HOUSE OF ASSEMBLY

Wednesday, 23 September 2015

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

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today Father Riccardo Luca Guariglia, Abbott Ordinary of Montevergine, and members of the Holy Mary of Montevergine festa committee, who are guests of the member for Hartley. Welcome to parliament, and all the best for the feast.

Motions

RATES AND LAND TAX REMISSION ACT

Private Members Business, Committees & Subordinate Legislation, Notices of Motion No. 1: Ms Redmond to move:

That the regulation made under the Rates and Land Tax Remission Act 1986, entitled Remission Variation made on 14 May 2015 and laid on the table of this house on 2 June 2015, be disallowed.

Mr ODENWALDER (Little Para) (11:01): The member for Heysen has advised that it is her wish that Notice of Motion No. 1 in her name be withdrawn, so I move that way.

Motion carried; notice of motion withdrawn.

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2014-15

Mr HUGHES (Giles) (11:02): I move:

That the 2014-15 annual report of the committee be noted.

This is the 11th annual report of the Aboriginal Lands Parliamentary Standing Committee. The committee is responsible for reviewing the operation of the Aboriginal Lands Trust Act 2013, the Maralinga Tjarutja Land Rights Act 1984 and the Pitjantjatjara Land Rights Act 1981. The committee has the responsibility of reviewing the operation of the new Aboriginal Lands Trust Act three years after its commencement.

The committee discharges its responsibilities in part by visiting Aboriginal lands, Aboriginal communities, by maintaining strong relationships with the Aboriginal landholding statutory authorities and by inviting representatives from those statutory authorities to appear before the committee to give evidence. During the past year, the committee visited the APY communities of Pipalyatjara, Kalka, Nyapari, Murputja, Kanpi, Umuwa and Amata, as well as the Aboriginal Lands Trust holdings in Port Lincoln, Ceduna, the Far West Coast and Coober Pedy.

The committee was pleased to see that the prices of fresh food supplied by Mai Wiru stores throughout the APY lands was significantly less than in previous visits. The initial funding support of Mai Wiru by the state and commonwealth government has led to better coordination of purchasing and lower transport costs, which has resulted in quality food being delivered to the APY lands at an affordable price, so that is a very significant improvement. The committee commends the Minister for Aboriginal Affairs and Reconciliation and Mai Wiru for the initiative, which is now fully self-funded.

The committee was also pleased to hear of the progress on the APY lands main access road upgrade, with the state government and commonwealth governments contributing $106 million to the upgrade of 210 kilometres of the main access road between the Stuart Highway and Pukatja, as well as 21 kilometres of community and airstrip access roads in various communities.

The committee will continue to advocate that at least 30 per cent of the jobs in the road upgrade project bring meaningful employment opportunities for Anangu as specified in the tendering

requirements. On that note, the committee is intending to continue to look at just how effective those local employment participation rates are going to be, so we will be revisiting that subject on a regular basis.

The committee also heard evidence from a number of witnesses, including representatives of the APY Executive at the time and the interim APY General Manager, the Chief Executive of the Aboriginal Lands Trust, the Executive Director of the Aboriginal Affairs and Reconciliation Division and the Department of State Development and others.

As a result of these visits and evidence received, the committee was able to raise a number of important issues with the relevant state and federal ministers and government agencies responsible for service provision for Aboriginal communities. The committee also showed its support for Aboriginal Australians by attending a number of different events, including the National Sorry Day breakfast, the Aboriginal and Torres Strait Island flag-raising ceremony at the Adelaide Town Hall and the South Australian and national NAIDOC award ceremonies.

Congratulations to Tauto Sansbury who was awarded the NAIDOC Lifetime Achievement Award. Tauto was a respected advocate for social justice and has fought to improve the conditions of Aboriginal people in the criminal justice system over many years. I congratulate all of the deserving 2015 national and South Australian NAIDOC award winners.

The committee is also a strong supporter of recognition for Aboriginal people in Australia's constitution and also acknowledges the importance of reconciliation for all Aboriginal and non-Aboriginal people. As members will know, South Australia changed its constitution in March 2013 to recognise Aboriginal people as the traditional owners of our state's lands and waters and to acknowledge the continuing significance of Aboriginal heritage and culture.

I think that this is a positive step and sends a message to the commonwealth to take the necessary steps to ensure Indigenous recognition to the national constitution. To all the committee members, past and present, I thank you for your time, dedication and for your invaluable contribution towards the important work of this committee.

I would also like to acknowledge and thank the individuals and organisations that presented evidence to the committee. Through their evidence the committee was able to gain a clearer picture of a range of important issues, and one of those important issues was the importance of working towards community-based dialysis in the APY lands.

It was our pleasure to visit Alice Springs and to meet with the people who run Purple House just to look at how well that organisation has undertaken the role of providing community-based dialysis. It just shows what can be done with the necessary commitment. We need to work with the commonwealth so that we can put in place on the APY lands community-based dialysis.

When I first came into this chamber it was at the tail end of some of the debate about community-based dialysis as opposed to the mobile dialysis service which was introduced. In my view as the local member covering the APY lands, I do not see it as a question of 'either/or', that we have on the one hand a mobile dialysis service as opposed to community-based services.

Both services are complementary and as a government we should, as I say, work in cooperation with the commonwealth to ensure that we address all the issues that need to be addressed so that we get community-based dialysis.

Thank you to all of the Aboriginal communities, organisations and representatives that the committee has met over the past year. The committee continues to learn from Aboriginal people, and I wish to respectfully pay tribute to their culture, their strength and resilience and honour the memory of those who have passed away.

Amidst a rejuvenated spirit of national reconciliation, whilst recognising that many and varied challenges in the area of Aboriginal affairs lie ahead, the Aboriginal Lands Parliamentary Standing Committee continues to commit and apply itself to further developing positive relationships with Aboriginal South Australians and to work in partnership to achieve better outcomes for all Indigenous people.

Dr McFETRIDGE (Morphett) (11:10): I rise to speak on the annual report of the Aboriginal Lands Parliamentary Standing Committee 2014-15, and I thank the member for Giles for his comprehensive summary of the report and the activities of the committee. With that, can I say that I have thoroughly enjoyed working on this committee for the many, many years that I have been on it and working with the many different members from all parties of all persuasions in this place and the other place.

It is an unusual committee in that it is an upper house/lower house committee where members deal with issues involving the lives of some of the most interesting and challenging people in South Australia, but also some of the most wonderful people you could ever meet; that is, our Aboriginal communities and individuals. They are a very proud part of South Australia, and I am very pleased to have developed relationships with not only them but also, as I have said, members of the committee. The member for Giles and the member for Napier are new to the committee and relatively new to this place, but I thank them for their contribution and for being part of a committee that has worked 99.9 per cent of the time in a completely cooperative way. We have focused on what we are supposed to be doing, and that is serving the people of South Australia—in this case, our Aboriginal citizens.

The committee has had some changes in my time. We have had five ministers for Aboriginal Affairs and there have been changes in the legislation for Maralinga Tjarutja, APY, native heritage, and Aboriginal Lands Trust legislation, yet we still see many challenges in Aboriginal communities around South Australia. I hope that this committee continues on with the work that it has been doing, but it is often two steps forward and one step back. I remember speaking to premier Rann about this because he shared my frustration that there is so much to do and it just seems to just move along at such a slow, incremental pace. However, it is going forward, it is moving forward, and that is part of the role of this committee, and I am very pleased to say that they are doing a terrific job.

As the member for Giles said, we have travelled a lot with this committee and I would encourage any member in this place to keep in touch with members of the committee because there is usually a spare seat on the plane to go and visit parts of South Australia that you would never, ever normally see—some of the most beautiful country that this fantastic state of ours has. There is Mount Woodroffe, the highest point in South Australia and up on the APY lands, right across to Scotdesco on the West Coast, Yalata and Maralinga Tjarutja.

To fly into Maralinga Tjarutja, the runway is as big, if not bigger, than Adelaide Airport, and the thing you have to watch out for are tourists on camels who are going across to see the relics and remnants of the atomic testing. I was pleased to hear in recent media reports that the tourism venture that the Maralinga Tjarutja people are setting up there is making progress. It is a huge opportunity. We know that tourism is a big industry for South Australia and this niche tourism, particularly Maralinga Tjarutja, is something that I think the Aboriginal people are making the very best of. Of course, the Maralinga Tjarutja people have the other big thing and that is the Head of Bight with the whale watching; another fantastic tourism opportunity for them there.

But it is not just APY lands which we hear so much about and Maralinga Tjarutja, it is Raukkan down in the Coorong, Point Pearce on Yorke Peninsula, Gerard in the Riverland, Yalata over on the West Coast, Nepabunna by Leigh Creek, Coober Pedy and Port Lincoln—all over this state. As I say, I would strongly encourage members in this place to jump on board one of these charter flights, which is the way we normally travel because it is such a vast area. Just to remind members and anyone who may read this, driving from Adelaide to Pipalyatjara is further than driving from Adelaide to Sydney, but the last 600 ks are very rough roads. Jump on board, come with the committee, come to see parts of South Australia you may never have seen before and will not get the chance to see very often, and speak to some of the people who are facing some challenges but have lots of opportunities and are making the best of those opportunities.

We heard about Mai Wiru stores in the APY lands. I first went up there with the late Hon. Terry Roberts, an absolute champion of Aboriginal Affairs, and looked at the stores. There was full strength Coke, full strength soft drinks, black and yellow tinned fruit and packaged food that was exorbitantly expensive. There was a real need to change things. I remember walking into the Pukatja Ernabella store, and the first thing I came across was a big bain-marie full of fast food, Chiko Rolls,

and fried chicken. How things have changed. It is just so much better up there now. People are far more conscious of their welfare.

There are still challenges, but right across the state this committee is doing its best to communicate, to participate, to sit down and talk face-to-face with people in these Aboriginal communities and make sure that we are listening to them. We are listening to them, we are hearing what they are saying, and we are trying to communicate it back to this place. I encourage members to read our report. It is not a terribly long report of 31 pages. There is a lovely photograph on page 30 of me with World War II veteran Ray Boland from Coober Pedy. I was very pleased to be at the 70th anniversary of the end of World War II with Ray. Ray Boland, an Aboriginal digger, served in World War II, and never claimed his medals. We were able to present the medals to Ray at the RSL, and it was great.

They are the sorts of contacts you make on this committee. It is a unique committee. If the changes mooted to the committee system in this place do take place, I would do this job. I do not care about the money. It is a job that I think needs to be done. I love doing it, and I would encourage every other member to consider this committee as something in which they should be involved in some way, whether it is just coming as a passenger with us on a trip or coming onto the committee. It is a very good committee.

The report highlights the things that we have done. Have a read of it, talk to the members of the committee about what we are doing; but please make sure that we do advance Aboriginal affairs in South Australia and give every South Australian, particularly our Aboriginal citizens, the opportunities they deserve in 2015. Congratulations to members of the committee on the perseverance and persistence in what they have done. I hope that members read this report. I look forward to participating in Aboriginal affairs, particularly on this committee, for many years to come.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: BAROSSA VALLEY VISIT

The Hon. S.W. KEY (Ashford) (11:17): I move:

That the 20th report of the committee, entitled Regional Visit to Barossa Valley, be noted.

In May this year the committee visited the beautiful Barossa region to learn firsthand about work and life in that region. The Barossa Valley is the most recognised wine, food and tourism region and is known for its six generations of winegrowers, winemakers, butchers and bakers. The 22,964 people who live in the Barossa make a significant contribution to the South Australian economy. According to the Bureau of Statistics, the gross regional product of the Barossa was over $1 billion in 2014, derived from the 2,160 local registered businesses. While manufacturing is reported to be the largest industry, other major industry sectors include agriculture, retail and health care.

On our inaugural visit to the Barossa Valley, we were privileged to visit three businesses where we met local business leaders and workers at Pernod Ricard Winemakers, Vinpac International and Barossa Enterprises. I would like to share some of the committee's learnings and experience from the undertakings of our visit to this important regional centre.

Pernod Ricard is the global leader in the spirits and wine sector, with headquarters based in Paris. Its Australian operations are located in Rowland Flat, Barossa Valley, where it produces wine for 65 international markets, with key brands being Jacob's Creek, St Hugo and Wyndham Estate. Not only is Pernod Ricard a global leader in the wine sector but it has been recognised by SafeWork as a national leader in injury prevention and injury management. It is a self-insured employer under the Return to Work Act, with strong commitment to the health, safety and wellbeing of its employees, their families and the community.

The company's Active Choice Health and Wellbeing Program provides workers at all levels and senior executives with the opportunity to improve their health, fitness and general wellbeing. As well as leading to reductions in lost time due to injuries, the program has resulted in important and unexpected strategic benefits for the company. It also provides direct benefits to employees and their families through a series of events such as their skin cancer program called Don't Blame It on the

Sunshine—I feel like I should sing that—mental health and stress management, Beat of the Heart and Let's Get Physical.

Members interjecting:

The Hon. S.W. KEY: I can hear a few people singing now. These events are aimed at diabetes checks, boot camps and dance classes. The committee was impressed by the demonstrated commitment of Pernod Ricard to the health and wellbeing of not only their workers but also families and the community.

The committee next toured Vinpac International, which is a specialist wine bottling, winemaking, laboratory and warehouse/dispatch service located in Angaston. Vinpac is a very impressive and large operation and is part of the Woolworths group of companies. It provides specialist bottling expertise in a wide range of bottle shapes and sizes and caters to bottling needs of wineries throughout Australia. Their warehouses use the latest technology to manage the logistics of over 35,000 pallets of finished goods and seven million litres of bulk wine in indoor storage tanks.

Vinpac is also a self-insured employer with almost 300 employees engaged in such roles as administration, production, maintenance and logistics. The company has a number of early intervention and prevention programs in place aimed at maintaining a safe and healthy workforce, such as remedial massage, occupational therapy and dedicated specialist safety personnel.

For our last visit to local businesses, we were privileged to tour the Barossa Enterprises site at Nuriootpa. They also have a site located at Clare. Barossa Enterprises provides services to individuals and families who live with a disability and to local businesses through their Woodwerx and Community Lifestyle Connexions programs. Woodwerx specialises in wine packaging of premium wines for export using environmentally sustainable products.

Barossa Enterprises provides developmental training to all its supported employees as part of a regime of work health and safety, machine operation and general workplace wellbeing. Training is developed around easy to read, pictorial formats that link practice with theory. WHS is at the forefront of all operations and is specifically designed around the individual and the job. Competency-based small group training in manual handling is also provided.

It was enjoyable to meet the very engaging workers who themselves are committed to health and safety. They have their own health and safety committee and elected health and safety representatives. It is obvious that they love their work, and many friendships have been made there. The committee's visit to the Barossa region was the first field trip undertaken by the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation and, hopefully, will not be the last. In fact, we are calling on the member for Chaffey to help us organise a visit to the Riverland shortly.

Being able to visit businesses, talk with business leaders and workers and observe operations adds much to the committee's understanding of the challenges and achievements associated with business operations in regional South Australia. The committee was impressed by how each business invested in the health, safety and wellbeing of their workers and the benefits derived from this commitment.

On behalf of myself and the members of the committee—the member for Fisher, the Hon. John Dawkins, the Hon. Gerry Kandelaars, the Hon. John Darley—I would like to especially thank the member for Schubert for hosting the committee's visit to Pernod Ricard Winemakers, Vinpac International and Barossa Enterprises, which are all unique businesses with a clear commitment to achieving success and support for the region.

I extend my sincere thanks to the business leaders at Pernod Ricard Winemakers, Vinpac International and Barossa Enterprises for making their operators and key staff available for the committee's regional visit. I would also like to comment on the exceptional work that is done by our committee's executive officer, Ms Sue Sedivy, and thank her for helping organise this inaugural field trip. I commend the report to the house.

Mr KNOLL (Schubert) (11:25): It does seem that my electorate is an electorate that people want to visit and I am more than happy to facilitate these visits. First, I would like to thank the businesses that participated in this—

Members interjecting:

Mr KNOLL: —and you will notice, Deputy Speaker, I am not responding to these interjections—

The DEPUTY SPEAKER: I am so proud of you, member for Schubert.

Mr KNOLL: —the three employers that we managed to visit over that wonderful day. It was quite cold as we got there first thing in the morning but we headed off first to Pernod Ricard, better known as Jacob's Creek at their facility there at Rowland Flat. That facility is the second largest employer in my electorate and a real contributor to the Barossa Valley's industrial heart. It is quite a sizeable facility and something that you do not really notice when you first drive past it, but it is extremely high tech.

This is a bottling line that produces 24,000 bottles an hour, and when you see these things move down the bottling line, it is a real sight to behold. In fact, and I do not think I am speaking out of school here, Pernod Ricard moved to bottling some of its product that it sells in the UK market to the UK and exporting them here in bulk. That meant a loss of quite a number of jobs in my electorate, probably two to 2½ years ago I think now. They are actually looking at bringing that work back because of some of the improvements and productivity improvements that Pernod Ricard at Rowland Flat have been able to make. If that work came back that would be absolutely delightful and it would show a real confidence in beverage manufacturing in the Barossa Valley.

We then headed across to Vinpac International, which is, as the member for Ashford said, owned by Woolworths. They run four different bottling lines, and I think they have a separate sparkling line (or that may be one of the four). They run a completely different style of operation. Whereas Pernod Ricard is very much one type of bottle—it is your standard 750 ml with either a Stelvin or a cork in it—Vinpac specialises in all the weird and wonderful, whether they be six packs bulk packs, whether they be a lay-down box, or whether they be different patented bottles of which the Barossa has quite a few.

Murray Street Vineyards I know, has a patented bottle, as does Kalleske. The funny thing is that, with a lot of these bottles, they all move differently down the line, and it has been suggested to me that the reverse taper on some of the bottles, especially the Murray Street Vineyards one, where it is thicker in the centre than the bottom, presents a lot of challenges, because as the bottles move down the line they tend to fall over. Having said that, this is where the hard-headed production side needs to find solutions to what the designers would like, but those distinctive bottles do make a difference in the marketplace.

Vinpac is an extremely impressive business. They spent $8 million increasing the size of their warehousing facilities and it seemed that the warehousing facilities were not even finished being built before they started to put wine in there, and now those facilities are full. There is a lot of wine sitting in storage in those facilities for not only Woolworths' own production but also for the clients that they have bottled for, and they then subsequently hold that production stock on site.

We then moved across to Barossa Enterprises, which is slightly different because it is a different style of workshop, but one no less impressive—and I want to touch a bit more on the disability sector more broadly in a second. One comment that I have about the three businesses that we visited—and I have had the fortune of being through all three of them previously—is that they have a commitment to safety that is really quite impressive. Each of the three of them deals with safety in a different way, but all three of them have a very strong commitment to safety and, in the case of Pernod Ricard, it has been recognised as being a leader in safety.

Another thing that is quite interesting to me is that we often associate our rural areas with being agricultural vast farmlands with very little built infrastructure, manufacturing infrastructure or industry. The Barossa is a place you would associate with being a beautiful, idyllic, working agrarian landscape with lots of vineyards and pretty colours depending on the season—at the moment we are just coming into bud burst and those vines that may look a little bit bare and sparse are starting to

green up and come through the next phase into spring—but behind that is a lot of industry. To talk about employers who have 300, 400 staff on site and produce billions of dollars worth of product is really quite amazing.

The ability for that industry to blend into the landscape I think is a real testament to the planning that has gone on in the Barossa because that sort of heavy industry you would not associate with the Barossa Valley. The truth is that these are big buildings and large manufacturing operations that have to deal with trade waste implications, high energy use and a whole heap of issues with existing in the landscape in that environment and do so really well. That was quite interesting to see.

The last point I would like to make on this report is about our visit to Barossa Enterprises, which I am thinking was a bit of a favourite of the committee; we certainly enjoyed the tour. The Barossa has a really strong pathway for those with mental disabilities, and we have a disability unit at Tanunda Primary School that is world renowned. I have met a number of the teachers there and visited quite often. It is beautiful to see children with a mental disability able to learn and grow at their full capacity whilst still being integrated into a normal schooling environment. I think that that is quite important.

Those kids then tend to move on to Nuriootpa High School, which has two 20-person disability units, and I think they are looking at the moment to upgrade one of their disability units so that they have two stand-alone facilities that are purpose-built for what they need. Again, it is great to see kids with a mental disability integrated as much as they can be into the broader school society, whilst at the same time having their needs met, and reach their full potential.

