interview and will provide for two classes of persons to give assistance to the court:

one a communication partner as approved by the minister, and that maybe on a volunteer basis; and, two, a person appointed by the court to act as a communication assistant in the court.

The other perhaps more controversial area of reform is the proposed amendments to the Evidence Act to repeal section 34C and replace provision to allow the admissibility in a limited exception to the hearsay rule. In the time I have been here in the parliament we have had a number of attempts to try to change these exemptions to the hearsay rule for often very meritorious reasons. The Court of Criminal Appeal had some concerns about how we have done that and has sent us back a few times. It has more recently raised concerns as to the interpretation by the courts and its application because it has been so problematic.

The Attorney has claimed in his contribution that the new section 34LA will resolve this. It certainly goes to extending the admissibility of evidence, including to prove the truth of the facts which is the most controversial aspect of this bill. There has to be some level of understanding, but it will be allowing for the admissibility of out-of-court statements of a young child or witness with a disability in sexual cases where the witness is unavailable to be called to testify about the events in question owing to age or the disability.

So, we are yet to see whether this is going to work. We have to rely on the indications of the government that this will help to remedy some of the defects that have been highlighted. It is a complicated and controversial area of the law. We have a general rule which says that hearsay evidence should not be admitted, it is not reliable, it is not in the first person. We have some statutory provided exceptions to it for reasons that have been added over the years, and this is one to which it is going to be extended a little and we hope it works. Our reassurance comes in the supervision of that by the judge who is hearing the case.

I will just quickly summarise that the bill otherwise provides for the definition of 'cognitive impairment' and essentially we are talking about vulnerable persons as a result of their having an intellectual developmental or acquired disability or mental illness or, indeed, because of their age. Historically, we have provided for 12 years and under, apparently to be consistent with other jurisdictions; that is now going to be 14 years or under.

Secondly, there is allowing for the admission into evidence of audiovisual records of interviews as the evidence of victims or vulnerable witnesses—hopefully that situation will assist—and special hearings for pre-trial taking of evidence from children 14 years and under with a disability or persons with a disability who are victims or witnesses in trials involving sexual or violent offences. That, we understand, will allow evidence to be taken as near as possible to the laying of charges to assist memory and avoid reliving the experience months later. However, members should be aware that this does not mean that it will be without some pain to the victims particularly, or witnesses, because they still will be interviewed and it will still be transcribed or videoed.

Also, there is to be a priority of sexual assault trials where the complainant is a child or where the complainant has a disability, and we have no objection to this. For children this is already in the courts act. We do not have any objection to this, but we have raised this concern along with the Law Society and others and that, if you are going to fast track these cases through the courts, we have no idea of how many there might be that come out of the woodwork that think this might help to progress the successful prosecution of the case and, therefore, what had otherwise been a barrier to proceeding via the DPP's office, for example, will be relieved. So, whether these come thick and fast we are yet to see but at present our courts, particularly the District Court, are under enormous pressure having already had child sexual abuse cases, and the law which reformed the pre-1982 complaints which have been given priority, taking up a lot of court time.

We are concerned that the government understands that the passage of this legislation and the prioritising of these cases will mean inevitably further delay for all the other people who are waiting to have their cases heard—some criminal—and then the poor people who have civil litigation pending who are already years away from the opportunity to have a trial. That is years away from people getting their compensation, years away from people getting relief in respect of liability for something, years away from being able to get part of their mother's estate. There are all sorts of reasons why people go to court who are not criminals or witnesses or defendants.

The Hon. J.R. Rau: We are going to fix all that.

Ms CHAPMAN: I have heard that before. I just make the point—

The DEPUTY SPEAKER: Are we going to move to sit beyond 6 o'clock? We have messages and things, so just to be safe shall we move beyond 6 o'clock?

Ms CHAPMAN: Okay. I just ask the government to be mindful of the fact that there has to be money with this, otherwise it will not work. I will not traverse the other details, other than to thank those who have provided their support to this. I hope they will keep the government to account on this and make sure that it is implemented and works as promised.

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

Ms COOK (Fisher) (17:55): I rise today to speak to the Statutes Amendment (Vulnerable Witnesses) Bill because we need to ensure that no child goes without justice because our legal system is inaccessible to them, and no disabled person goes without justice because our legal system is inaccessible to them either.