Once those kids graduate from Nuri High, they tend to go on to Barossa Enterprises, which we visited, and there is an opportunity to give back to the community and engage in meaningful work. The products they produce there are fantastic; they are world class. Barossa Enterprises does compete with private industry when it comes to the provision of specialist boxes for high-end premium wines. The products they are encasing are expensive ultra premium products, and so these wooden boxes need to stand up and present that same quality image.

While we were there, Barossa Enterprises did talk about the challenge of dealing with the new NDIS funding arrangements, and that is something I really want to put on the record. The NDIS is something that both sides of this chamber have engaged with and are hugely supportive of, but the change from a collective block funding model to an individual model presents challenges for businesses such as Barossa Enterprises, who before were able to get, as I said, direct block funding from the government for the services they provide and now are going to have to help their staff and clients ('clients' meaning the people who work there) deal with this change to an individual model of funding.

It creates a level of uncertainty for a business that has a social objective, and that social objective needs to, I suppose, marry with its objective as a business that competes in the private environment. I think we need to be very mindful of those great institutions across our state, of which Barossa Enterprises is one of the best examples, to ensure that they are not lost in this rush towards the NDIS and that the expertise and structures they have built up over decades are not lost as we transition to this new scheme. I suppose that is a message I would like to send to the Minister for Disabilities at a state level and to the Minister for Social Services at a federal level.

Let's make sure that this community infrastructure—and in the Barossa it is not just Barossa Enterprises but also groups such as Carers Link, Lutheran Community Care and other organisations that access this block funding—this social infrastructure, which has been built up over decades and is extremely strong in a community driven society such as mine, does not get lost in this. We need to ensure their concerns are addressed and realised so that we can actually have an NDIS that is fully funded and works best for those it is seeking to support, but also so that it supports the infrastructure that supports those in need. With those few words, I commend the report and thank my fellow committee members for daring to come along to my beautiful electorate. I look forward to the next trip with gusto.

Motion carried.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to welcome to the gallery today the new Consul General of the People's Republic of China to Adelaide, Mr Henry Rao, and his friends who are guests of the Minister for Defence Industries. We welcome them to our parliament and hope they enjoy their time with us this morning.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: COMORBIDITY

Adjourned debate on motion of Ms Wortley:

That the 38th report of the committee, on comorbidity, be noted.

(Continued from 9 September 2015.)

Mr PEDERICK (Hammond) (11:36): I rise to speak on the report that was a referral to the Social Development Committee on comorbidity. It is the 38th report of the committee. I would like to thank all members from this place and the other place who were involved in this committee. I note from the other place we had the Hon. Jing Lee, the Hon. Kelly Vincent—and it was her motion to have this reference—and the Hon. Gerry Kandelaars as presiding member. From this house, I would like to thank the member for Reynell who was a member of the Social Development Committee until February 2015 and the member for Fisher who was appointed to the committee in February 2015, and the member for Torrens.

In relation to the terms of reference for this inquiry—and it was a very interesting inquiry into comorbid outcomes—the Social Development Committee was to inquire into and report on the issue of comorbidity which may refer to a dual diagnosis of both intellectual disability and/or acquired brain injury (ABI) and/or mental illness and/or chronic substance abuse with respect to facilities in South Australia currently treating people with a dual diagnosis, including the Margaret Tobin Centre and James Nash House; the level of training offered to general practitioners, psychologists, psychiatrists and other relevant professionals in the area of dual diagnosis and possible measures to enhance their training; information given to individuals and carers on how to manage a dual diagnosis; programs and supports to aid individuals and carers in managing and living with dual diagnosis; and any other related matter.

We came up with 40 recommendations from this inquiry. The terms of reference for the inquiry into comorbidity concerned intellectual disability, acquired brain injury, mental illness and chronic substance abuse. The committee heard evidence from many individuals and key agencies and, after the initial hearings, the committee adopted a more comprehensive inquiry and considered additional comorbidities. As a consequence, extra symptoms were included in the scope of the inquiry and the report, so it was quite broad. These included traumatic brain injury, as a subcategory of ABI; Asperger's syndrome; autism spectrum disorder; epilepsy; fatal alcohol spectrum disorders; obsessive compulsive disorders; senility; Alzheimer's; and attention deficit hyperactive disorder. As I indicated, the committee was dealing with comorbidities in its very broadest sense.

Comorbidity is a clinical term that generally refers to the co-occurrence of two or more medical issues or more than one physical and/or psychophysical disorder in the same person either at the same time or in some causal sequence. Obviously, comorbidity relates to a complexity of circumstances and every circumstance represents an increase in vulnerability. The presence of more than one of these can have a major impact on a person's vulnerability.

The committee was informed that the main issues for people who have comorbidities include: the complexity of interactions between the different morbidities and the way they can affect each other; the lack of shared screening and assessment tools to determine the range of issues for an individual client; difficulty for clients in investigating the various treatment and support services because services are not sufficiently developed or coordinated; and difficulty assessing appropriate service pathways in disability, health, mental health, drug and alcohol services and appropriate accommodation.

The committee was informed that some witnesses had concerns with the current screening assessment tools because these tools seem to concentrate on a siloed approach to the delivery of services. So, what seemed to happen is that people all too often fell between the service gaps rather than receiving treatment and support options that provide for the multiplicity of their existing and often complex needs. The services, which include intellectual disability services, health services, mental health services and drug and alcohol services, are all administered and funded separately. There are longstanding practical and historical reasons for the separation of sectors, yet it is widely considered, and it was certainly put to the committee, that improving the linkages, communication and collaboration between them, other support services and accommodation providers will help ensure the appropriate and timely delivery of services.

We were informed in the committee about the many different screening and assessment tools to identify, diagnose or assess risk of substance abuse, intellectual disabilities, health or mental conditions, but few collaborative instruments are designed to screen and assess appropriate service responses for people with a range of these conditions. We heard that integrated screening and assessment tools are necessary to provide effective responses and provide a service delivery system that has a 'no wrong door' approach.

With regard to a range of treatments and service responses, we heard from witnesses to the committee. Initially, we heard that people with comorbidity usually do not receive appropriate treatment for the whole range of their conditions. Instead, most of the time they receive treatment for the primary and the more obvious issue and sometimes this leads to circumstances where a client is shuffled between services or just falls through the gaps and the other issues are not dealt with. These comorbidity symptoms and these clients require massive support and treatment interventions and it is a real challenge for the system, the individual, their family carers and support workers, as well as for health and other professionals and support staff. When there is a need for emergency response, additional complications can arise in a crisis.

What we learnt during the hearing is that the current service structure fails to appropriately meet dual or multiple needs. As I indicated before, rather than working collaboratively to bring the skills and resources of the different sectors to bear, there is often a practice of flicking and blaming. To rectify this issue there is a need to develop and operate service delivery systems that can share information and work together to provide treatment and support responses for the multiplicity of needs. What needs to happen is that the service delivery for every client needs to be undertaken by one service provider to ensure that their primary needs are met and that provider, as the key agency in this instance, also takes responsibility to ensure that all of their needs are met in a holistic way.

We learnt that there were a lot of frustrations and a whole lot of needs, as outlined by people who have been affected with comorbidity or by people in the service sector talking about how there needs to be a full range of responses in regard to this issue out there in the community to assist people who present with these multiple diagnoses. We came up with 40 recommendations to help these people not fall through the gaps, so that they are diagnosed appropriately and that the initial diagnosis is not just the thing that they are dealing with. They need to be looked at with a more collaborative approach, not just in a silo situation.

With the 40 recommendations, we have come a long way to assist people with comorbidity. I hope that the government and others in this sector pick up these recommendations and take them on into the future to help people who have this multiplicity of needs, to give them better health outcomes and a better life in the end. I commend the report.

Motion carried.

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE: ANNUAL REVIEW

Adjourned debate on motion of Mr Picton:

That the first report of the committee, entitled Public Integrity and the Independent Commissioner Against Corruption Annual Review, be noted.

(Continued from 1 July 2015.)

Mr TARZIA (Hartley) (11:46): I rise to support the report of the Crime and Public Integrity Policy Committee, the Public Integrity and the Independent Commissioner Against Corruption Annual

Review, as recently adjourned. I note that this committee has been in operation for a short while now and that we are starting to see some fruit of the committee. In speaking to the annual review, obviously there are a number of recommendations in that review. I would like to speak a little bit to some of the recommendations in the tabled report.

Recommendation 1 is that section 46 be amended to insert responsibilities for a person to conduct reviews into the commissioner or his or her staff regarding abuse of power, impropriety, maladministration, invasion of privacy and other improper conduct. I support that recommendation and certainly the reasoning put forward by the committee.

I also support the recommendation involving establishing a one-stop shop model to receive, assess and allocate matters relating to public integrity, as well as the reasoning put forward by the committee. It certainly makes sense to cut out that extra layer of bureaucracy if it is not required. That came through well and truly as a recommendation and I absolutely concur with that as well.

Recommendation 3 pertains to police powers and ICAC investigators. There was a recommendation suggesting that the Attorney-General investigate the retention of police powers by ICAC investigators, especially the power of a general search warrant. I also support that recommendation and the reasoning put forward by the committee.

In regard to the Whistleblowers Protection Act, there was a recommendation, if I am not mistaken, that it should be amended as part of the work being done to achieve consistent public integrity legislation. Again, I support that recommendation. The Police Ombudsman should, arguably, not have the power to determine the external reviews into its own agency. I think it goes without saying that, when it does have the power to determine reviews into its own agency, that could potentially raise a conflict down the track. So I concur with recommendation 4 and with the general work to make sure that there is consistent public integrity legislation in that light.

Recommendation 5 relates to section 39(1) of the Freedom of Information Act 1991, and 'relevant review authority' could mean the Ombudsman. Again, I would be happy to support that recommendation and the reasoning put forward by the committee. By the way, if you have not read the report, Deputy Speaker—

The DEPUTY SPEAKER: Are you still speaking to the committee's report?

Mr TARZIA: Absolutely, I am still on the committee.

The DEPUTY SPEAKER: Did you endorse it?

Mr TARZIA: Yes, I did endorse it, and I am endorsing it in the house. It is important that members on both sides of the chamber stand here and that we support the findings of our committee. It is good reading, and we are very proud of our efforts so far. Not all of us wanted this committee, and not all of us wanted these acts, but my learned friends on the other side have come around and they concur, they agree, that transparency is a good thing. It is excellent that they have finally come around. There is also a recommendation in regard to—

The Hon. S.W. Key interjecting:

Mr TARZIA: As the baby of the house, Deputy Speaker, I ask for your protection.

The DEPUTY SPEAKER: I would like everyone to stop interjecting and I would like you to continue your speech, please.

Mr TARZIA: With respect to recommendation 6 and the legislative framework regarding complaints about police misconduct and corruption, the recommendation is that that be simplified. It is my view, whilst I do agree with the recommendation, that it does require further consideration and, perhaps, another day we should certainly flesh that out. In terms of the powers legislated with respect to the police, arguably we need some more work there to ensure that there is enough scope for them to handle sensitive matters. You have to be very careful when the police are compelled to release evidence of a sensitive nature, so I will perhaps draw the attention of the house to that on another day for further debate.

Recommendation 7 relates to the Minister for Local Government reviewing the Local Government Act and that the minister consider the recommendations of the Ombudsman and ICAC

regarding section 263B and section 264. I would certainly support heavily the recommendation and the reasoning put forward by the committee there, as well as recommendations 8, 9 and 10. I agree wholeheartedly that the Civil Liability (Disclosure of Information) Amendment Act should be started sooner rather than later.

I would also agree wholeheartedly with recommendation 11 that section 24 of the ICAC Act be amended so that the commissioner may refer a matter to the inquiry agency without further oversight. In regard to the audit of government agencies being undertaken to determine how 'minor' misconduct and maladministration is addressed across the state and how public servants and agencies determine whether a complaint is forwarded to the Office of Public Integrity, I also wholeheartedly agree with that recommendation as put forward by the committee.

I did not want to speak for a long time, but I am proud of this first report. It has certainly highlighted some small wins. By all means, though, we have not got to the bottom of all the corruption in South Australia, but I think that the committee is doing good work. We have also engaged not only a number of well-read academics but also high-ranking public officials, from the judiciary, the police and other aspects. It is a committee that should continue for transparency in South Australia, and so I have no hesitation in commending the review and the report to the house.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:53): The Crime and Public Integrity Policy Committee has tabled its first report, and I wish to congratulate the Presiding Member and members for undertaking this first piece of important work in respect of the review of the ICAC Act, essentially, and other matters.

The report was tabled on 30 June 2015. Two days later, the report of Mr Bruce Lander QC, the Independent Commissioner Against Corruption, was tabled, and he set out a significant report confirming his 29 recommendations. His charter in respect of his report at the request of the Attorney-General was to consider two matters: the oversight and management of complaints about the police (recommendations 1 to 21), and then the receipt and assessment of complaints and reports about public administration (recommendations 22 to 29).

It is a comprehensive report, and it is well worth a read as there is significant overlap with a number of the matters that the Crime and Public Integrity Policy Committee has considered. The committee recognised in its report the fact that Commissioner Lander was conducting an evaluation of practices, policies and procedures of the Police Ombudsman and reviews of legislative schemes. They did so at page 13 of the report, and that has since been received. There is some significant overlap, but there is also the exercise of having to identify which of those we may press ahead with.

The commissioner also undertook a very comprehensive review of the Whistleblowers Protection Act, and the former ombudsman undertook a very comprehensive review of the Freedom of Information Act, yet we have only seen, in respect of those two reviews, the energetic response by the member for Hartley in his bill to try and protect, for example, freedom of information officers against ministerial intervention and interference, and he has proposed offences to be introduced consistent with that report. I make the point that it is very important that we and the government have guidance from these reviews, but the government should have been acting on them. This is now three months old, and I would hope that the government will start to act on it.

I acknowledge the Attorney for his response to recommendation 10: that the Civil Liability Disclosure Information Amendment Act 2014 SA be commenced as soon as possible. I congratulate him because I did read a note yesterday about a regulation that was tabled; I quickly perused it. It was part of the process of being implemented, so I cannot say he has done absolutely nothing—that would have been a tick and flick response to be able to institute that. I do not want to be saying he has done nothing, but if that is all he has done it is not acceptable, and we need to do a lot more.

From our side, we are now looking very carefully at the two reports. It is absolutely critical, because if you read the paper today and are following the trial in our courts of a young policewoman who is charged with various serious charges—and I will not name her today; the suppression order was lifted yesterday—I make the point that the government needs to understand that we have corruption in the state. We have a situation where our law enforcement agencies, whether they are ICAC (and we think that should have a proper inspectorate of review) or whether they are the police—

these agencies across the board represent us in very important work, sometimes even dangerous work, but they also need to be corruption free, misconduct free, and maladministration free.

When we see a young police officer paraded in front of the cameras in respect to prosecution of matters that relate to dishonesty, drugs and abuse of public office, this should send a very clear message to the government that these agencies and their models must be strictly scrutinised, and I thank the committee for doing its part in that process. I will read the report carefully.

Mr PICTON (Kaurna) (11:58): I briefly make some comments to close the debate. To the member for Hartley and to the deputy leader, I thank them very much for their comments, and I thank all the members of the committee for their great work so far. It is an excellent report and I encourage all members to have a read of it. I think the committee has been working very well; it continues to get more powers put in our legislation, so I think we are all very committed to diligently exercising those powers for the good of the people of South Australia.

Motion carried.

Bills

CONSTITUTION (GOVERNOR'S SALARY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 September 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:00): I rise to speak on the Constitution (Governor's Salary) Amendment Bill 2015. This is a bill which, members might like to note, is particularly important. One, it is amending our state's Constitution Act 1936, and that does not happen very often. On this occasion, it is to make provision for how in the future our Governor's remuneration will be determined, and that is also a very important matter. It is a bill amending the act to refer the matter of the Governor's remuneration to the Remuneration Tribunal. It is claimed that this would allow the Governor, like other significant officeholders such as members of the judiciary and, indeed, ourselves as members of the legislature, to have the benefit of establishing appropriate salary arrangements, including superannuation and salary sacrificing.

The government has submitted to us, in seeking our favourable consideration of this, which I indicate will be forthcoming, that the current legislative framework and recent tax rulings limit the ability of the Governor to enter into those arrangements and, therefore, places the Governor at a disadvantage. The exact salary superannuation and salary sacrificing arrangements that our Governor currently enjoys, I do not know the detail of, and I will seek a little elaboration on that. It is hard to imagine what areas of salary sacrificing may apply to the Governor. It may be some accommodation arrangements, costs that are relevant to his office that are not already provided for in the provisions by the government and which does need to have provision. Nor am I familiar with what recent tax rulings in particular have had a negative impact on the capacity for our Governor to receive and organise his financial arrangements as would be reasonable.

It is fair to say that obviously if one is employed in the private sector there are certain laws and arrangements, including awards, which give protection to people in employment in that situation. We have here in the parliament, as does the judiciary, a tribunal which has a standing charter to determine those matters on our behalf and provide some independence. Public servants who are in the Public Service similarly, with their employer, the government, have the protection of a legal framework together with enterprise bargain agreements, and the like. So, there is no reason why the Governor should not have access to and the opportunity to present a submission to an independent body for the purposes of his or her (in the future) arrangements.

The recent publicity surrounding the announcement that the remuneration would be reviewed by a tribunal under this proposed law suggested that there may be a possible pay rise of up to $100,000. That media report appears to relate to the fact that the bill proposes that there will be no capacity for the tribunal to reduce whatever the current entitlements of the Governor are, and that is specifically in the bill.

The author of the article in *The Advertiser* then goes on to suggest that, compared to other states, the likely remuneration, if it is to be comparable with other state governors, could result in a $100,000 pay rise. Well, we are yet to see what the tribunal says about the matter after the passage of this bill.

It is fair to note, and I think appropriate in giving our support to this, that only Queensland otherwise in Australia sets its governor's wages at a proportion of judges'. Whether they propose similar amendment will, of course, be up to their legislature, but we agree here that there is no particular reason why that attachment should continue. It should be noted that judges' remuneration has been frozen since 2013.

The Premier has placed on the public record, at least in this article, that he did not consider that that would occur. I am not quite sure how he would be able to say that, given that the Remuneration Tribunal will have to independently assess what is presented to them. He may have been privy to a draft submission that has been prepared for or on behalf of the Governor, or by the Governor, as to what he will be asking for once this legislation passes, but the Premier has presented to the public, via *The Advertiser* at least, an indication that he did not believe that would occur.

As I say, I am entirely at a loss as to what he has relied on there. The explanation for that I think should be made available to the parliament. I for one would be wanting some reassurance that, consistent with the intent of this bill—that is, that the Governor will enjoy absolute independence in the assessment of his or her future provision from government, including the Premier—the Premier has not in some way been privy to what is being proposed.

Finally, I understand that the current Governor has indicated, at least through his representative, that he agrees with the bill, and I am taking from that that he is supportive of the concept of independent assessment. I would have to say that it is not usual that we change the constitution, as I said before, but it is also not usual, if we are dealing with our senior representative on behalf of Her Majesty here, that you just ring up the Governor and say, 'Well, you're the stakeholder here in this, we need to have your view as to whether you support or otherwise this legislation or want any amendments.' I would not diminish the dignity of his office by doing so, but I understand that there has been an indication of support from him.

The other matter I just briefly raise is: is this a hybrid bill? I think this needs to be answered, and I think we need to have some clarification on that. From our side, we are satisfied that it is reasonable that this model be introduced for future assessment of remuneration but, under our hybrid obligations, where a bill has the effect of making provision for an individual or an entity, as distinct from applying to persons at large or a group at large, then usually we refer it for committee and then, of course, the committee's recommendation comes back to the parliament.

We have those rules to ensure that there is no opportunity for the legislature, particularly using the force of government numbers, to either exploit or punish an individual or indeed to give privilege or benefit to an individual or to an entity. So I do not think I need to go into the reasons why we have hybrid bills, other than to say there is only one person who gets the benefit of this, and it is a replacement, so I would like that clarified before we conclude our deliberations today.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (12:10): I will close the debate on the second reading by simply thanking the opposition for their contribution. I look forward to a brief spell in committee and then passing the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: My first question, minister, is what is the current remuneration of the Governor of South Australia?

The Hon. S.E. CLOSE: It is 75 per cent of a Supreme Court judge's salary.

Ms CHAPMAN: What about the superannuation or any other entitlement or benefit that is paid?

The Hon. S.E. CLOSE: My adviser here does not have that detail and we can provide that information between the houses.

Ms CHAPMAN: Is the minister aware if there is any current salary sacrifice arrangement in the Governor's package?

The Hon. S.E. CLOSE: My advice is that there is not.

Ms CHAPMAN: Is the minister able to identify any known areas of salary sacrifice that is proposed to be sought?

The Hon. S.E. CLOSE: I understand that the main purpose is to allow salary sacrifice into superannuation.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Ms CHAPMAN: Under proposed section 73(3), the bill provides that the rate of salary determined under the section cannot be reduced by subsequent determinations of the Remuneration Tribunal and, as I indicated in the second reading, the Premier has made public comment about the expected salary increase as a result of the consideration by the Remuneration Tribunal subject to this bill being passed. I appreciate that the minister has no capacity to answer what the Premier might be thinking, but has there been any material presented to the government which suggests that there is some smaller amount being sought or any amount being sought?

The Hon. S.E. CLOSE: I understand that there will be submissions taken from the government with this Remuneration Tribunal process. We are unaware of any draft submissions at this stage. Should I be able to obtain any more detail between the houses, I will inform the honourable member.

Ms CHAPMAN: Is the submission being prepared by the government or by the Governor or someone from Treasury? Who has actually prepared this draft submission?

The Hon. S.E. CLOSE: As I explained, we are unaware of any draft submissions being prepared at this stage.

Ms CHAPMAN: So, when you say there will be a submission from the government, is that going to be from your government or the Governor or some other person?

The Hon. S.E. CLOSE: My understanding is that the Remuneration Tribunal would ask the government if they wished to make a submission and the government would make a decision about that and it would be the government rather than one individual department. The Governor would be in a position to offer to make a submission also, should he choose to do so.

Ms CHAPMAN: Isn't the applicant the Governor? I appreciate that the government is a party with a vested interest because they have to write out the cheques. I can well imagine that they would be given an opportunity to put a submission upon receiving an application for consideration, but what if the Governor does it, and I am assuming at this point (and I might be wrong) that he is not going to be writing it out or have his aide-de-camp prepare it in tablets of stone and have it delivered down to the Remuneration Tribunal? So, just as a matter of practice, who will be doing that submission for the Governor?

The Hon. S.E. CLOSE: We will confirm between houses should this prove to be inaccurate, but our understanding is that the Crown would prepare that for the Governor.

The CHAIR: Is this your fifth question?

Ms CHAPMAN: Madam Chair, it will be my last, you will be pleased to hear.

The CHAIR: Of all time? You have said that to me before and not meant it.

Ms CHAPMAN: I know. I thank the minister's indication of providing information, because we would like that information confirmed as to what the actual process will be. Obviously for judges or legislative members like ourselves, political parties or individuals can put in, or there can be a submission on behalf of a representative group—all those things—so I would just like to know how it is going to work for the Governor.

Clause passed.

Remaining clause (5), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (12:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

JUMPS RACING

Adjourned debate on motion of Hon. L.W.K. Bignell:

That this house establish a select committee to inquire into and report on jumps racing in South Australia, and in particular:

(a) whether or not it should be banned; and

(b) any related matters.

(Continued from 4 June 2015).

Mr WHETSTONE (Chaffey) (12:18): I rise today to speak on the Minister for Racing's motion and to put forward an amendment. I move to amend the motion as follows:

Delete the wording in paragraph (a) and replace it with 'the future of jumps racing in South Australia;'

The amended motion would read:

That this house establish a select committee to inquire into and report on jumps racing in South Australia, and in particular:

(a) the future of jumps racing in South Australia; and

(b) any related matters.

The Minister for Racing has been critical of the opposition's stance on formulating this committee in the lower house, but what we are concerned about is using the word 'banned' and whether it already suggests the committee will be looking at a narrowed scope.

I would like to address a few points made in the minister's speech when he introduced this motion. The minister said that using the word 'banned' in the terms of reference was just a question: 'Should it be banned? The answer could be yes or no.' He said it did not reflect any bias towards a ban on jumps racing, so why is the question for the committee not based around what the future direction of jumps racing is instead of whether or not it should be banned? By adding that word 'banned' it appears that there is certainly a predetermined angle.

My view on the future of jumps racing here in South Australia has been clearly set on the record. The opposition is supportive of the jumps racing industry continuing and it is a large employer and economic generator. Obviously the continued need to ensure animal welfare is adhered to at the highest standard is very important. I have decided not to nominate for the select committee and the Minister for Racing has not nominated himself. As the shadow minister for racing, I have decided to take the same approach. Both the minister and I have expressed our views on the matter on the record.

It is still extremely disappointing that the minister chose to revoke the motion in the Legislative Council to look at the future of the jumps racing industry in South Australia and turned it into a lower house only committee. What should have been a joint parliamentary committee into the jumps racing industry is no longer, and it does not represent a cross-section of parliament. In saying that, I support the select committee to hear from witnesses and put the facts on the table.

To reiterate, the jumps racing industry has a long and proud history in South Australia, with animal welfare of paramount importance. South Australia's two best attended race days of the year are at the iconic Oakbank Easter Racing Carnival which attracts more than 60,000 people and the regional jumps racing at Gawler, Mount Gambier and Murray Bridge. Those meets make important contributions to local economies as well as the jumps races at Morphettville. I would like to read a few excerpts from a recent post to the minister's Facebook page, as follows:

> Leon, I have just read an article in the Advertiser today, please consider us within the industry when deciding on the future of our sport. This is Isaiah (Scooby), he is my horse. He is trained at Morphettville by Darren Egan. I love this horse more than you could imagine. He is a jumper, he does not try on the flat, but put a jump in front of him and he's a different horse, he loves it. His ears go up, his eyes gleam, this is what he loves.
>
> We don't force our horses to jump, they either enjoy it or they don't. If they don't like jumping we don't jump them simple. If you were to ban jumps racing, we will have to retire and rehome Scooby, if we're lucky we will find him an eventing home where he is still jumping and enjoying life. If not he will go to the paddock and live life out doing nothing. We never send our horses to the knackery, we have a 100% strike rate on rehoming our off the track thoroughbreds.
>
> Please don't let a minority group that would have you believe we are a money hungry uncaring lot blur your judgement, the ban jumps racing people contort their figures to make jumps racing seem horrible. Please also listen to those of us in SA who have jumps horses you can't make a decision on something like this without getting to know the people/horses within the sport.

That is just one of many posts that have been put up with the concerns that the minister has this blurred vision, a lopsided view, on the future of jumps racing here in South Australia.

If you speak to people in the jumps racing industry, you would know that their horses are treated with the utmost care. The horses are not forced to jump, so South Australia cannot afford to give in to extreme animal activists. The odd accident does occur, yes, as in any sport, but horses die in the paddock, they die from colic, they die giving foal, they die jumping fences without a rider even being on them, so I think we need to look at the bigger picture. Animals die from natural causes and sadly sometimes it has occurred in jumps racing.

Let's be very clear about this. It is a competitive sport. As in any competitive sport, we have injuries and I think that is just the nature of that sport. There is some concern within the industry that recent comments proposing to phase out jumps racing at metropolitan tracks have not provided any confidence in the industry.

How can local trainers reasonably be expected to invest time, money and resources into building up a stable of jumpers? What incentive is there for jumps racing owners and trainers, knowing that they may never have the opportunity to race on the state's leading racecourse? Even without the establishment of a committee to look at the future of jumps racing, the Minister for Racing's personal position and comments throughout the media are having adverse impacts on not only the jumps racing industry but all of the horse racing industry.

I have been to many dinners and I have been to a number of horse racing events. I have met many trainers, jockeys and industry people and they are all very concerned about the ongoing damage of the minister's comments on radio and that his attitude towards the industry is having a detrimental effect overall on the horse racing industry. What one would think is that the racing minister would have the welfare of the sport at heart, but he seems intent on seeing it slipping south and is, obviously, preferencing its demise.

Jumps racing is clearly not a thing of a bygone era, given the popularity of the sport right across the globe, if we look at events in America, Japan, New Zealand, Ireland and England. In England, for example, the three-day Grand National Steeplechase and the racing carnival at Aintree draws 150,000 attendees, 600 million viewers and is worth an estimated £10 million to the local Liverpool economy. This is an example of what this industry is giving to local communities, particularly regional communities.

I do not think anyone would begrudge the strategy at Morphettville to phase out jumps racing, but I think race meetings at regional tracks deserve to have the right to have jumps racing events at their tracks and support the economy, support the racing industry and support the people who do love that majestic sport of jumps racing. Imagine if we used South Australia's jumps racing history (dating back to 1846) to attract 150,000 international and Australian visitors to jumps racing events from Mount Gambier to Oakbank, Adelaide to Gawler, each year. There would be flow-on effects to the community. Oakbank already generates $12 million and that is one event alone, with no government support. Deputy Speaker, I have moved an amendment and support the select committee on the jumps racing industry.

The DEPUTY SPEAKER: We are just asking about your amendment, member for Chaffey, have you an amendment for the table?

Mr WHETSTONE: Yes, I will get that.

The DEPUTY SPEAKER: That would be good. Member for Flinders.

Mr TRELOAR (Flinders) (12:27): Thank you, Deputy Speaker. I rise today to make a contribution on the select committee on jumps racing. It is listed under the orders of the day as:

That this house establish a select committee to inquire into and report on jumps racing in South Australia, and in particular:

(a) whether or not it should be banned; and

(b) any related matters.

The member for Chaffey, the shadow minister responsible on this side of the house for racing, has moved an amendment to that original motion.

The DEPUTY SPEAKER: Which we are waiting to see.

Mr TRELOAR: I would like to support that amendment.

The DEPUTY SPEAKER: Have you seen it?

Mr TRELOAR: I have. I am looking at it right now, Deputy Speaker.

The DEPUTY SPEAKER: Good.

Mr TRELOAR: The amendment is that the words in (a) be replaced with 'the future direction of the industry'.

The DEPUTY SPEAKER: We do need to insist that the house has a copy of this amendment while we are discussing it.

Mr TRELOAR: —I support the amendment because there seems to me to be an assumed or inherent premise in the original motion and we should remove that premise and hear all the evidence. We are supporting the committee but the committee should hear all of the evidence and report on that evidence. Sadly, this smacks of the nanny state that we talk so often about. Unfortunately, in South Australia we are rapidly moving towards a point where everything in this state will either be prohibited or compulsory, and the motion smacks of that.

The shadow minister has talked at great length about the importance of jumps racing to South Australia and to all the people who are involved in the industry and in the sport. Jumps racing is a sport and sport is not without inherent risks, and the shadow minister has acknowledged that. Sadly, occasionally there are mortalities, not just in jumps racing but also in horseracing generally. However, percentage-wise, mortalities are quite low and it has always been regarded as acceptable. There are risks in everything we do. There are risks in trail bike riding and there are risks in waterskiing—and the member for Chaffey has done a lot of that in his time. We recognise the risks, but we also need to be able to manage them and recognise that jumps racing is an important part of our culture and the economy.

Jumps racing is not a big sport but, having said that, there are a number of people who are involved with it. Oakbank has been highlighted as a significant contributor to the local economy, generating something between $11 million and $13 million annually over the Easter racing carnival.

The average attendance at Oakbank over the last three years is around 68,000 people. Unfortunately, comparing that with regular racing, we have been struggling to get an average of about 8,500 people to the Adelaide Cup, so there is no doubt as to its popularity.

There are also jumps events in the country, at Clare and places like that, where it proves to be a significant social event and an important fundraiser for the local community. I commend the shadow minister (the member for Chaffey) on the work he has done on this and I am supporting his amendment. As a parliament, I think we need to show confidence and support the sports that are successful in this state. I believe the original motion sends altogether the wrong message not just to the people involved in jumps racing but to sport generally.

The DEPUTY SPEAKER: We are unable to call another speaker until we have a copy of the amendment. We now have a copy of the amendment, so who would like to speak next?

The Hon. P. CAICA: Point of order: I have the utmost faith in the member for Chaffey, but he spoke about what the amendment was and subsequently it was written out. For my benefit, I would like it to be confirmed that what he has written is the same as what he stated earlier.

The DEPUTY SPEAKER: Would you like me to read it? The amendment in the name of the member for Chaffey is as follows:

That this house establish a select committee to inquire into and report on jumps racing South Australia, and in particular:

(a) the future of jumps racing in South Australia; and

(b) any related matter.

It is an amendment to paragraph (a). Are members clear on that now?

The Hon. P. CAICA: Thank you.

The DEPUTY SPEAKER: Thank you. The member for Morphett.

Dr McFETRIDGE (Morphett) (12:33): Thank you, Deputy Speaker. I rise to support the amended motion as put by the member for Chaffey. Can I just say that my name has been mentioned as being a member of this select committee, and I would be very pleased to be on this select committee if that is the will of the house.

As people know, before I came into this place I was a veterinary surgeon in practice. I still am a veterinarian but not in practice anymore. I spent many years working in racehorse practice and dealing with show jumpers and eventers, so I have been heavily involved in horse sports and seeing the very best and, unfortunately, very occasionally the very worst when things do go wrong.

You will get the anthropomorphic animal libbers out there trying to say, 'Horses don't like to jump. This is dangerous. We flog them.' That is not right. That is completely wrong. I would encourage everybody in this place and everybody who reads this to go onto YouTube and look up Wilton's Wonder Horses. It is an 11-minute video of dear old Mr Wilton and his horses working at liberty.

These horses, in most cases, have no halter, no bridle—there is absolutely nothing on them. Just watch Wilton's Wonder Horses and tell me that horses do not enjoy jumping, do not enjoy galloping around arenas and going over not only show jumps but other sorts of hurdles, including in the case of Wilton's Wonder Horses, motor vehicles and other obstacles.

There is no doubt that horses galloping at speed will occasionally wrong foot, will trip, will go down in a hole and will fall over, and because you have 400 to 500 kilos of horse moving at 50 to 60 km/h, the energy that is involved there can cause some very serious injuries. In many cases, though, the horses and the jockeys are able to absorb that impact and come away from that unscathed.

The numbers of horses that are injured where they have to be euthanased is very small. Some people say one is too many, but can I say that in my many years of experience as a veterinary surgeon I have had the unfortunate job of having to put down horses that have been galloping around the paddock, in the flats, just by themselves—the 5 o'clock gallop around, or the 5 o'clock roundup we sometimes call it. Many animals do it; why I do not know, but horses do it. At about 5 o'clock out in the paddock you will see them running around the place.

Again, because you have 500 kilos of horse flesh galloping around at speed, they slip, they fall over and they break things; and, unfortunately, no foot, no horse. A fracture in a horse, unfortunately, is inevitably a fatal event. The bottom line, though, with this jumps racing is that, while it has for many years been a huge part of every racing carnival, event and any program around the country it is getting less and less, and in South Australia there are very few South Australian horses competing in jumps racing.

I can say that 99.9 per cent of the prize money at any jumps race in South Australia goes interstate, and that alone, in my opinion, is enough to see the future of jumps racing in South Australia looking very glum. I enjoy watching horses go over jumps. I have show jumped at an event myself. I did unfortunately have an incident with one of my horses that severely strained its suspensory ligaments; and despite intensive care on my behalf—you cannot cure them all—I ended up having to euthanase that horse. So, this has come very close to home.

That horse loved to jump. It did not need to be flogged to get over the jumps, it did not need to be coerced. You had to hold the horse back when you were going around particularly show jumps because you knew that the spacing of the jumps had to be timed so that you did not knock rails out. There was no danger to the horse, just a danger to your own pride because you were not able to complete a clear round.

The need to examine this is something that is quite fair and proper for this parliament to do, and so I would be more than happy to serve on the committee with no predetermined outcome. If the evidence that comes before me discloses that my opinion and my attitude is out of step with public mores—and the hazards of modern jumps racing is different from what I remember and from what I see when I have looked at the hurdles that they use nowadays, they are quite different—if it is different, I am open to listen to people. Only dead men and fools never change their mind. What I will be doing is making sure we take the evidence, listen to the evidence and form an opinion which is an informed opinion, not an anthropomorphic view of animals' rights, animal liberation views.

Animals are very special creatures, and being a veterinarian I think there is nobody in this place who is better qualified to say that they are just the most wonderful part of everybody's lives—whether it is the new pup that my grandkids have just bought, whether it is a child's pony or whether it is trainers and their horses that they have in their stables. On the point of trainers and their horses, trainers and those who work in racing stables love those horses. They love those horses.

You will find that it would be very unusual, a very rare exception, to find any mistreatment or poor treatment of racehorses. It is a big business. The racing industry is a massive business in South Australia—massive—with employers, breeders, owners, trainers and spectators, although it is not what it used to be. Mind you, when Black Caviar was racing at Morphettville I was very lucky to be there on two occasions, and it was just like back in the early days with the bookie's ring completely packed out. The stands were packed out; it was an amazing experience. I would like to get back to that. I personally do not think that jumps racing will be part of that because of the fact that there are fewer horses jumping now, particularly in South Australia. I think that the prize money is going interstate and that is enough to see that there is not a bright future. If we could change that, well, let us look at the options and the interest that is there.

This parliament needs to recognise that the racing industry in South Australia is a huge employer, a huge industry, and so we need to make sure that the whole issue is given a fair hearing with no predetermined outcomes and no prejudgement. The terms of reference for the committee are open enough, and as we have in every committee, there is always that omnibus term of reference, I suppose you would call it—any related matter. So, we will be able to look at those other related matters.

I do not think the committee will need to travel to Aintree in England to see the Grand National, but I am willing to go there if the house wants me to do that. If I was to be away for a while I would miss the place, but perhaps even go to the US to compare and contrast some of the jumps races that are held there—I am being facetious for those who might read this. Jumps racing in South Australia is an area that needs to be examined and given the opportunity to be shown to be a part of the future of racing in South Australia or otherwise. With that, I look forward to being on the committee if the house gives me that privilege.

Mr PEDERICK (Hammond) (12:43): This motion, as presented, states:

That this house establish a select committee to inquire into and report on jumps racing in South Australia, and in particular:

(a) whether or not it should be banned; and

(b) any related matters.

I would like to speak in favour of the amendment of the member for Chaffey which reads:

That this house establish a select committee to inquire into and report on jumps racing in South Australia and in particular:

(a) the future of jumps racing in South Australia; and

(b) any related matters.

I think that is a far better and a more well-rounded approach to looking at any issue in this place. To put up a select committee with the pretence of whether or not it should be banned, I think is getting more than one step ahead of yourself. I think that you need to go into any select or standing committee with open eyes and open views. Part of our job here in the parliament is to take all views on board. I know from my experience on different select and standing committees that that is exactly what people do right throughout this place, whether they are from one of the major parties, one of the minor parties or an Independent, and certainly in discussions about racing.

The fatality rate over the last 12 years for jumps racing averaged 0.64 per cent and 0.48 per cent for flat racing; so not a significant difference at all, particularly in regard to the fact that the figure for flat racing does not include trials or track work, whereas the figure for jumps racing does include trials. There has not been a fatality in racing since August 2012, but one horse was lost in a trial in that period. Thoroughbred Racing in South Australia has received correspondence from people critical of the sport, but we on this side of the place have certainly received online petitions, written petitions, letters and emails signed by a very large number South Australians who support the sport.

In terms of industry data, the last three jumping seasons at Morphettville had an increase of 60 per cent for starters and jumping trials. The total South Australian trained starters in trials increased by 109 per cent. Total starters in jumping races increased by 15.7 per cent between the 2013 and 2014 jumping season, and total South Australian trained starters increased by 49 per cent. The average starter numbers in jumps races in the 2014 season was 8.15 compared with flat events at 7.0 average field size in all listed events, 8.0 in all non-maiden two year olds, 8.2 benchmark, and 9.0 and 8.4 on three-year-old racing. It certainly shows that there has been plenty of interest in racehorses and jumps racing from people involved in the racing industry.

The total prize money won by South Australian trained horses in jumps races as a percentage has increased from 10 per cent in 2012 to 16.21 per cent in 2013 and 22.2 per cent in 2014. That again shows there has been a general increase in prize money. Prize money won by South Australian trained horses in group 1 flat races is 7 per cent.