I started my nursing career as a registered nurse in 1989, working at the Julia Farr Centre. For seven years I was a registered nurse working predominantly in the area of brain injury rehabilitation and assessment. Part of that included advocacy and support for many people who were admitted with speech impairments or a definite disability in terms of their ability to communicate with people. I found a great deal of sympathy for those people over the years, but I also gained a great deal of respect for them, watching their endeavours with communication devices and communicating through expert therapists, nurses, friends and relatives. So I have a definite understanding of what is required to support people with speech disabilities or impediments to communicate their needs, and we must respect that and support that.

The bill put forward seeks to make our courts a much easier place for these types of vulnerable people, whether it is due to a disability or being under the age of 14. Its provisions are applied whether the vulnerable person before the court is a witness, victim, suspect or defendant. It comes as a part of the government's key policy commitment to deliver on the Disability Justice Plan. The government is providing $3.246 million to make this justice plan a reality. The plan has also been developed with close consultation with the disability sector.

The bill provides a number of tools to best assist vulnerable witnesses access our legal system. This is vitally important. The bill lays out provisions to allow children and disabled persons to testify remotely from the court, and for that interview to be provided to the court as evidence where it relates to an issue involving sexual or violent crimes.

The interview would need to be undertaken by a prescribed interviewer. Where further questioning of the witness is required after their audio-visual evidence has been submitted, that could only occur with approval of the court, based on the need to get the fairest trial for all parties. This will help to ensure that vulnerable members of our community are not additionally aggrieved by having to see their attackers again, which can be a quite harrowing event for vulnerable persons.

To help ensure that evidence is sought as quickly as possible, both for the best retelling of details and to ensure that the victims do not need to relive this experience years on, the bill allows for special pre-trial hearings, which mean that a child and a disabled witness can have their testimony taken as soon as possible.

The final point I wanted to speak to was this assistance that can be provided to vulnerable persons having to testify before the court—creating provisions around which regulations can be made to provide emotional assistance and, separately, those provisions which I alluded to in the opening of my speech, around allowance for communication assistants to be provided.

This will help people who cannot properly communicate for themselves to be able to have their voices heard and to ensure that justice is within their reach. I would urge any member who has not participated in, listened to or observed a person with a significant speech disability being assisted to communicate their needs, please endeavour to reach out to someone in your community who is having this problem and watch the strength and bravery as they express their needs to other people.

We need to ensure that our justice system is accessible to all who need to use it. Our name as a fair society depends on this, and this bill will go some of the way to help us achieve this goal. I commend the bill to the house.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (18:01): First of all, thank you to all those members who have spoken in relation to this matter. I think it is something that all of us can take some pride in. We are actually participating in the process of attempting to give voice to people who in the past have not had a voice.

It is a difficult balancing exercise, looking after people and giving a voice to people with a disability on the one hand and not providing a standard of proof that is so degraded that people can be at risk of being falsely accused and convicted of an offence. It is a very interesting and difficult problem, but I think we probably have the balance about right here.

I look forward to, hopefully, the speedy passage of the bill through the other place. I do think the disability sector is watching this to see whether the parliament does this quickly and I would like to think that we will please them. I would even like to think that those in another place might please them, but I know that sometimes—

The DEPUTY SPEAKER: You're not going to reflect, are you?

The Hon. J.R. RAU: No, I am not going to reflect. I might reflect internally, perhaps.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (18:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

JOINT COMMITTEE ON THE OPERATION OF THE TRANSPLANTATION AND ANATOMY ACT 1983

The Legislative Council passed the following resolution to which it desires the concurrence of the House of Assembly:

That it be an instruction to the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983 that the joint committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the joint committee prior to such evidence and documents being reported to the parliament.

The Legislative Council informed the House of Assembly:

That it resolved to suspend standing order 396 to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

Ms VLAHOS (Taylor) (18:04): I move:

That the message be taken into consideration forthwith.

Motion carried.

Ms VLAHOS: I move:

This house—

(a) concurs with part 1 of the resolution of the Legislative Council that it be an instruction to the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983 to authorise the disclosure and publication by the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence or documents being reported to the house.

(b) agrees with the proposal to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

Motion carried.

At 18:07 the house adjourned until Thursday 4 June 2015 at 10:30.