The average attendance at Morphettville was 1,291 compared with 868 on days without a jumps racing event. Excluding Irish Day from the comparison, the average attendance on other days with a jumping event was 1,002. It is noted that Irish Day is the third or fourth best attended day for the South Australian Jockey Club—

Ms Chapman interjecting:

Mr PEDERICK: Yes—next to the Adelaide Cup and Melbourne Cup. Of the 10 best attended events in the winter season, six had a jumping event on the day. In regard to on-course turnover for those days with a jumps race, the average turnover for 2014 was $176,000 compared to $137,000 for those days that did not run a jumps race. The average off-course turnover for those days with a jumps race was $604,000 compared with $595,000 for those days without a jumps race. Therefore, in terms of turnover both on and off course, the industry will be disadvantaged if jumps racing ceases to exist. An additional 18 trainers were accredited in 2014 to train jumps horses.

Obviously, we are well aware of Oakbank over the Easter period. It is a huge contributor to the local economy which generates around $11 million to $13 million annually, and the average

attendance over the last three years has been 68,000 people. It is a struggle, it seems, to get an average of 8,500 to the Adelaide Cup, so you can just see the difference there.

In regard to animal activists, they are targeting racing not simply in relation to jumps racing but in relation to issues like heat stress, the use of the whip, two-year-old racing and what they describe as 'wastage'. It is certainly something to note in this time of increased unemployment in this state and throughout the regions that the racing industry is a significant employer, employing in excess of 3,500 full-time equivalents.

I note that, certainly in my electorate, there are some jumps races held at Murray Bridge, and many people take advantage of going to the races on those days. As people can see and hear from my comments, the interest in jumps racing in the last few years has only increased, so I certainly think that we should not be going into this select committee with preconceived ideas as to whether or not jumps racing should be banned. I think we need to go in with an open view and be more cogent in what we are thinking here.

I think that, in looking at the future of jumps racing in South Australia, instead of having preconceived ideas as to whether it is to be banned or not, there is a much better way, and I hope that is where we go with this committee. I certainly believe that you will have witnesses coming to the committee who will think, 'Wow, here is an opportunity. We can really spruik up the issue around banning jumps racing without having that better overall view of the world in regard to racing.'

Certainly, as the member for Morphett indicated, horses can break their leg just running around a paddock. I heard news the other day that my father lost one of his best draught horses, Old Fuego. He was just struck by lightning, so he had no chance. Certainly, there are occasionally accidents, but things can happen to any animal running around a paddock. It certainly does happen to horses, and it is not a nice thing to witness at any time.

With those few words, I commend the amendment. I just want to see that we have a better overall view of the industry instead of going in with what the minister has, which is a very biased view. He is going into this committee looking—

The Hon. L.W.K. Bignell interjecting:

The DEPUTY SPEAKER: Order! We are trying to finish this one off, thank you.

Mr PEDERICK: He has put up this committee, and he has made many comments in the media that jumps racing should be banned. I certainly do not think that is the tack that a racing minister should be going down.

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) (12:53): I thank the members opposite for their contributions.

Amendment negatived; motion carried.

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) (12:53): I move:

That the select committee consist of the Hon. M.J. Atkinson, Ms Hildyard, Mr Hughes, Dr McFetridge and Mr Bell.

Motion carried.

The Hon. L.W.K. BIGNELL: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and to report on 30 June 2016.

Motion carried.

The Hon. L.W.K. BIGNELL: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

The DEPUTY SPEAKER: I have counted the house and, as an absolute majority of the whole number of members is not present, ring the bells.

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

Motion carried.

Sitting suspended from 12:57 to 14:00.

Ms CHAPMAN: So this isn't a display?

The SPEAKER: I so rule.

Ms CHAPMAN: You so rule?

The SPEAKER: In the week of the SANFL grand final, since long before I became a member of parliament, it was customary for the members of the house who were supporters of one of the two teams in the grand final to wear their colours into the house.

Ms CHAPMAN: I thank you for your indicative ruling, Mr Speaker. I look forward to wearing my scarf.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answer to a question be distributed and printed in *Hansard*.

VISITORS

The SPEAKER: I welcome to parliament today students from Woodcroft College, who are guests of the member for Mawson; students from Christian Brothers College, who are guests of the member for Adelaide; people from Carnegie Mellon University, who are guests of the member for Taylor; and students from OLSH (Our Lady of the Sacred Heart), who are guests of the member for Enfield.

Ministerial Statement

GOVERNMENT INVOICES AND ACCOUNTS

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: The Late Payment of Government Debts (Interest) Act 2013 and associated regulations was enacted on 17 February 2014. This initiative was proposed by the then Minister for Finance to encourage government agencies to improve their invoice payment terms. It also facilitated the payment of interest to small business vendors in the event that invoices are paid outside the government's standard 30-day terms. Much has been recently said about the government's payment of account performance and I think it is necessary to place some facts on the record.

Shared Services SA processes payment of approximately 2.2 million vendor invoices per annum on behalf of a number of state government agencies. The percentage of invoices paid on time after being received by Shared Services from agencies other than SA Health has increased from 91.7 per cent in 2011-12 to 97.2 per cent in 2014-15. In June 2015, 97 per cent of invoices were paid within 30 days, consistent with the annualised performance. The significant improvement achieved can be attributed to a range of initiatives that have been implemented following a review of accounts payable performance across the public sector in 2012—in particular, the deployment of Basware, an across-government system which automates invoice processing.

Government budget management is on an accrual basis: expenditure is recorded when invoices are received. Accordingly, there is no budget advantage from delaying invoices. I repeat: there is no budget benefit from delaying the payment of invoices. However, there are a range of

contributing factors beyond the government's control that may lead to a delay in payment, namely submission of non-tax compliant invoices, receipt of defective goods or non-receipt of goods and services. In such circumstances, it is reasonable for the government to delay payment until issues have been resolved.

Data sourced from Dun & Bradstreet as part of the 2012 review highlighted that the average time to pay an invoice in the Australian business sector is 52.3 days, compared to 28.4 days for the South Australian government. This figure has further reduced over recent years, in line with the improvement in payment performance, demonstrating that public sector performance in this area is significantly better than industry standards.

The act requires the Treasurer to table a report before parliament within 18 months of its effective date, detailing how an automated system for the late payment of interest will be implemented. Following a comprehensive review by Shared Services, there are a number of significant factors which suggest implementation of an automated late payment interest scheme need not be progressed:

- since the act took effect, there have been no identified claims for late payment interest submitted by small business vendors;
- since 2011-12, there has been a consistent improvement in accounts payment performance across the public sector; and
- the ongoing cost to government of administering late payment interest automation (around $250,000) outweighs the estimated maximum amount of interest that would be payable (around $134,000 per annum).

Moreover, the administrative cost to small business would be the same or higher than the current process of submitting invoices to claim interest on late payments due to registration requirements. The Small Business Commissioner has been consulted on these facts and he agrees that the implementation of an automated system for late payments is not required. As a result, I now table the following report for parliament, titled Late Payment of Government Debts (Interest) Act 2013—Automated Interest Payment.

The report recommends not proceeding with the automation of late payment interest, but notes business will still be able to claim interest by raising an invoice and submitting it to the relevant authority. The government recognises that, as one of the state's biggest consumers of goods and services, we have a responsibility to make prompt payments on any invoices submitted. We take this responsibility very seriously and we are pleased to have made some substantial improvements in recent times, and we will continue to strive for further improvements.

The SPEAKER: I call to order the member for Stuart and the deputy leader, and I warn the deputy leader for the first time. Uncharacteristically, there was no provocation in that ministerial statement, yet it was met with a torrent of interjections just on the basis that members to my left did not like the information contained in the ministerial statement.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. A. Koutsantonis)—

Late Payment of Government Debts (Interest) Act 2013—Automated Interest Payment Report—August 2015

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

Death of—James William Venning—Government Response to the Deputy State Coroner's recommendations of January 2015, following his death on the South Eastern Freeway

Ministerial Statement

FIREARMS REFORM

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. PICCOLO: As members may be aware, the current Firearms Act is complex and, in parts, very ambiguous, with provisions difficult to interpret, follow and administer. For close to 10 years, the government has been in the process of developing a new bill to address these issues. Between November 2008 and May 2012, the Firearms Legislative Advisory Group (FLAG), involving the firearms community and South Australia Police, produced a large number of recommendations on how to improve our firearms legislation. I undertook to discuss these recommendations, as well as new recommendations from SAPOL and other stakeholders, through seven ministerial roundtable meetings held since September last year.

Various stakeholders, including firearm industry peak bodies, sporting shooters and collectors, as well as victims of firearm crime, the Commissioner for Victims' Rights and judicial officers were invited to take part in the roundtable meetings. These discussions were open, robust and with varying points of view put forward and debated. Based on the outcome of the roundtable meetings a draft bill was prepared for comment and distributed to all stakeholders for further comment. From this I received 27 submissions into the draft which resulted in just over 30 changes and which are reflected in the bill to be introduced tomorrow.

I would like to take this opportunity to thank the stakeholders who have been involved in the development of the new bill as they have played a pivotal role in ensuring that the bill reflects the need to achieve a clear and sustainable balance between firearm control that maximises public safety and encourages the responsible possession of the use of firearms for legitimate reasons. In particular, I would like to especially thank Assistant Commissioner Phil Newitt and Senior Sergeant Brendan Beh, as well as the whole Firearms Branch of SAPOL who have provided my office with invaluable advice and assistance over the past 12 months.

To mark the introduction of the Firearms Bill 2015, earlier today I announced the gun amnesty to commence on 1 December until 30 June 2016. During the amnesty period South Australia Police will work with industry for the first time to identify those firearm dealers able to accept surrendered firearms. This was a recommendation brought forward from one of the stakeholders during my roundtable process. Anyone who legally possesses a firearm, ammunition, a firearm part, silencer or restricted mechanism can surrender it without any action being taken against them in respect of their unlawful possession at that time.

Passage of the bill is a first stage of this important reform to make our community safer. To ensure that the regulations that support the act are fair, reasonable and practical I can advise the house that the former premier and member for Frome (Hon. Rob Kerin) has agreed to chair a committee, comprising South Australia Police and other stakeholders who will prepare draft regulations for my consideration.

I look forward to working with all members of this parliament on the swift passage of this new bill.

TOUR DOWN UNDER

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:11): I seek to make a ministerial statement.

Leave granted.

The Hon. L.W.K. BIGNELL: I am pleased to confirm today the Santos Tour Down Under's future as a Union Cycliste International (UCI) WorldTour event has been assured. The state government received the news overnight that UCI Brian Cookson and the UCI Management

Committee had approved the TDU's place as part of the global reform of world cycling at a meeting in the United States.

The Santos Tour Down Under is a fully fledged sporting and tourism success story, and today's announcement gives us certainty it will continue to be a UCI WorldTour event which will remain at the start of the WorldTour calendar in January. The Tour Down Under is a huge success story for South Australia, and we work hard each year to grow the event and the festival we have created around the race to ensure it remains appealing and attracts more spectators.

This year's race contributed almost $50 million to the state's visitor economy, with a record crowd of 786,000 people—more than 37,000 of those people travelled here from interstate and overseas just to attend the race. They created the equivalent of 600 full-time jobs for South Australia. In this year's state budget the government committed a further $6 million over four years to ensure the Tour Down Under continues to be the biggest and best cycling race outside of Europe.

There has been much discussion about the future of our great race during the UCI's two-year review, and I have worked closely with the Vice President of the UCI and head of the Oceanian Cycling Confederation, Tracey Gaudry and Brian Cookson, to ensure this brilliant result for the state, and I thank them very much for their continued support of South Australia and the Santos Tour Down Under. Tracey Gaudry said a global perspective was at the heart of the lengthy consultation process, which has now confirmed the Santos Tour Down Under as the season opener in the Men's WorldTour and cements the event's rightful place at the pinnacle of world cycling.

Mr Speaker, I am pleased to share this news with the house today, and assure you the government is committed to the growth of the visitor economy, the growth of the sport—including women's cycling—and the growth of the Santos Tour Down Under. I would like to thank Race Director Mike Turtur and the Events South Australia team, headed up by Hitaf Rasheed, for all their hard work.

I have been fortunate to be involved in every Tour Down Under since the very first race back in 1999. This government took a very good event to the elite level, resulting in a huge increase in international interest, massive crowds and growing tourism numbers. With today's fantastic news we invite the world to come to Adelaide to see our race, enjoy the start of the UCI WorldTour, our wonderful festival of cycling and all that South Australia has to offer. The Santos Tour Down Under will be held from 16 to 24 January 2016.

SOUTH EASTERN FREEWAY

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) (14:14): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.C. MULLIGHAN: Today, I am tabling the state government's response to the recommendations made by the Deputy State Coroner in the inquest into the death of Mr James William Venning on the South Eastern Freeway. Members may recall that Mr Venning died in a horrific accident involving his out-of-control truck descending on the freeway on 18 January 2014. Members may further recall that there have been a number of incidents involving heavy vehicles on the freeway, including another fatal accident on 18 August 2014.

Since then, and with the support of stakeholders and industry representatives, the government has moved to improve safety on the road and has pursued reform of the national heavy vehicle industry to improve safety throughout the country. Today, I can advise the house that in the government's response to the Deputy Coroner's recommendations, penalties for speeding in a heavy vehicle on the South Eastern Freeway and also for disobeying Australian Road Rule 108—which requires the driver to drive a truck or a bus in a gear that is low enough to limit the speed of the vehicle without the use of a primary brake on a descent—will be substantially increased.

The government will also draft laws where speeding above 70 km/h on the South Eastern Freeway descent by a heavy-vehicle driver will be deemed evidence of dangerous driving. I can also advise the house that the government will be working with the industry to begin designing a state-

based periodic inspection regime for trucks. This is a significant deficiency of our industry and our state where a truck can go through its operational life without ever being independently inspected. This is unacceptable to this government.

The government will also be continuing to improve heavy-vehicle driver training in line with the Coroner's recommendations, continuing to educate heavy-vehicle drivers and the industry of the nature of the descent on the South Eastern Freeway and the requirement to adhere to Australian Road Rule 108. The government has also been leading national reform efforts, along with New South Wales roads minister, Duncan Gay, on the development of a national roadworthiness regime and the extension of chain of responsibility laws to roadworthiness in the heavy vehicle industry.

I should be clear that there are recommendations which the government is not supporting. After detailed traffic modelling and analysis, the government will not be further reducing speed limits for both heavy and light vehicles on the South Eastern Freeway descent. Doing so could cause significant congestion and even block access to the lower safety ramp during peak traffic periods.

Further, we will not be implementing the recommendations that it be compulsory for all heavy-vehicle drivers to be accompanied by a trained and experienced truck driver on their first descent of the South Eastern Freeway. In a national freight industry, this measure would be impractical. In any event, current national driver training requirements include the requirement for a driver to successfully demonstrate the ability to descend downhill gradients safely.

The government will also not be implementing the recommendation that no heavy vehicle licence be issued without the driver demonstrating competence in the descent of the South Eastern Freeway, and for the same reason. However, this should not detract from the substantial improvements we have made to road signage, to driver education and training, to promoting the requirement to comply with Australian Road Rule 108 and how to access safety ramps, on meeting the cost of removing heavy vehicles from safety ramps, and leading national raw reform to improve heavy-vehicle roadworthiness and safety across the nation.

I would like to place on the record my appreciation of the South Australian Road Transport Association and the Livestock and Rural Transporters Association of South Australia for their assistance and their dedication in improving safety in the industry.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:19): I bring up the 13th report of the committee, entitled Subordinate Legislation.

Report received.

The SPEAKER: I call to order the member for Hartley for interjections in the ministerial statement before last.

Question Time

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:19): My question is to the Treasurer. Are there any pre-settlement conditions that are yet to be met before the government-owned land at Gillman will be transferred to Adelaide Capital Partners?

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) (14:19): I thank the deputy leader for that question. The situation with respect to the arrangements with Adelaide Capital Partners are that there were certain matters that needed to be completed by the government and then there were certain matters which needed to be undertaken by the proponents themselves. To the best of my recollection, the matters that needed to be attended to by the government have been attended to, and what remains is for certain steps to be undertaken by the proponents of that project.

As to exactly how progressed they are with those matters that they have to undertake I'm not at this present time able to provide any detailed information, but that is my understanding of

where we are presently. That is, inasmuch as the government was required to undertake certain steps, those steps have been undertaken, and now the onus, if you like, for further activity rests upon the proponents who have to take certain steps in order to discharge what remains before settlement can occur.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:21): Supplementary, either to the Treasurer or to the Attorney: if the Attorney doesn't know what yet ACP have to do to complete their side of the bargain, will he inquire as to what they are and report back to the house and confirm that there won't be any transfer of the land to ACP until those preconditions are met?

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) (14:21): Yes, I'm happy to get that information. I want to make it very clear, though, Mr Speaker, to the extent—and I don't know this, so I'm putting this caveat out there so it's on the public record—that anything they need to do remains commercial in confidence, and I don't believe it does, but to the extent that it does, obviously I'd have to be circumspect about that, but otherwise, yes, I'm very happy to make those inquiries. It is my understanding that the final execution of the first phase of this agreement results in, from the government's point of view, an execution of a transfer and, from their point of view, the payment of an amount of money, yes.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:22): Further supplementary: notwithstanding that there may be some preconditions still outstanding from ACP's perspective and the transfer of that first part of the contract you've indicated, will the government commit to not transferring any of that land until we have Mr Lander's report from the ICAC inquiry?

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) (14:23): Well, I don't see that there's any connection between those two events. I want to make it very clear that the government has entered into an agreement with ACP, and if ACP fulfil the preconditions within that agreement the government has an obligation to oblige by doing what it has promised to do. It wouldn't be good in terms of the state being a party that people could have confidence in dealing with if we didn't adopt that attitude to commercial arrangements we entered into with whoever it might be; but, I can assure the house and the deputy leader that so far as I am concerned there is zero prospect of handing over title to the land without being paid for it.

Ms CHAPMAN: Further supplementary.

The SPEAKER: Well, the convention is you have three supplementaries. Let's just make it a new question.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:24): Thank you. How is it that the Attorney-General is able to recall that there is an obligation on the part of the government to actually proceed with the first stage of the contract if you can't even remember what the preconditions are that are outstanding?

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) (14:24): I don't think I said I can't remember what they are. I think I said I didn't want to go into what they were, and I don't want to test my memory, but if you want me to—

Members interjecting:

The Hon. J.R. RAU: If you want me to have a go—

Ms Chapman: Yes, what haven't they done?

The Hon. J.R. RAU: It is my understanding, for example, that they need to make certain applications in respect of the land that they propose to acquire, and that these applications must be made by them and they must be made and progressed by them. The government is not in a position to make these applications on their behalf, so these applications need to be made and they need to be progressed. At the end of that process, assuming that the applications are successful, then we have a state of affairs which enables the rest of the transaction to proceed.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): My question again is to the Treasurer or the Attorney-General.

The SPEAKER: Just before you start, I should call to order the member for Schubert, who won't comment on the Deputy Premier's apparel, and the members for Florey and Little Para, and I warn for the first time the member for Stuart.

Ms CHAPMAN: You didn't change your underpants—that's what he is complaining about. Sorry, my question is to the Treasurer or the Attorney-General. Why did the government wait six weeks from when the land subject of the Gillman land deal was rezoned to announce the rezoning?

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) (14:26): Can I say the deputy should be aware that I do change daily, and that was a very hurtful innuendo. As to the member for Schubert, what is wrong with the presentation? Anyway, I know I can't ask him that question. So—

The SPEAKER: Focus, focus.

The Hon. J.R. RAU: I am focusing. What happened was this. I don't think any of this will come as a surprise to anybody, but what happened was, given that, in this particular case, the roles I have in respect of Renewal SA and planning minister mean that I would be the same person on both ends of this particular transaction, it was judged that it was necessary from the point of view of things not only being done properly but appearing to have been done properly that another member of the cabinet was invited to deal with this matter and, indeed, that is what happened.

The Minister for Police and Emergency Services agreed to undertake this exercise. He did so according to what he saw as being the appropriate investigations and the appropriate degree of satisfaction from his point of view, as I do in my role as planning minister. I take as long as I think I need to take in order to be satisfied that a matter is appropriately dealt with.

So, it's not for me either to inquire of my ministerial colleague or to cast any aspersions about the method by which he went around that, because I know, having done it myself, there are times when you want more information and you want to be certain about what you are doing. In any event, he progressed with the matter. He ultimately made a decision. The decision required a gazettal, which occurred a week or 10 days or something of that nature ago—

The Hon. A. Piccolo: A couple of weeks.

The Hon. J.R. RAU: —a couple of weeks ago, and that's how the matter has proceeded. So, all of that, as far as I am concerned, is completely orthodox and entirely appropriate.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:29): Supplementary to the Minister for Police: why did it take the government, in particular the Minister for Police, six weeks from the time of his approval of the Gillman rezoning to have it gazetted?

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) (14:29): As I said before, it is not—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. J.R. RAU: You should get a blue one with dots instead of a stripy one.

The SPEAKER: The Deputy Premier is called to order.

The Hon. J.R. RAU: Sorry. Anyway, as I said before, there is nothing unorthodox about anything to do with the process. The minister was entitled to take whatever period of time it took and, just so people understand, there are numerous steps in relation to this matter. Not only does the minister have to become satisfied in himself that this is appropriate, then, if I am not mistaken, in this case, there is a process by which there has to be a gazetting and that takes some time in organising it.

Ms Chapman: Six weeks?

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

The Hon. J.R. RAU: So I don't think there is anything exceptional about this and, as far as I am concerned, the interest in this matter now moves to ACP to see how they get on with making their various applications.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31): My question is to the Treasurer. Has the Treasurer now checked with his staff as to whether the Gillman development was discussed with the oil and gas industry representatives during the minister's trip to Canada in February this year and, if so, with whom did those discussions take place?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:31): I have, and no, it wasn't, and the reason it wasn't is that the Prospectors and Developers Association of Canada is a mining conference not an oil and gas conference.

ADELAIDE FESTIVAL CENTRE CAR PARK

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31): A question to the Treasurer again. Prior to announcing the Festival Plaza car park deal with the Walker Corporation in February 2014, had the state government obtained legal advice regarding the risk of a compensation claim by Walker Corporation if the government did not proceed with the Walker-led development in that area?

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) (14:32): The period that the deputy leader is asking about is obviously back some 18 months ago, and I will have to double-check to be able to provide information to the house about this. I do recall, however, that obviously it was necessary to understand the nature and extent of obligations existing between the state government and Walker Corporation in the context of negotiations that were occurring at that time.

It was necessary to understand the process which had been gone through to arrive at that point in time and, if I can just explain that a little. The original Walker Corporation agreement, and I use the word 'agreement' in inverted commas, arose from an expression of interest, if I remember the process correctly, which was initiated by the former minister for transport and infrastructure (Hon. Patrick Conlon), who was made aware of the fact that the car park immediately to the north of this building is slowly crumbling into dust because it has concrete cancer or some other terrible failing in it, and that doing nothing was not an option.

The only question was, what were we going to do and how quickly were we going to get on with it? So there was at that point a commissioning of a—I think it was a request for a proposal process if I remember correctly or an expression of interest. In any event, a number of people came forward and from that process there was a sifting and ultimately the preferred candidate turned out to be Walker Corporation. At that stage, there was an agreement that if we were going forward with the car park, the preferred person or group or entity to deal with would be the Walker Corporation.

From that point, there were ongoing discussions with Walker Corporation about moving from that point to the point where there would be a finalisation of the matter. Of course, I personally was

not involved in the early part of that process, as that was if I remember correctly, a process that was initiated by the Hon. Pat Conlon. I do know that I sought advice as to the nature of the relationship existing in law—the contractual relationship existing in law—between the government and Walker Corporation so that I could understand what the parameters of any contractual negotiations between the government and Walker might be.

So, the short answer, I guess—because that was the long answer—is I have a recollection of seeking information about the nature and boundaries of the contractual nature of the agreement between Walker Corporation and the government in order to understand how the negotiations would proceed. I do not recall there being, as far as I am concerned, a question specifically in terms of that—

The SPEAKER: The member's time has expired.

ADELAIDE FESTIVAL CENTRE CAR PARK

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): A supplementary: why was it necessary for the Attorney then to even get advice when it was absolutely clear from the terms and conditions in respect of the invitation to the Walker Corporation to explicitly outline the state's and developer's rights, including there was no contract or legal obligation, all costs were to be borne by the developer, the state had a right to terminate the process at any stage without compensation, and there was no expressed or implied contract?

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) (14:37): Well, I don't think I have said anything inconsistent with what the Deputy Leader of the Opposition just said. I am simply saying that as a prudent person—and, yes, I am aware of those words—I am also aware that there had been a process that had gone on for some time and there had been a process which had started with a request for—RFP. What is that? Request for?

The Hon. J.J. Snelling: Proposal.

The Hon. J.R. RAU: Proposal, that's right. Moving through various stages, I wanted to be clear in my own mind what was or was not a matter of contractual certainty between the parties and I think that is a prudent thing for me to do. As I said, I do not recall having asked the question that the deputy leader implied in her last, or before last, question but I am happy to check that.

ADELAIDE FESTIVAL CENTRE CAR PARK

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:38): A final supplementary, if I may, in respect of this issue to the Attorney. Having received that advice, were you satisfied that Walker Corporation had no right to compensation in respect of the consideration of the EEO not proceeding?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:38): I am not sure, without revealing all of the paperwork for that, that I should even attempt to answer that question. Can I make it very clear that insofar as I am concerned, the issue at that time, and up until the resolution of the matter which occurred some time during the last six months, the issue at the time was how do we get to a landing point with Walker Corporation which is going to work, or do we get to a landing point with Walker Corporation which is going to work? As far as I was concerned, it was never a question of assuming that we were bound to have some unsatisfactory conclusion and consider what the consequences of that might have been. We were working on the basis that we had gone through a very long process with Walker, that they had been in discussion with various instrumentalities of the government over this proposal.

At the same time, the government was, I think, coming to the conclusion, which we have stated many times here, that the plaza development was going to be the anchor piece of the whole of the Riverbank and it was going to hold the whole thing together. So, obviously, we're interested in getting a very good outcome there, a very good outcome. I think the fact that we have been able to reach an agreement with Walker Corporation—I hope before the end of this calendar year we will

start to see the beginning of the construction work, or at least the demolition work, down here. It's going to be a great outcome and I think everyone will be extremely happy with that.

DEFENCE INDUSTRIES

Ms VLAHOS (Taylor) (14:40): My question is to the Minister for Defence Industries. Can the minister advise the house about what influence the state government can exercise when awarding major defence projects to be based in South Australia?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:40): I thank the honourable member for Taylor for her question. I am reminded today that—

Members interjecting:

The SPEAKER: The member for Newland has been doing it all day and accordingly is called to order.

The Hon. M.L.J. HAMILTON-SMITH: I am reminded that some 10 years ago, members from both sides of this house joined in high praise for the state's efforts in awarding the $6 billion air warfare destroyer project to SA. The decision was made by the National Security Committee of Cabinet in Canberra. It was influenced by 2½ years of work by a team of experts, headed by retired Rear Admiral Kevin Scarce. It was influenced by the bipartisan support for a state government decision to make a major investment in skills and infrastructure at the Osborne shipbuilding site known as Techport. We invested $350 million of state taxpayers' money in a package to help the federal government achieve its goals.

That most relevant decision resulted in 3,000 direct and indirect jobs and a major boost to the state's economy. It resulted in new technologies and spin-offs to other parts of the South Australian economy, particularly in the many SMEs that are the backbone of our economy. That $350 million state taxpayer/state government investment included: a ship lift, transfer system, wharf and associated dredging, and 30 hectares for subcontractors to set up operations at the time. There were partnerships between the South Australian government, the DSTO and the University of South Australia. South Australia won the role as the central site for the AWD by having a bipartisan political approach, done I might add with the support of the then Western Australian premier Geoff Gallop because the ASC maintain a fleet sustainment base in WA employing 185 people. The current WA government might want to reflect on that.

Major contributors to the SA effort included: the Defence Industry Advisory Board; the Economic Development Board; Robert Champion De Crespigny; Coalition defence minister Ian McLachlan; former chief of Navy, David Shackleton; John White, the former head of Transfield, who guided the ANZAC ships project; Malcolm Kinnaird; and, of course, Rear Admiral Scarce, to name just a few. Other relevant players from this state included: SA Unions, the AMWU, the Australian Workers' Union, the communications, plumbing and electrical trade union, all of whom worked with ASC management, with the cooperation of the state, to get a result.

At the time, there was great support from the then opposition leader, Rob Kerin. In May 2005, a gracious Mr Kerin stood up in the house and congratulated everyone involved in the bid, including the premier and the treasurer at the time, who I think is actually here in the chamber, in the very influential position of the minister for defence industries.

The SPEAKER: The minister is called to order for making reference to the gallery.

The Hon. M.L.J. HAMILTON-SMITH: Indeed, sir. In the time of the Howard Coalition government there was solid bipartisan support. A team of South Australian ministers in the Howard government were on South Australia's side, but today, Mr Speaker, the senior Liberal in South Australia says the South Australian government is irrelevant, we don't need a defence industries minister.

The SPEAKER: Point of order. Time on—deputy leader?

Ms CHAPMAN: Point of order: the minister is clearly now debating.

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

The Hon. M.L.J. HAMILTON-SMITH: Therefore we don't need a shadow minister for defence industries, because industry now know they want to get rid of Defence SA, they want to get rid of the board and they don't want us to be the defence state—a new Liberal policy. No longer the defence state, get rid of the board, get rid of Defence SA, don't have a minister—goodbye, member for Stuart.

The SPEAKER: I hope the minister has got that off his spleen now. Point of order, deputy leader?

Ms CHAPMAN: Debating the matter, defying your ruling—

The SPEAKER: Yes, I uphold all of those points of order and therefore I warn the minister for the first time. While I am at that, I call to order the members for Davenport, Hammond, Mount Gambier and Wright. The member for Davenport will not blame the member for Mount Gambier, as is customary. I warn for the first time and for the second time the member for Hartley. Member for Giles.

ADELAIDE SYMPHONY ORCHESTRA

Mr HUGHES (Giles) (14:45): Thank you, Mr Speaker, and I sincerely hope you will be wearing black and white next year. My question is to the Minister for the Arts. Minister, how has the Adelaide Symphony Orchestra been expanding their program and artistic team to attract new audiences?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:46): It is appropriate the member for Giles should ask me this question, because he has an enormous attachment to the arts and I congratulate him for it.

The Hon. A. Koutsantonis: More than Kevin Foley?

The Hon. J.J. SNELLING: He is not quite there with Kevin Foley, but he has an enormous, unswerving devotion to the cultural life of our state. The Adelaide Symphony Orchestra plays a vital role in contributing to our city's rich, vibrant culture. Their 2015 program has been incredibly diverse, not only performing a traditional classical repertoire but seeking out new audiences in contemporary performance, such as the Doctor Who Symphonic Spectacular and Danny Elfman's Music from the Films of Tim Burton.

The ASO is currently touring the regions with the Mozart to Rodrigo concert series. I understand around 40 musicians are currently en route to Whyalla, having spent their weekend in the state's South-East. Aside from the concerts, the ASO are engaging with the local music students, running their Tigers and Teapots program as well as holding brass, woodwind and guitar workshops. While the ASO was in Mount Gambier, they had a joint rehearsal and performed their concert with members from the Limestone Coast Symphony Orchestra. I know the member for Mount Gambier was there and thoroughly enjoyed the concert.

The Limestone Coast Symphony Orchestra is a 70-piece local orchestra comprising of musicians from all walks of life, from music students and teachers to retired professional musos and talented amateurs. It is a credit to general manager Jennie Matthews and Hamilton-based conductor Angus Christie that this incredible organisation not only exists but thrives in the local community. The experience that members of the orchestra would have gained from being able to rehearse and perform alongside one of the best orchestras in the country is invaluable and has formed a very fruitful connection between the two organisations.

I would like to wish the ASO all the best for their concert at Middleback Arts Centre tonight, and I understand there are still tickets available, so if the member for Giles could make sure that his family and friends go along. In 2016, the ASO is also welcoming a new artistic team, with:

- the brains behind the unforgettable 1998 *Ring Cycle*, Jeffrey Tate, returning as principal guest conductor and artistic adviser;
- New York-based music royalty, Pinchas Zukerman, as Artist-in-Associate; and
- Nicholas Carter taking up the reins as principal conductor.

At 29 years of age, Nicholas will not only be one of the youngest conductors to lead one of our country's major orchestras, he is also the first Australian to be appointed to such a post in 26 years.

Many thanks to Vincent Ciccarello, the hardworking team, and obviously the musicians at the ASO for all they do contributing to the cultural vibrancy of our state. The ASO's 2016 program will be officially launched on 6 October. I can't wait to see what this incredible Adelaide institution have in store for what will be their 80th year.

LAND TAX

Mr VAN HOLST PELLEKAAN (Stuart) (14:49): My question is for the Treasurer. Can the Treasurer advise the house what provision for loss of land tax revenue he has included in the budget forward estimates associated with the announced removal of stamp duty on commercial real property transactions?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:49): What provision of land tax loss there is on the abolition of conveyance duty? I think he perhaps should re read that question and come back.

Mr VAN HOLST PELLEKAAN: I will re-read it.

The SPEAKER: No, the member for Stuart will not re-state it.

Mr VAN HOLST PELLEKAAN: He just asked me to re-read it.

The SPEAKER: No, he asked you to cogitate upon it.

Mr VAN HOLST PELLEKAAN: His words were 're-read'.

The SPEAKER: I don't think they were, actually, if you check *Hansard*. Does the member have a supplementary question? If not, we will go to the member for Mitchell.

LAND TAX

Mr VAN HOLST PELLEKAAN (Stuart) (14:50): Yes, my supplementary question to the Treasurer is: will he please explain to the house why he thinks there is no connection between the state's land tax revenue and the removal of stamp duty on commercial real property transactions?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:50): Wow! I am lost for words. I will explain this, and perhaps the two up-and-comers at the back—

Mr Pisoni interjecting:

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

The Hon. A. KOUTSANTONIS: —can explain this to—I even notice members of the gallery smiling. Conveyance duty is charged at transaction, so when a commercial property is transacted—

Mr Knoll interjecting:

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

The Hon. A. KOUTSANTONIS: —there is a charge at the transaction point. If the member is saying that somehow we will allow a greater aggregation of properties because we are removing conveyance duty and people can therefore have multiple ownerships without paying a conveyance, it is true, but their land tax bills will be more substantial. If he is saying that people can disaggregate their properties because there is no conveyance, I am more than happy to go through this with the shadow minister about why we think the impacts will be minimal, given the rate of land tax that we charge in this state.

I think he is fundamentally confused between what a conveyance duty is and what a land tax is. A conveyance duty is at the point of transaction. You do not pay an annualised conveyance duty; you pay an annualised land tax. They are two separate charges. I don't want to do damage to your

leadership chances because I actually want you to succeed, because I pray every night you get it, but—

The SPEAKER: Point of order.

Ms CHAPMAN: Much as I would welcome you to this side of the house, I am not asking you to be the new leader, and nor should the Treasurer.

The SPEAKER: Yes, the Treasurer will address his remarks through the Chair.

The Hon. A. KOUTSANTONIS: I think what the member is saying is: by removing conveyance duty, will there be greater disaggregation of properties, therefore ending multiple ownerships and therefore being able to move properties around to different ownerships to restructure their land tax liabilities? The Treasury have done some forecasts and that is relatively minor, but that was not the question. The member for Adelaide is struggling to understand what is actually going on, in that the member Stuart has just humiliated himself in front of the parliament.

The SPEAKER: If the point of order from the member for Adelaide or the member for Unley is that the Treasurer was mistaken in referring to one of them, then they will be leaving the chamber for a bogus point of order. Do they still wish to make the point of order? Supplementary.

LAND TAX

Mr VAN HOLST PELLEKAAN (Stuart) (14:53): Given that my question was: what is the provision for loss of land tax, is the Treasurer saying that, when stamp duty on commercial real property transactions is removed and when people then find it relatively cheap to ungroup their properties and reduce their land tax bill—

The SPEAKER: Is this an explanation of a question?

Mr VAN HOLST PELLEKAAN: Is he therefore saying that he thinks the provision is minimal?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:53): The intent of the government's tax changes, which the opposition ridiculed and then called on us to bring forward, were to try to encourage more transactions in this area. We believe that transactional taxes are an inhibitor to economic activity. We believe that we want to see more people transacting. Indeed, what we would like to see is more interstate investment in South Australia.

It is my belief and Treasury's belief that there will be almost no impact on land tax receipts at all. We, in fact, believe that our land tax receipts will grow year on year out throughout the forward estimates, and, of course, they are published. The member for Stuart should know that but obviously doesn't, and he is evolving his questions as he is hearing the explanations because he got it so horribly wrong in the first question.

Mr van Holst Pellekaan interjecting:

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

The Hon. A. KOUTSANTONIS: Don't worry, it'll be over soon. I feel for the member for Stuart, and I almost feel his pain because I want him to do so well, but I'm really, really concerned.

I want to see more transactions; I want to see more ownerships in this state; I want to see us getting our per capita share of national investments into South Australia into property. I know that members opposite ridiculed these tax changes before they called on us to accelerate them to accelerate jobs' growth, despite them saying on budget day that this will create not a single extra job. That is the logic we have to deal with from members opposite.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: A member has just interjected that these tax changes do not take place for another three years. That's wrong again. The truth is that, on budget day, non-real property transactional taxes were abolished immediately, as were all transactional taxes on all

statutory licences, on goodwill, on IP and on plant and equipment—abolished on day one. Within 12 months of that budget will be the first tranche of further tax cuts in conveyance duty. So the opposition saying that it will not happen for three years is fundamentally a lie.

The SPEAKER: I would ask the Treasurer in the interests of harmony to withdraw the expression 'a lie'.

The Hon. A. KOUTSANTONIS: Sir, I am oil on top of waters. I withdraw 'lie' and replace it with 'a blatant falsehood'.

The SPEAKER: The members for Chaffey, Morialta and Mitchell are called to order, and the member for Morialta is warned for the first time.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned for the first time. The member for Mitchell.

SOUTH EASTERN FREEWAY

Mr WINGARD (Mitchell) (14:56): My question is to the Minister for Transport. Will the minister release the reports and findings from the investigation undertaken into the third safety ramp on the South Eastern Freeway?

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 thank the member for Mitchell for his interest in this area. Indeed, he has been party to a lot of the discussions that have occurred in improving safety, not just on the South Eastern Freeway but in the industry. I have asked my department to put up on to the web page—which we have been maintaining for about a year now—all the improvements and changes that have been made to the South Eastern Freeway. That information that he has just referred to in his question, I will check when that is going up and let the member know.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (14:57): My question is to the Minister—

Members interjecting:

Dr McFETRIDGE: —for Health.

The SPEAKER: The member for Schubert—

Mr Gardner: He was responding to the member for Wright, sir.

The SPEAKER: —is very close to leaving the chamber. He is living dangerously. The member for Wright is warned for the first time.

Dr McFETRIDGE: My question is to the Minister for Health. Can and will the minister now tell the house what the exact annual charge to taxpayers will be for the new Royal Adelaide Hospital PPP?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:58): I answered that yesterday. I think it was $395 million.

Members interjecting:

The Hon. J.J. SNELLING: The Leader of the Opposition had the answer: it was $395 million.

Mr Pisoni interjecting:

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

CAESAREAN SECTION STANDARDS

Mr WILLIAMS (MacKillop) (14:58): My question is also for the Minister for Health. Can the minister confirm that he supports the directive from SA Health that mandates standards which, and I quote:

> Have been developed in accordance with contemporary professional quality and safety standards and establish the minimum standards for the provision of health services for management of category 1 caesarean section in hospitals in South Australia.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:58): I presume that where the member for MacKillop is going with this is with regard to the negotiations between Country Health SA and Naracoorte doctors, and there is an issue there with regard to a fourth roster for maternity, or for birthing, at Naracoorte.

The Naracoorte doctors have a position that they should have a fourth roster, and my very strong advice from my department is that that is not something that is required under the standards, and is, in fact, not something that exists anywhere else in any of our Country Health sites bar one. There is only one Country Health site in this state which has this fourth roster, which the Naracoorte doctors are asking for.

I also point out that under the current provisions of the four weeks, in every four weeks, in one of those four weeks, under the current arrangements, women have to travel from Naracoorte to Mount Gambier because under the contract the Naracoorte doctors don't provide birthing coverage—one in every four weeks. So, women currently have to go from Naracoorte down to Mount Gambier.

Yes, of course, we support the standards, but if the member for MacKillop is trying to suggest that whatever the standard is he is quoting has some connection with this issue, I would be very, very surprised if he was correct.

CAESAREAN SECTION STANDARDS

Mr WILLIAMS (MacKillop) (15:00): My question is again to the Minister for Health. Does the minister condone Country Health SA's noncompliance with the directive, 'Standards for Category 1 Caesarean Section in South Australia', particularly at Naracoorte Hospital, given that the directive states that 'compliance is mandatory' and also states that it applies to Country Health SA sites?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:00): I don't think the member for MacKillop actually listened to anything I said in my answer because I had a pretty good idea that this is where he was going. I certainly do not accept any suggestion that what the Country Health have put to the Naracoorte doctors in any way breach any standards or any requirement that SA Health has.

What we have put is something that has been accepted by, basically, every other GP practice working in regional South Australia. The Naracoorte doctors are the last to hold out, and the simple fact is that they are being paid more for what they were providing—significantly more up until now—than other GP practices for what they were providing. I don't think that that is fair. Of course, they are going to be, perhaps, financially a lot less well off under the proposal that's being put, but I don't think it's fair that doctors at one location should be getting paid significantly more than doctors who are working in a similar environment in another location. And that's effectively what this dispute is about.

I certainly reject any suggestion that we would be asking the Naracoorte doctors to do anything that was either unsafe or did not comply with either what the accepted guidelines and protocols are with regard to maternity care or guidelines and protocols that are issued by SA Health.

CAESAREAN SECTION STANDARDS

Mr WILLIAMS (MacKillop) (15:02): A supplementary: can the minister explain then to the house why he believes that a standard would be appropriate in metropolitan Adelaide but expectant

mothers and their babies should be treated with a relatively second-class service in regional South Australia?

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): Once again, the member for MacKillop has not listened to the answer to the question. My answer is that I do not believe and do not accept that at any stage we would accept the Naracoorte doctors and women in Naracoorte to be birthed under standards that in any way breach well-accepted medical standards and what are the guidelines that are issued from the department. You can say it until you are blue I the face, but it's simply untrue.

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett) (15:03): My question is to the Minister for Emergency Services. Is the minister's South Australian Fire and Emergency Services Strategic Plan 2015-2025, including Project Darwin, just the minister's failed emergency services restructure one service model by a different name?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03): I thank the honourable member for his question, and the answer is no.

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett) (15:03): If that is the case, how does the minister expect to go ahead with his strategic plan and the integrated service model when the UFU have banned their members from responding to the surveys over the integrated model?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04): The integrated model and other parts of the strategic plan are being driven by the three chief officers and the CEO of SAFECOM. It is a draft document, it's a working document, and I have the utmost confidence that those objectives of the plan will be achieved.

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett) (15:04): A further supplementary: can the minister tell the house why on page 4 of the strategic plan it talks about a combined not only management but also operational control—an integrated model. It's confusing operations, management and control?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04): I thank the member for his question. I don't agree with his interpretation of the plan.

PORT LINCOLN HOSPITAL

Mr TRELOAR (Flinders) (15:04): My question is to the Minister for Health. Can the minister confirm that Country Health SA plans to discontinue the weekend locum service at the accident and emergency department of the Port Lincoln Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:05): I will double-check, but I would be very surprised. I don't know what the member for Flinders is suggesting, that we would not have doctors present there. The only thing I can think of is that we would be replacing the locum service perhaps with a salaried model. I will double-check, but certainly not to my knowledge.

WALLAROO HOSPITAL

Mr GRIFFITHS (Goyder) (15:05): My question is to the Minister for Health also. Can the minister detail why the regional cancer centre at the Wallaroo Hospital requires patients to initially use the oncologist at the Lyell McEwin Hospital, thus restricting people from using their oncologist of choice?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:05): I will check, but normally what happens in the public health system is you don't get to use the doctor of your choice. That's the difference between public health provision and private health provision. If you are a public patient, then you use the oncologist who is provided for you; you don't get to choose. That's why people take out private health cover, because they're prepared to pay extra in order to get the doctor of their choice. So, unless they're private patients that would be the reason.

WALLAROO HOSPITAL

Mr GRIFFITHS (Goyder) (15:06): Supplementary: given the minister's response about the centre at Wallaroo, why then are people who do have private health, who live within the Copper Coast region, unable to use the facility at the Wallaroo Hospital, and who surely should have the capacity to do so?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:06): I will find out. Normally, we're quite keen to have private patients in public hospitals because it provides a revenue stream. I just need to find out why that's the case.

WALLAROO HOSPITAL

Mr GRIFFITHS (Goyder) (15:07): Supplementary, and it goes on from the minister's response: why is it that the cancer treatment centre at the Wallaroo Hospital only runs on a restricted basis, which, as I understand it, is one day per week?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:07): Again, I will need to find out and get back to the member for Goyder.

The SPEAKER: The member for Finniss.

SOUTH COAST DISTRICT HOSPITAL

Mr PENGILLY (Finniss) (15:07): Thank you, Mr Speaker. The Encounter Bay Eagles won last Saturday's grand final in the Great Southern League. It may be an omen, sir. My question is to the Minister for Health. Your government promoted that the employment of permanent doctors on site at South Coast District Hospital will reduce costs to the health system and implement better services at the hospital. Is it correct that the costs incurred to date under the new model are over budget by $2 million due to Country Health SA's inability to secure doctors with the desired skill sets and lack of interested applicants at South Coast District Hospital since April?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:08): It's certainly not my understanding; in fact, I know one of the doctors who's gone down there, and he is a very well respected emergency department doctor who's gone to work at South Coast District Hospital; but, certainly, I haven't been informed about either it being over budget or of there being any difficulty recruiting doctors. I imagine doctors would be very happy to go and live in beautiful Victor Harbor. The only thing that might in fact turn them off is the local member, but—

Members interjecting:

The Hon. J.J. SNELLING: Oh, come on, don't be so sensitive! Goodness me!

Mr PISONI: Point of order: imputing—

The SPEAKER: The delicate member for Unley has a point of order.

Mr PISONI: Sir, the minister is making personal reflections upon a member. It's against standing orders.

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

SOUTH COAST DISTRICT HOSPITAL

Mr PENGILLY (Finniss) (15:08): The indelicate member for Finniss has a supplementary, sir, for the Minister for Health. Can the Minister for Health inform the house as to whether doctors are being brought in from interstate to fill the vacancies at the South Coast District Hospital as locums?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:09): I would need to find out, but it's not unusual for us to recruit doctors from interstate for not just South Coast, but from right across our health system often doctors come from interstate and it's something, as health minister, I welcome. It's very good to have doctors—

Ms Chapman interjecting:

The Hon. J.J. SNELLING: —with interstate experience who want to come and work in our system. Contrary to the interjection of the deputy leader, you don't in fact need a 457 visa to work here if you are just coming from interstate.

The SPEAKER: The member for Schubert.

STATE LIBRARY OF SOUTH AUSTRALIA

Mr KNOLL (Schubert) (15:09): Glad I survived. My question is to the Attorney-General. Can the minister update the house on when plans to merge or integrate the State Library and State Records functions, as outlined in the report prepared by Angela Allison, will commence?

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) (15:10): I thank the honourable member for his question—

The Hon. A. Koutsantonis: And his interest in your attire.

The Hon. J.R. RAU: —and his interest in my attire. My recollection is that this was a proposal that was floating around the place going back a year or so. I think there was quite a bit of antipathy, I think is a fair word, maybe an understatement. In fact, I saw a number of people who told me that they were librarians, who I know from my personal experience to be generally quite demure people, wearing T-shirts saying things 'Hands off our library' and—

The Hon. A. Koutsantonis: 'Hypatia forever'.

The Hon. J.R. RAU: —'Hypatia forever', yes, in support of the great librarian of Alexandria. As far as I can understand it, this proposition was so fulsomely rejected by these otherwise quite—

The Hon. T.R. Kenyon: Militant librarians.

The Hon. J.R. RAU: —by a large number of very militant librarians that, as far as I am concerned, it disappeared. I think the advocates of this were so intimidated by this cohort of angry librarians that they receded and, to the best of my knowledge, that's where the matter remains.

NATIONAL ICE TASKFORCE

Mr DULUK (Davenport) (15:11): My question is to the Minister for Police. Minister, what participation has the South Australian government had with the National Ice Taskforce?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:11): The South Australian police have been present at the various hearings which have been held in South Australia, and that was something which the police did off their own bat, actually. Until recent times, the actual national task force did very little engagement. We actually advised them that we were quite keen to be engaged in the process and I understand that has changed but, in terms of that, our police are very supportive and provide information and support where they can. What I can say is that the federal task force, like I said, in the early stages, would literally rock up and very few people knew they were rocking up, but I understand we have remedied that.

The SPEAKER: Supplementary, member for Davenport.

NATIONAL ICE TASKFORCE

Mr DULUK (Davenport) (15:12): So, to that end, minister, did the SA government make a submission to the National Ice Taskforce, as they have requested?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:12): I will confirm whether we actually just appeared before them or it was a formal submission, but I am aware that there were discussions between our police and the task force. I will need to confirm whether that was just in terms of a hearing or whether it was a formal submission, but I will get back to you on that.

SAMPSON FLAT RECOVERY CENTRE

The Hon. T.R. KENYON (Newland) (15:13): My question is to the Minister for Social Housing. How is the Sampson Flat Recovery Centre assisting residents in the aftermath of the January bushfires?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:13): I thank the member for Newland for his question and also his continued interest in this area. The Sampson Flat bushfire had devastating consequences for a considerable number of people in our community. In the aftermath, we now know that 12,548 hectares of land were burnt, that 25 houses were destroyed with a further 44 damaged, and that 196 outbuildings and 215 vehicles were destroyed. There was also an economic impact with 13 small businesses being severely impacted and 914 livestock also being lost in the fire.

What has been important since the fire has been the utilisation of the enormous goodwill and generosity of individuals and organisations who offered their assistance in the extraordinary time of need. The Sampson Flat Recovery Centre at the Torrens Valley Community Centre continues to operate with mobile centres at One Tree Hill and Kersbrook for half a day each fortnight. The community reference group, chaired by recovery coordinator Karlene Maywald, shares information, identifies priorities for action, and keeps the local recovery committee informed about emerging issues and work happening on the ground.

A community development officer was appointed in March and continues to develop programs in order to connect with a range of demographic groups to provide support and develop resilience. The recovery centre has facilitated a number of community activities including self-esteem workshops for teenage girls, a men's comedy night and community outings, which have led to the formation of local community support groups such as RAMBO. RAMBO, which stands for 'retired, aged men being out', had such a great time on their inaugural trip, that they have decided to continue as a support group for men aged over 65 in the local community. The community development officer through the recovery centre will continue to support groups like RAMBO to help the local community.

As time progresses, the impact of the bushfire on individuals and families is changing to be more about assistance with psychological support and rebuilding. In response to this, Housing SA's Emergency Relief Functional Service implemented a case management program in mid-February 2015. An outreach service of door-to-door welfare checks is conducted by the Red Cross with follow-up as required through the case management program.

The Red Cross continues to conduct the outreach program and to provide support in the bushfire recovery centre through the provision of psychological first aid and recovery resources. I am advised that information has been provided to 451 identified properties and recovery information packs have been left at another 242 properties. An additional 475 properties have been successfully contacted by telephone outreach. There is still a lot of work to be done with the affected communities and I commend every single individual and organisation that has played a role in the recovery effort.

TOURISM

The Hon. J.M. RANKINE (Wright) (15:17): My question is to the Minister for Tourism. How is the state government promoting South Australia to international markets?

Mr Pisoni interjecting:

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

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) (15:17): You don't sell the place sitting at home.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley can leave for the next 45 minutes.

The honourable member for Unley having withdrawn from the chamber:

The Hon. L.W.K. BIGNELL: I thank the member for Wright for the question. The visitor economy is worth $5.4 billion to South Australia and there are 32,000 jobs across South Australia. It is not all in the city; tourism is one of those great industries that employs people and engages small business right across South Australia. We have $35 million in this latest state budget for the tourism sector. That is additional money that we are using on marketing, both interstate and overseas, and in creating new events and conferences to bring more people to South Australia from interstate and overseas.

Last week we had the South Australian Tourism Exchange here in Adelaide where we had tourism agents from Malaysia, India and Singapore and they were shown around—

Mr Knoll interjecting:

The Hon. L.W.K. BIGNELL: The member for Schubert keeps talking and making inane comments. We actually took these people up to his electorate, up to the Barossa Valley. If he doesn't want to take the tourism industry seriously, we do. It is worth $5.4 billion. In estimates, he didn't ask a single question about tourism and he was on for an hour.

Mr Whetstone interjecting:

The Hon. L.W.K. BIGNELL: Well, you spend money to make money and I think people know that. You don't sell stuff by sitting at home. So we had nine buyers from Singapore, we had nine from the—

Mr Speirs interjecting:

The SPEAKER: The member for Bright is called to order. I hope he would do more to uphold standards of civility.

The Hon. L.W.K. BIGNELL: We had nine buyers from Singapore, nine from Malaysia and four from India. We had 24 South Australian tourism operators who engaged in the tourism exchange. In the Barossa among the places the delegates visited were the Lyndoch Lavender Farm, Maggie Beer's Farm Shop and Seppeltsfield Wine. Closer to Adelaide the delegates were able to take part in a dolphin swim with Temptation Sailing and visited Cleland Wildlife Park and Beerenberg Farm. On Kangaroo Island the delegates visited Clifford's Honey Farm, Island Pure Sheep Dairy, the Flinders Chase National Park, the Raptor Domain—that is a terrific tourism operation—and Seal Bay, to name a few. Down in my neck of the woods, the delegates had the opportunity to visit Red Poles Gallery and D'Arenberg Wines.

Last Friday the delegates were given the unique opportunity to explore Adelaide's CBD by participating in an Adelaide Amazing Race Challenge and also visited and experienced a number of our hotels in Adelaide during their stay. We must point out that we have had four extra hotels come online in the CBD in the last two years. That is 660 extra rooms that we have available to all the extra tourists who are coming to South Australia. We have 1,700 more hotel rooms in the pipeline with seven new developments to be opened between now and March 2018. The visitor economy is going well and, by conducting things like this tourism exchange with three very important markets for South Australia, we will continue to grow that. We have set an ambitious target of $8 billion by 2020, we currently sit at $5.4 billion, so we have a lot of hard work to do but we are not going to leave any stone unturned as we chase that figure of $8 billion and 41,000 jobs.

The SPEAKER: The motion before the house—

Mr VAN HOLST PELLEKAAN: We have 15 seconds.

The SPEAKER: No, it is quite usual for the minister to act as a night watchman and to use all his allotted time but, on this occasion, he left 10 seconds spare. The motion before the house is that the house note grievances.

Grievance Debate

CAESAREAN SECTION STANDARDS

Mr WILLIAMS (MacKillop) (15:21): Unfortunately the Minister for Health does not fully understand what his responsibilities are, and he certainly does not understand the directives that are issued by his own department. I asked the minister several questions in question time today and he suggested that there is no such directive that mandates that there be four doctors available for emergency caesarean sections in South Australia.

The minister may not be aware of it, but I am sure it is on his department's website. I certainly have a copy of the 'Standards for Management of Category 1 Caesarean Section in SA', dated December 2011. Under the heading of Policy, in large print, is 'Directive: compliance is mandatory', and it goes on:

> These standards have been developed in accordance with contemporary professional, quality and safety standards and establish the minimum standards for the provision of health services for management of a Category 1 Caesarean Section in hospitals in South Australia

On the same page, it continues:

> Applies to: All SA Health Portfolio, All Department of Health Divisions, All Health Regions …

It specifically names in the list Country Health SA. Page 12 of this 20-page document, spells out the list of staff that are required for a Category 1 emergency caesarean section to meet this standard.

There is no doubt following the minister's response to my questions today that this government is quite happy to have one set of standards apply in metropolitan Adelaide, one set of standards to look after the mothers and babies in the electorates that are represented by members who sit on that side of the house, and another set of standards that apply to those people who live in electorates represented by members on this side of the house. Country South Australia is yet again being treated as a second class community. I repeat that this directive states that the standards have been developed in accordance with safety standards.

I also have an email from the Director of Strategic Medical Initiatives, Country Health SA, who says that to suggest that this is a safety issue is strongly refuted by Country Health SA Local Health Network. What sort of a world do we live in where we have Health SA develop a standard to underpin the safety of mothers delivering babies in hospitals in South Australia, and yet we have Country Health SA, whose sole responsibility is to deliver those same services in non-metropolitan South Australia, say, 'We don't have to abide by that standard, notwithstanding that the documentation says that it's mandatory and it applies to us, and we don't accept that it's a safety issue'? I hope the minister will read these words that I am putting on the record right now, speak to some people in Country Health SA and ensure that the delivery of services in country South Australia is of the same standard as in metropolitan South Australia.

I note today the minister said that the doctors in Naracoorte (in my electorate) only provide emergency cover for obstetric services three weekends out of four. I am reliably informed, under the negotiations that have been going on with Country Health SA, that most of the items of differences have been clarified. One of them is that the doctors will indeed cover services four weekends out of four.

The other point I really want to make is that in country communities, in hospitals like the Naracoorte Hospital where the work is performed by local practising GPs, somewhere between 30 and 35 per cent of patients who go into those hospitals go in as private patients. The minister himself said today, 'We are quite keen to have private patients in public hospitals because it provides a revenue stream.' Somewhere between 30 and 35 per cent of patients in the Naracoorte Hospital are private patients, providing a significant revenue stream to Country Health SA.

SCHOOL EVENTS

Ms BEDFORD (Florey) (15:27): Since I was last able to make a contribution, two of the major annual events of the school year have taken place. The first is the South Australian Public Primary Schools' Music Society's series of concerts, held at the Festival Centre each evening from Tuesday 8 September to Friday 18 September, with two matinees. So, in all there were 12 concerts. My calculation is that around 218 schools participated, after an audition process, with orchestras and dance troupes (one from the north and one from the south, so four altogether), along with six assisting artists (either an individual or an ensemble) at each concert, so that is an extra 72 amazing performances showcased.

This year's concerts featured, along with several set pieces learned by all students, a performance called Remembrance, using songs by Eric Bogle, Asaf and Powell, Ford and Novello, Buchanan and Porter and the very moving *Anzac Biscuits* composed by South Australia's very own John Schumann. I think every student developed a special and new insight into World War I from their participation, as I am sure did every parent. I was privileged to attend several concerts to support my local schools and enjoyed all of them.

I congratulate everybody involved, each school's choir leader, accompanist and their principal. I would also like to commend the South Australian Public Primary Schools' Music Society executive and festival team, and the many people involved in each of the concerts who worked tirelessly behind the scenes. I would also like to acknowledge and thank the education department's instrumental music branch for their invaluable work and support of music in public schools. Access to music is imperative, particularly in schools where music is not a special focus, and I hope the instrumental music branch will always be available in the way they are now well into the future.

The second event was the fourth and final round race in this year's 30th Australian International Pedal Prix human powered vehicle series, the 24-hour race, the marathon, in the rural city of Murray Bridge. Along with the member for Hammond, who was in attendance, I congratulate Murray Bridge for providing such a wonderful venue. Thousands of people are involved in the Pedal Prix and congratulations go to Mr Andrew McLaughlin, his board and the army of volunteers who make this such a wonderful event. Sponsors are of course very important to such an event. There is a strong partnership with UniSA and all their other sponsors who make this event possible and the major success that it is.

There are four categories in the race. Each of the vehicles and teams have varying capacities and each vehicle has a support network comprising things such as fitness, nutrition, construction, IT and many other aspects. I remain in awe of my local schools in particular for their efforts and commitment to Pedal Prix. Blessed with wonderful weather this year, the river, with houseboats lined up along the banks, and the course were an absolute picture. The Formula One treasure Glen Dix was on hand to wave off the 225 riders. Bar a few hiccups and a medical incident at the event, it was a great day for all.

I am particularly proud to inform the house that category 1 was won by East Para Primary School: the little school that could in fact did. It won the whole category with the help of a wonderful group of riders and supporters under the leadership of principal Bob Greaves. It was a very tight series of races, with Highgate Primary leading or threatening to take back the lead almost to the very end, but East Para triumphed by two laps, completing 311 laps in all. While not the fastest school, it was the most consistent, and the competitors of the Crank Crew deserve the crown they won.

Ardtornish School's Ard-Rocket II was 31st of the 57 teams in a very commendable performance. In category 2, Modbury High Lynx was sixth overall with The Heights School's Pulsar and Quasar 52nd and 63rd respectively. Category 3 saw the participation of Endeavour College, a new school to come under my notice. Students from Good Shepherd Lutheran School, which is attended by the Minister for Health's children, go on to Endeavour College and they can participate in Pedal Prix and finished 24th. St Paul's College (the COGS team) were 32nd of the 53 competitors and Modbury High's girls team, Pink Panther, was 42nd, and Cheetah was 45th, with The Heights Odyssey at 52nd.

Category 4 was the open category. Fast Cats Racing team's four vehicles were well placed in the 52-car field, with The Heights School Thor 49th. Just to give you an idea of how fast the human-

powered vehicles can go, sir, Aurora Racing did 462 laps in all, with the fastest lap two minutes and 24 seconds. There are other special awards in Pedal Prix, and Modbury High won the Bill Scanlon Innovation Award. All in all, it was a very successful series—the 30th, as I said—and I urge all members to take part in Pedal Prix next year.

BRIGHT ELECTORATE

Mr SPEIRS (Bright) (15:32): Last Wednesday 16 September I was invited by the Go Green Team at Brighton Primary School to view their environmental programs and nature play spaces. Three students—Hannah, Ashleigh and Scarlett—with the help of outdoor education coordinator Katie Dixon, spent an hour with me guiding me through the many environmental projects which are making the school a leader in environmental education in South Australia.

The first stop was the battery collection point, where students are encouraged to bring old batteries from home which are then tested to see if they can be used around the school or, if they are flat, donated to Battery World for safe recycling. As we walked around the school, Hannah, Ashleigh and Scarlett pointed out a multitude of recycling bins with educational signage letting students know what rubbish to put where. Dotted around the school were many empty two-litre milk bottles tied to bins and fences where students are encouraged to place hard plastic bottle tops which can then be recycled together rather than disposed in the general waste.

I would like to congratulate the Go Green Team on their 'nude food' initiative, which is seeing parents encouraged to provide kids with non-wrapped food for their lunches and snacks, bringing food instead in containers which can be re-used. This will take some time to build into the school's culture but is definitely worthwhile pursuing. This is not only an environmentally friendly initiative, but also 'nude food' tends to be healthier and so must be commended.

Hannah, Ashleigh and Scarlett then showed me through their nature play areas and told me of plans to improve and expand these, including replacing the worn grass area with additional nature areas. I was then taken to the school's garden, where compost made on site from the school's food scraps is being used to create nutritious, healthy soil where fruit and vegetables are grown and then sold to family and friends of students at a weekly market stall. It was a pleasure to see what the Go Green Team has achieved to date and hear of their impressive commitment to environmental sustainability. I look forward to getting along to the school's Garden Fun Fest on Sunday 18 October where all this work will be showcased to the wider public.

I would also like to take the opportunity this afternoon to congratulate the Brighton Lacrosse Club, also known as the Brighton Bombers, on their recent success in winning the 2015 South Australian lacrosse premiership. I had a great afternoon on Saturday 5 September when I was invited to the Brighton Lacrosse Club down on Highet Avenue at Brighton to watch the state championship grand final, with the Bombers taking on Burnside. I had never watched a lacrosse game from beginning to end before, so I learned a lot that afternoon as some experienced former players guided me through what was happening on the field. It was an exciting game and at times it was looking like Burnside might pull off an upset win, but justice prevailed and Brighton took the premiership title.

Congratulations to the winning team, which included Matt Fuss, Brad Badolato, Toby Raymond, Lachie Pridham, Ross Hamilton, Eben Lok, Clint Barker, Tom Freeman, Yoshidi Eto, Tyler Leeming, Doug Shinnick, Matt MacKenzie, Jack Woodford, Leigh Perham, Jake Rosenthal and Byron Pridham, as well as coaches Mark Mangan, Paul Freeman and Kevin Humphrys, and trainer Dave Mack.

Brighton Lacrosse Club is the most successful lacrosse club in South Australia, originally formed in 1929, and has established a great presence in the Brighton community. It is a close-knit club with an excellent sense of camaraderie and I have appreciated the incredibly warm welcome I have received each time I have visited the club. Its leadership team is headed by club president Jason Webb, with Kevin Humphrys as club operations manager, Beth Barga as the Treasurer and Annie Baker as the honorary secretary. I wish to put on record my appreciation of the voluntary work that these people and other committee members contribute to the club and our community. Again, I congratulate the Brighton Lacrosse Club on winning the 2015 South Australian title.

SALT CHURCH

Ms VLAHOS (Taylor) (15:36): A couple of Sundays ago I had the good pleasure to visit the Playford congregation of the Salt Church at the John McVeity Centre, which is their new home. Based just outside my electorate at Peachey Road, this community does fantastic work in the north. Salt currently has three ministries in Gawler, the City of Playford and Waikerie. Prior to my visit, I had the pleasure of meeting and discussing their work with head pastor of the congregation, pastor Linda Cahill, at my electorate office earlier in the year.

Salt has been serving the City of Playford since 1984 and the current congregation is about 50 people and growing, and it is represented by the full scope of northern suburbs ages: seniors, young adults, young families, teenagers and children. During the time that my children and I were there, we were happy enough to sing, hear their musical capabilities and the praise that they believed in their faith.

They have contributed to a number of events over the last couple of years in the northern suburbs: the Playford carols, the Playford Christmas Pageant, the Upside Down Circus (something I sponsor myself as part of Team Taylor) and the Northern Schools & Youth Outreach program. I have also noticed that an important part of their pastoral work in Playford revolves around children. Recently, Salt conducted a community project in partnership with two other local churches that involved 2,000 slices of cheese and 10 kilos of ham for a hundred Mark Oliphant students, with breakfast once a week over terms 3 and 4 this year. It is a magnificent project because an empty stomach makes it hard for children to learn, so I commend them for their commitment to helping families in the north with this project.

Another thing they have also undertaken has been the distribution of Christmas food hampers and providing morning tea to staff, and monthly hampers for three of the local schools, in partnership with the pastoral care workers. They are reaching out to children in particularly vulnerable times to support them. The program has also received a youth outreach program, which involves about 50 youth to date, and is almost 18 months old. In addition, Salt has recently started a young families group, which is exploring ways to connect, support and encourage young families with young children up to the age of 12 as they discover their legs as parents. There is also a young adults group, which provides fellowship for children and young adults as they move towards adulthood.

It is a growing congregation and one that I will be very proud to be able to visit again shortly. They have also undertaken major social justice projects in the Philippines, Cambodia, North East India, Tanzania and Togo. My thanks go to Pastor Cahill and the other leaders of the congregation for the other Sunday morning, and I look forward to being with you as you relaunch your new facilities at John McVeity Centre on 11 October and joining with you in singing praise and seeing Christ's example of servant leadership in the north.

KANGAROO ISLAND COMMUNITY EDUCATION

Mr PENGILLY (Finniss) (15:40): I want to raise in the house some matters that came out of some recent forums over on Kangaroo Island conducted by the Commissioner for Kangaroo Island, Wendy Campana. Members may recall that, two or three years ago, there was a document put out, a shiny glossy, called Paradise Girt By Sea. This has now been followed up by a document written by Mr Belchamber which came out in May this year called Kangaroo Island First, and there are a considerable number of things in there that will receive a bit of discussion and comment over the next few years.

What particularly incensed me was page 25 of the document where still, and again, they are seeking to criticise education on Kangaroo Island. Let me quote from the document:

> In an effort to advance integration of the island's education training delivery meetings were convened between the Kangaroo Island Futures Authority (KIFA) board and senior officers and staff from Kangaroo Island Community Education (KICE). These meetings were unsuccessful. The failure to make progress is to the detriment of the island community, especially those not at school but wishing to further their knowledge and qualifications.

Well, I have never heard such a load of codswallop in all my born days. It is a blatant lie, it is a blatant untruth, and those responsible for writing that should be hung out to dry in my view. I might add that,

to the best of my knowledge, the former CEO of KIFA and those who followed, and those members of KIFA, did little or nothing except criticise education when they knew not much about it.

A model of KICE as the deliverer of all education and training on the island from cradle to the grave was put forward, but due to the infrastructure facilities and resources that they had that vision has not really got off the ground to some extent, but it could have if KIFA and subsequently the Commissioner for Kangaroo Island liked to work with the schools over there—or the one school, the three campuses. As it is happening now KICE is proceeding on its own and will realise that vision within the next 12 months.

To insinuate that education and training are letting the people of Kangaroo Island down is not supported by any facts or data. In 2014 KICE achieved excellent year 12 results. Not only did all eligible students achieve the SACE but there were 32 A grades achieved in the cohort, which is an outstanding effort. Of the remaining grades achieved there were 63 B grades, 32 C grades, with no D or E grades. This equates to 75 per cent of grades being As or Bs, which is quite remarkable and a tribute to education on the island.

In the compulsory research project subject KICE achieved its best result to date with nine students achieving A grades—hardly a failure of education on Kangaroo Island. All students seeking Australian Tertiary Admission (ATAR) received one, and all students seeking a TAFE entry score received one. There were seven students with ATARs over 90 for university entry with some excellent statistic.

Sitting alongside these excellent grades are outstanding VET (vocational education training) results, which are not graded but which still contribute to the SACE, and a full certificate III completion can contribute to the ATAR and university entry. Also, 12 students completed a full VET certificate III qualification, seven students completed a full VET certificate II qualification, and there are 18 other students involved in ongoing school-based apprenticeships/traineeships.

Many students over there moved from their VET programs at KICE to full-time apprenticeships. In addition, KICE has been a finalist in the education sector of the Brand SA Regional Awards for the past three years, being a winner in 2013 for its delivery of eight VET programs. In 2015 the chair of the Training and Skills Commission, Mr Adrian Smith, stated to the Kangaroo Island Commission and others that KICE had the best VET and schools program in the state and quite possibly one of the best in the nation.

Most sensible people know that you build on success, not denigrate it, as the KIFA future papers have said. That leads me to suggest that there has been some misinformation and a degree of complete stupidness undertaken by KIFA in putting out that report. Fortunately, I have discussed this matter with Ms Campana, and I think she has a completely different view of education on the island than what she did. I think she was fed a crock of nonsense.

Time expired.

WELCOME TO AUSTRALIA

The Hon. P. CAICA (Colton) (15:45): Last Saturday, at the magnificent Reedbeds Community Centre in Fulham, along with Welcome to Australia SA and the City of West Torrens, I hosted a welcome event. Between the hours of 11am and 3pm, and with approximately 300-plus people in attendance, my community was able to display through its actions what it wants us all to be, and that is a people whose community welcomes with a warm heart and open arms those from many different cultures who have sought refuge, asylum, or resettlement in our country. I was very proud that this event was held in my electorate and proud that our community was able to eagerly participate in this event of welcome.

Now, Gay is not up there, but I will just say this for *Hansard:* I have a lot of people to thank, so I am going to do a Duncan McFetridge and read them really quickly, but they are all written down. Some of the people who attended included:

- His Excellency the Hon. Hieu Van Le AO, Governor of South Australia, who greeted and welcomed so many new arrivals and actually spoke to so many people there that day, a magnificent Governor of this state;

- Senator the Hon. Penny Wong, and her daughter, Alexandra;
- the Hon. Susan Close, member for Port Adelaide;
- the Hon. Zoe Bettison, Minister for Multicultural Affairs;
- Steve Georganas, the federal candidate for Hindmarsh and his wife, Wendy, were also in attendance;
- the Hon. John Trainer OAM, Mayor of the City of West Torrens Council, and one of the hosts of the day;
- Angela Keneally, Mayor of the City of Charles Sturt;
- Megan Lamb and Ali Jafari, the state co-directors of Welcome to Australia SA;
- Brad Chilcott, National Director, Welcome to Australia; and
- Mohammad Al-Khafaji, CEO, Welcome to Australia, and Leah Marrone.

These were our invited guests, but they were certainly very important to have there to show that, throughout our community, people from various positions within our community are there to provide that support and welcome to these people. As I mentioned earlier, our community came in massive numbers to participate in this event. Rose Dunn, the Coordinator of the Reedbeds Community Centre, was absolutely magnificent in the work that she undertook to make sure the event went well. We also had sporting clubs there:

- Alan O'Neill, President of the Henley Heat Soccer Club; and
- Andrew Gates, President of the Grange Lawn Tennis Club, and coach, David Grainger—and it was great to see the youngsters participate and have a try at both soccer and tennis.

Deputy Speaker, we had, and I know you will like this, a jazz ensemble from St Michael's College under the auspices of Andy Collingwood and students Ethan, Cameron, Sean, Orton and Anthony. They played beautiful music throughout the day. There were a couple who tried to see if the Governor would use his not inconsiderable skills, as I understand it, as a guitarist but, quite rightly, he refused to participate in that, but enjoyed the music from these young people. The list continues:

- Emily Gore from the Young Labor Left and the magnificent volunteers she had;
- Adam Whitefield, Program Coordinator at Build the Bridge Volunteers;
- Joanna Bouyesi, Project Officer, Sport and Development at UniSA and her volunteer and assistant, Luca;
- Uma and Keith Preston for arranging the Afghani music, which was traditional Afghani music and quite mesmerizing and was certainly enjoyed by everyone there;
- Linda Bell, a henna artist;
- Jarrah from Jump Easy Bouncy Castles, which the kids really enjoyed; and
- Karen Biens, face painter, and Graham, the balloon man.

Importantly, I want to recognise that Simorne Banicevic and Spero Chapley from Frewville Foodland donated very large containers of organic fruit for people to enjoy at this particular event. We also certainly enjoyed the performance by the Coptic Egyptian children's choir who sang for everyone in attendance. Other people who assisted during the day included:

- Hannah Keane; the Christopoulos family—Tas, Peter, Leah and Penny;
- Rhys Lohf; and
- Jessica Ware and Dylan Russell.

It is important to recognise these people from my office who worked tirelessly over the last few months: Dylan Russell, Tyson Kinnane, Sarah Toming, Andrew Christie and, in particular, Emma Christie for her tireless work in organising this event. I am very proud of the work they did.

I just want to reinforce the community involvement: we letterboxed the area of Fulham around Reedbeds to make sure we got a lot of people from the community there, and we did—and they certainly enjoyed it. We had representatives from the Fijian and Italian communities, and I mentioned the Egyptian community amongst others, and it turned out to be a day that surpassed my expectations.

I would like to also mention that on 31 October (I think it is that date, and I will correct the record if that is not the case) the annual Walk Together event will be held, when people from our community can walk in Adelaide from Elder Park to the Parklands to show our community support for welcoming those people who are seeking refuge in this country. I look forward to greeting those people from Syria who will be relocated in this state I hope in the not too distant future. I thank everyone involved in the event, and I thank all those people who attended and supported it. It spoke volumes about our community.

Bills

EVIDENCE (RECORDS AND DOCUMENTS) 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) (15:51): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. 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) (15:51): I move:

That this bill be now read a second time.

The Evidence (Records and Documents) Amendment Bill 2015 amends the Evidence Act 1929 to reflect modern technological modes of communication and generation of material. The current law in South Australia has not been amended with the advent of the modern electronic age. The provisions of the Evidence Act 1929 to facilitate the proof and admission of computer-generated evidence are archaic and are not utilised in practice.

Ms Chapman interjecting:

The Hon. J.R. RAU: Indeed, and I look forward to cooperation attending to that matter as well in due course. Further, there are provisions directed toward the proof and admission of electronic communications. In practice, it appears that the courts and litigants improvise and work around the current law. It is unsatisfactory that such a significant aspect of modern practice should be subject to such outdated laws. There is a real need for a workable and effective framework for this type of evidence to be received and used in court proceedings. Tantalisingly, Madam Deputy Speaker, I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The *Evidence (Records and Documents) Amendment Bill 2015* amends the *Evidence Act 1929* to reflect modern technological modes of communication and generation of material. The current law in South Australia has not been amended with the advent of the modern electronic age. The provisions in the *Evidence Act 1929* to facilitate the proof and admission of computer-generated evidence are archaic and not utilised in practice. Further, there are no provisions directed toward the proof and admission of electronic communications. In practice, it appears that the courts and litigants improvise and work around the current law. It is unsatisfactory that such a significant aspect of modern practice should be the subject of such outdated laws. There is a real need for a workable and effective framework for this type of evidence to be received and used in court proceedings.

In 2012, the South Australian Law Reform Institute reviewed the way South Australian evidence law deals with new technologies. The South Australian Law Reform Institute released a report entitled *Modernisation of South Australian evidence law to deal with new technologies*, which included a number of recommendations for reforms to the *Evidence Act 1929*. In particular, the South Australian Law Reform Institute recommended that the *Evidence Act 1929* be amended to provide for the 'proof and admission of information that is generated, stored, reproduced or communicated by a technological process or device that reflects modern technologies and can accommodate future, as yet unknown, technologies'.

The Bill includes a number amendments to the *Evidence Act 1929* to implement the recommendations of the South Australian Law Reform Institute. The amendments aim for consistency with the Uniform Evidence Act models. The Bill:

1. Repeals Part 6 and Part 6A of the *Evidence Act 1929* that deal with the admission into evidence of lettergrams and telegrams and a narrow class of information produced by computer.

2. Includes a new provision in Part 4 of the *Evidence Act 1929* that provides for the proof and admissibility of evidence of electronic communications (for example, text messages, emails and social media postings).

3. Includes a new provision in Part 4 of the *Evidence Act 1929* to simplify the rules applying to the admissibly of evidence of telegraphic messages.

4. Includes a new provision in Part 4 of the *Evidence Act 1929* to facilitate proof of evidence that is produced by processes, machines or other devices and is intended, among other things, to facilitate the admission of computer-generated evidence.

5. Amends Part 4 of the *Evidence Act 1929* to redefine 'document' to default to the definition in the Acts *Interpretation Act 1915* which includes all records made by any process whereby information is stored and can be retrieved.

6. Amends the modification of the best evidence rule in Part 4 of the *Evidence Act 1929* to facilitate the admissibility of documents that are reproduced in a format different to the original evidence (for example, where words or images are reproduced by a device into a hard copy format from electronically stored data, such a computer coding).

As a starting point, the Bill redefines 'document' to default to the definition in the Acts *Interpretation Act 1915* which includes all records made by any process whereby information is stored and can be retrieved. It is a wide definition that extends to sophisticated modes of storage of electronic information as well as the recording of electronic and digital communications. The definition of 'business record' in the Bill includes any 'document prepared or used in the ordinary course of a business for the purpose of recording any matter relating to the business', and thus, by extension, incorporates the wide definition of document in the Acts *Interpretation Act 1915*. The Bill import sections 45A and 45B of the *Evidence Act 1929* in their entirety in sections 52 and 53; however, the new sections will have a broader application with the extended definition of 'document'.

Computer-Generated Evidence

The Bill repeals Part 6A of the *Evidence Act 1929* that deals with the admission into evidence of a narrow class of information generated by computer. Part 6A is seldom used to admit evidence of computer output because its requirements are unduly exacting and it is an aid to proof only. The relevance of Part 6A has been questioned given the rapid changes in the way that computers and their output can be used and communicated. For example, since the introduction of Part 6A, developments have included the Internet, mobile phones, social networking, surveillance and encryption technologies and cloud computing. Further, Part 6A cannot be used to regulate the admission of evidence of information produced or communicated by the Internet and modern electronic devices or digital processes.

The Bill includes new provisions to be inserted in Part 4 of the *Evidence Act 1929* to facilitate proof of evidence that is produced by processes, machines or other devices and is intended to facilitate the admission of computer-generated evidence. The provisions aim for consistency with the relevant provisions in the Uniform Evidence Act models.

The Bill inserts section 56 into the *Evidence Act 1929* to create a rebuttable presumption of accuracy for evidence produced by computers. Section 56 is consistent with section 146 of the Uniform Evidence Act models. It removes the requirement for authentication in every case and provides, instead, that for documents that are produced, recorded, copied or stored electronically or digitally, there is a rebuttable presumption that the technological process or device so used did in fact produce the asserted output and did so reliably. This means that a party adducing evidence of such documents would no longer have to prove the authenticity and reliability of the process or device unless there is evidence that is adduced to displace the presumption. For example, it would not be necessary to prove the reliability or accuracy of a computer from which an email had been produced as a pre-condition to the admission of that email into evidence. This amendment reflects contemporary understanding of the accuracy of ordinarily reliable devices or processes. The section does not operate to facilitate the admission of a document generated by a process or device as to the truth of its content—rather, it is presumptive aid to proof as to the accuracy and reliability of the production of the document by the technological process or device.

The Bill inserts section 57 into the *Evidence Act 1929* to replace current section 45C which modifies the common law best evidence rule. Section 57 operates to facilitate the admissibility of any document that is reproduced in a format different to the original evidence, as well as those that are reproduced in the same manner. The section provides for the admissibility of documents that have been reproduced by instantaneous process (like a photocopier or scanning device), as well as by a process where the content of a document has been recorded and stored on a storage device and reproduced in the same or different form, or in any other way. 'Data storage device' is defined by the Acts *Interpretation Act 1915* to mean any article or material from which information is capable of being reproduced with or without the aid of any other article or device. This definition is intended to include local storage items, such as hard drives and flash drives, as well as remote storage. It is not intended to include items such as filing cabinets, books and newspapers. Some examples of documents that could be admissible under this section as a reproduction of the original evidence could include:

- a recording of words on a device that is produced as sound is reproduced as a document that is a transcript of the words (such as a recording of a conversation on an electronic recording device); and
- images or words that are reproduced by a device into a hard-copy format from electronically stored data, such as computer coding (for example, data from social media sites like Facebook or Instagram could be tendered to the court by printing from a computer or tablet a screen shot of a relevant message or post in a hard-copy form, rather than producing the document through the use of a computer or tablet, or through a storage device that contains the computer coding for the message or post).

The amendments made by section 57 of the Bill will facilitate the admissibility in court proceedings of copies of documents in their original form, as well as the proof of a wide variety of documents that are reproduced in a different form than their original. The amendments have regard to modern technologies and the variety of ways that data can be produced through digital processes and modern electronic devices. The section is confined to the form of admissible evidence, and does not extend to make admissible the contents of a document to prove the truth of the representations it contains.

Evidence of Electronic Communications

At present, the *Evidence Act 1929* only deals with telegraphic messages. It does not refer to electronic communications. Given the widespread availability and use of electronic communications, the South Australian Law Reform Institute saw a need for amendments to the *Evidence Act 1929* to include presumptive aids for the proof and admissibility of evidence of electronic communications.

The Bill amends the *Evidence Act 1929* to insert a new section 54 in Part 4 to provide for the proof and admissibility of evidence of 'electronic communications' (for example, short message service, multimedia messaging service, emails and social media postings and messages). 'Electronic communications' is defined as having the same meaning as the in the *Electronic Transactions Act 2000*, namely:

(a) a communication of information in the form of data, texts or images by means of guided or unguided electromagnetic energy, or both; or

(b) a communication of information in the form of sound by means of guided or unguided electromagnetic energy, or both, where the sound is processed at its destination by an automated voice recognition system.

The definition is to be read with the definition of 'information', which means information in the form of data, text, images or sound.

The definition of 'electronic communication' is not device-specific or method-specific, and is intended to be broad enough to embrace all modern technologies and capture future technologies. It encompasses computer or phone communications whether made via wireless connections or by wire or cable. Email communications, communications via the internet such as social networking, communications between mobile phones such as SMS and MMS, are all captured via the definition of electronic communications. Conversations between two people over the telephone do not fall within the definition.

The definition of 'electronic communication' under the Bill is consistent with the definition for 'electronic communications' in the *Electronic Transactions Act 1999* (Cth) which similarly defines the term for the purposes of the Uniform Evidence Act models. The terms 'electronic communication', 'communication' and 'information' are intended to be interpreted broadly. The terms are intended to have the same interpretation and operation as the Commonwealth legislation, which has been explained as follows in the Explanatory Memorandum to the *Electronic Transactions Act 1999* (Cth):

> *'Electronic communication' is defined as a communication of information by means of guided and/or unguided electromagnetic energy. This term is used throughout the Bill…and is intended to have the widest possible meaning. Communications by means of guided electromagnetic energy is intended to include the use of cables and wires, for example optic fibre cables and telephone lines. Communications by means of unguided electromagnetic energy is intended to include the use of radio waves, visible light, microwaves, infrared signals and other energy in the electromagnetic spectrum. The use of the term 'unguided' is not intended to refer to the broadcasting of information, but instead means that the electronic magnetic energy is not restricted to a physical conduit, such as a cable or wire. The term 'communication' should also be interpreted*

broadly. Information that is recorded, stored or retained in an electronic form but is not transmitted immediately after being created is intended to fall within the scope of an 'electronic communication'.

This definition should be read in conjunction with the definition of 'information', which is defined to mean data, text, images or speech. However, as a limitation is applied on the use of speech the definition of electronic communication is in two parts. Paragraph (a) states that, in relation to information in the form of data, text or images, the information can be communicated by means of guided and/or unguided electromagnetic energy. Paragraph (b) provides that information in the form of speech must be communicated by means of guided and/or unguided electromagnetic energy and must be processed at its destination by an automated voice recognition system. This is intended to allow information in the form of speech to be included in the scope of the Bill only where the information is provided by a person in a form that is analogous to writing. 'Automated voice recognition system' is intended to include information systems that capture information provided by voice in a way that enables it to be recorded or reproduced in written form, whether by demonstrating that the operation of computer program occurred as a result of a person's voice activation of that program or in any other way. This provision is intended to maintain the existing distinction commonly made between oral communications and written communications. The intention is to prevent an electronic communication in the form of speech from satisfying a legal requirement for writing or production of information. For example, it is not intended to have the effect that a writing requirement can be satisfied by a mere telephone call, message left on an answering machine or message left on voicemail.

'Information' is defined to mean information that is in the form of data, text, images or speech. These terms should be interpreted broadly. These terms are not intended to be mutually exclusive and it is possible that information may be in more than one form. For example, information may be in the form of text in a paper document but is then transferred in to the form of data in an electronic document. The term 'information' is used in the definition of electronic communication and is also used throughout the Bill.

Section 54 is modelled on sections 71 and 161 of the Uniform Evidence Act models. It facilitates the proof of electronic communications (other than lettergrams or telegrams) by creating a rebuttable presumption that their sending and making, the identity of their sender or maker, when and where they were sent from or made, and when and where they were received, is as it appears from the document. It is not restricted to electronic communications sent within Australia. The section further provides an exception to the hearsay rule for electronic communications so that the rule may not apply to what is represented in a document recording the electronic communication if this concerns the identity of the person from whom or on whose behalf the communication was sent, or the date on which or the time at which the communication was sent, or the destination of the communication or the identity of the person to whom the communication was addressed.

Section 54 thus achieves the following purposes:

1. providing a presumptive aid to proof for an electronic communication as to the accuracy of what appears from the face of the communication to be its sending and making, the identity of the sender or maker, when and where it were sent from or made, and when and where it was received; and

2. providing for the admissibility of an electronic communication in proceedings to prove the truth of what is contained in the electronic communication as to the identity of the person who sent the communication and the identity of the person to whom it was addressed, the date on which or the time at which the communication was sent, and the destination of the communication.

This section creates a framework for the efficient proof and admissibility of electronic communications while still maintaining a discretion for the evidence to be excluded if, for example, its reliability is contested.

In addition, the Bill repeals Part 6 of the *Evidence Act 1929* that deals with the admission into evidence of telegraphic messages. The South Australian Law Reform Institute noted that there are no South Australian cases which have considered or applied Part 6. The South Australian Law Reform Institute recommended that, although there has been no public telegraphy service in Australia since 1993, the *Evidence Act 1929* should continue to provide a way to facilitate proof of the transmission of telegraphic messages. Although Part 6 describes an outdated telegraphic technology, and is drafted in an outmoded legislative style, it is possible that a party may need to prove the transmission of a telegraphic message that was once sent through historical telegraphic services.

Accordingly, the Bill includes a new section 55 in Part 4 of the *Evidence Act 1929* to simplify the rules applying to the admissibility of evidence of telegraphic messages. Again, this section is consistent with the Uniform Evidence Act models. The section facilitates the proof of communications by lettergrams or telegrams by creating a rebuttable presumption of receipt by the addressee within 24 hours of the delivery of the communication to a post office for transmission as a lettergram or telegram. It is not restricted to lettergrams or telegrams sent within Australia. The section provides a simple and effective mode of proving the sending and receiving of a lettergram or telegram without requiring a party to produce records of receipt and fee payments from Australia Post that pre-date 1993 as is currently the case.

The current law in South Australia governing the proof and admissibility of computer-generated evidence and evidence of electronic communications is outdated and ineffective and in need of change. The amendments made by this Bill to the *Evidence Act 1929* will contribute to the efficient conduct of litigation in South Australia by facilitating the proof and admissibility of electronic communications and computer-generated evidence that is consistent with

contemporary views of its use, accuracy and reliability. The Bill in no way derogates from the common law powers of a court to decline to admit evidence where such admission would be unfair or prejudicial to a party, thus retaining a safeguard for the admission of evidence where there is a dispute about its authentication or reliability.

This Bill will provide South Australia with a workable and effective framework for the use in court proceedings of this type of evidence and will bring South Australia in line with the law in other jurisdictions.

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 *Evidence Act 1929*

4—Substitution of heading to Part 4

5—Insertion of heading to Division 1

6—Insertion of heading to Division 2

7—Insertion of heading to Division 3

These clauses are consequential and insert Part and Division headings to reflect the proposed structural changes made by this Act relating to the admission of documents and other records.

8—Repeal of sections 45A to 45C

This clause repeals sections 45A to 45C.

9—Substitution of heading to Part 5

This clause is consequential and replaces the Part 5 heading with a divisional heading to reflect the proposed structural changes made by this Act relating to the admission of documents and other records.

10—Amendment of section 46—Definitions

This amendment is consequential.

11—Insertion of Part 4 Divisions 5 to 7

This clause inserts new Division 5—other documents and records.

Division 5—Other documents and records

52—Admission of certain documents in evidence

Proposed section 52 substantially re-enacts current section 45B of the principal Act. References to the term document in the provision are proposed to adopt the broader meaning of the term set out in the Acts *Interpretation Act 1915*.

53—Admission of business records in evidence

Proposed section 53 substantially re-enacts current section 45A of the principal Act.

Division 6—Matters relating to communications

54—Electronic communications

Proposed section 54 creates an exception to the hearsay rule for the admission of electronic communications. The exception to the hearsay rule is limited to the admission of evidence as to the identity of the person who has sent the electronic communication, the date on which the communication was sent or the time at which the communication was sent and its destination or the identity of the person to whom the communication was addressed.

55—Telegrams and lettergrams

Proposed section 55 creates an exception to the hearsay rule for the admission of a document purporting to contain a record of a message by lettergram or telegram. The exception to the hearsay rule extends to creating a presumption that the message was received by the person to whom it was addressed no later than 24 hours after it was delivered to a post office for transmission.

Division 7—Miscellaneous

56—Evidence produced by processes, machines and other devices

Proposed section 56 provides an exception to the hearsay rule for the admission of evidence produced by a device or process. The provision creates a presumption that the document or thing was produced by the device or process.

57—Modification of best evidence rule

Proposed section 57 modifies the best evidence rule in relation to the reproduction by one document of the contents of another document by certain processes.

12—Repeal of Part 6 and Part 6A

This clause repeals Part 6 and Part 6A of the principal Act.

Debate adjourned on motion of Mr Speirs.

TOBACCO PRODUCTS REGULATION (ARTISTIC PERFORMANCES) AMENDMENT BILL

Introduction and First Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:53): Obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

Second Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:53): I move:

That this bill be now read a second time.

The bill seeks to amend the Tobacco Products Regulation Act 1997 to provide the Minister for Mental Health and Substance Abuse with the power to exempt artistic performances from section 46(1) of the Tobacco Products Regulation Act 1997. Artistic performances add to the rich culture and economy of the state. Sometimes these performances include smoking; for instance, in historical pieces smoking may be used to make the performance feel more authentic. While a few performances are willing to use alternative options, sometimes producers advise that inclusion of smoking is integral to the script or an essential activity within the context of the performance. It is anticipated that as smoking continues to become further denormalised in society it will be less necessary in artistic performances. As alternative theatrical devices become more sophisticated, we expect them to be used more frequently.

Smoking in enclosed public places, workplaces and shared areas has been prohibited under section 46(1) of the Tobacco Products Regulation Act 1997 since 2004. A process was introduced to allow artistic performances to apply for an exemption from this section. Between 2008 and September 2015, a total of 53 requests for exemptions were received and, of these, 48 obtained an exemption. Conditions apply to these exemptions, including the requirement for audiences to be informed of the smoking within the performance, adequate stage and audience ventilation, and the use of only herbal rather than tobacco cigarettes.

However, the current process is administratively protracted as exemptions can only be granted by His Excellency the Governor. For applicants, this means they must apply at least three months in advance of the performance and rehearsals. For government, this is a complex process of exemption assessment and approval which is disproportionate to the risk posed.

Amendment through the passing of this bill will simplify the government's artistic performance exemption procedures by enabling the minister or delegate to grant these exemptions. This will reduce the administrative burden on cabinet and the Governor, produce more flexible and timely responses to applications and reduce the risk of disruption to artistic productions. The current process for applicants will remain unchanged. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Tobacco Products Regulation Act 1997*

3—Amendment of section 71—Exemptions

This clause amends section 71 of the principal Act to allow the Minister to grant exemptions from the Act in relation to artistic performances by notice in writing.

Debate adjourned on motion of Mr Speirs.

HOUSING IMPROVEMENT BILL

Introduction and First Reading

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) (15:56): Obtained leave and introduced a bill for an act to provide for measures to address housing that is unsafe or unsuitable for human habitation; to control the rent of unsafe or unsuitable housing; to amend the Residential Parks Act 2007 and the Residential Tenancies Act 1995; to repeal the Housing Improvement Act 1940; and for other purposes. Read a first time.

Second Reading

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) (15:57): I move:

That this bill be now read a second time.

The Housing Improvement Act 1940 was enacted to address major concerns in relation to the standard and supply of housing in South Australia at a time of severe shortage of housing rising from the Depression of the 1930s. Today, it is the older dwellings located in established suburbs with existing facilities which provide the majority of affordable housing within South Australia.

A review of the act has found that the regulation of minimum standards for existing houses and the rent control of substandard houses continues to be relevant today, but the provisions to enforce minimum housing standards under the act are ineffective in ensuring owners carry out necessary repairs. Substandard houses identified in the review were characterised by poor building condition through lack of essential maintenance or defective work carried out by owners. Specific issues included structural failure and substandard electrical or sewerage systems. Without taking action to address this, some owners will continue to ignore their obligation to provide safe and suitable accommodation, exposing their occupants to significant health and safety hazards.

Those most impacted are low-income households, migrants and students who need affordable housing. Many of these people, including tenants receiving government private rental assistance, have little choice but to accept housing of an undesirable standard. While few private rental properties have a housing improvement declaration, the impact is high on the individual occupants. Occupant health and safety is potentially impacted due to the condition of the property, such as lack of basic amenities and blocked fire exits due to overcrowding.

Emerging issues identified during consultation include the increase in demand in rural and remote areas for rental accommodation by mine workers and associated contractors resulting in low-income residents being displaced in unsatisfactory accommodation. Also of concern was the impact on some international students whose lack of knowledge and preference for low-cost options make them vulnerable. The international education industry is the state's fourth-largest export, accounting for more than 6,500 local jobs. Students are avid users of social media and negative comments about South Australian housing can travel quickly and have a major impact on where future students choose to study.

The proposed Housing Improvement Bill 2015 continues the regulation of minimum standards for existing houses with more effective provisions for compliance and enforcement; regulates the rent payable for unsafe and unsuitable housing; and introduces a key objective of raising community awareness of the minimum housing standards. A key principle on which this bill is based is the concept of a general duty, which provides for balanced obligations of both owner and occupant.

I seek leave to have the remainder of the second reading explanation and explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

The ability to fix rent by regulation is an appropriate response to ensure that disadvantaged people do not pay excessive rent for substandard housing. There is also a need to be able to direct the owner to repair items which pose unacceptable risk.

Raising community awareness is an important objective. History has shown the need to retain the regulation of minimum housing standards, but has also shown that many owners are willing to comply when they know of the requirements. This Bill provides essential support to ensure that the quality of affordable housing is maintained. The quality of life for South Australians is not only influenced by the cost of housing, but the quality of affordable housing.

During preliminary consultation in 2010, a discussion paper providing an overview of the proposed regulatory framework was presented to Government agencies, local government, and peak industry bodies. Feedback indicated general support for the continuation of regulation of minimum housing standards, and a general duty to ensure premises are safe and suitable for occupation. There was strong endorsement from tenant support organisations for continuation of rent control for substandard houses.

The Housing Improvement Bill was put out to consultation during July and August 2012. Information sessions were attended by sixty seven people from local government, real estate agents, tenant support and industry organisations. Sixteen written submissions were received, including various representative groups for landlords, tenants, real estate agents and local government.

The Bill repeals the *Housing Improvement Act 1940*. Historically the Act provided the legislative authority to the South Australian Housing Trust (SAHT). The *Housing Improvement Bill 2015* vests authority to the Minister in lieu of shared responsibility between the SAHT and local government, with minimum standards for existing houses becoming applicable to residential premises throughout this State.

Part 3 of the Bill sets out the main suite of tools that will secure compliance with basic housing standards. These are housing assessment orders, housing improvement orders, housing demolition orders, notices to vacate and rent control notices.

A housing assessment order is issued to an owner where the Minister has reason to believe that the premises are, or may be, unsafe or unsuitable for human habitation. Such an order will require an owner to carry out assessments of the premises.

A housing improvement order may be issued to an owner where the Minister has reason to believe that the premises are unsafe or unsuitable for human habitation and that works are required to remediate defects. Such an order may require the carrying out of specified works.

A housing demolition order may be issued to an owner where the Minister has reason to believe that the premises are so unsafe or unsuitable that it would be impracticable or unreasonable to undertake remediation works. Such an order requires the demolition of the premises. This power is continued from the repealed Act, and as has been the case in the past, is expected that this provision would be used rarely.

With each of these orders $20,000 is the maximum penalty for non-compliance. This contrasts with a maximum penalty of $100 for breach of an equivalent provision under the repealed Act of 1940.

Underpinning this framework are provisions that enable registration of the orders with the Registrar-General. An order is registered against an owner's land with the effect that successive owners of land are bound by any undischarged orders and a charge is placed on the land such that the Minister may recoup expenses incurred by the Minister in carrying out remedial work that an owner might fail to carry out him or herself under such an order.

Part 3 also enables tenants and registered mortgagees or encumbrancees, with the authorisation of the Minister, to carry out the requirements of a housing assessment order or housing improvement order. Where the premises are rented, costs and expenses may be recouped by withholding rental payments.

A notice to vacate is an essential tool to enable premises to be vacated should that be required under a housing improvement order or housing demolition order. Provisions have been included in the Bill to provide for the termination of a tenancy agreement, to secure the ejectment of occupants and, in appropriate cases, to compensate a tenant for resulting loss and inconvenience.

Rent control notices are continued from the repealed Act but with an improved process for inviting an owner to show why such a notice should not be made. A rent control notice will fix the rent of substandard premises after the Minister has taken into account the condition of the premises, the capital value of the premises as determined under the *Valuation of Land Act 1971* and the market rent for residential premises of that kind in the same or similar localities. A rent control notice will continue to apply in relation to premises despite any change in ownership or occupancy of the premises.

Further provisions of the Bill include:

restricting landlords from entering premises at unreasonable times for the purposes of carrying out the requirements of a housing assessment order or housing improvement order;

ensuring the correct rent is paid and demanded in relation to premises that are subject to a rent control notice;

minimising the risk that tenants are evicted or treated unfairly by a landlord if they make a complaint about the condition of premises;

requiring disclosure in statements made in the advertising of the sale or lease of residential premises, of the fact that the premises are subject to an order or notice under the Bill.

The Bill gives the South Australian Civil and Administrative Tribunal jurisdiction to hear housing improvement tenancy disputes. Such disputes are disputes about matters arising under the Act or any matter that may be the subject of an application under the Act.

It is anticipated that the comprehensive and robust framework of measures contained in this Bill will support this government in its endeavours to achieve and maintain safe and suitable standards of housing in this State well into the 21st century.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects of Act

This clause sets out the objects of the Act, which are—

- to ensure that housing meets the prescribed minimum housing standards; and
- to regulate unsafe or unsuitable housing and the rent payable in respect of such housing; and
- to raise community awareness of the prescribed minimum housing standards.

4—Interpretation

This clause defines key terms used in the Act.

5—Prescribed minimum housing standards

This clause sets out a power to enable the making of regulations to establish prescribed minimum housing standards that must be met for residential premises to be considered safe and suitable for human habitation. It sets out a list of matters that may form the subject matter of such regulations including matters relating to construction, amenity, cleanliness, sanitation, safety and access.

6—Application of Act

This clause clarifies how terms used in the Act are to be interpreted when applied to sites and dwellings that are subject to residential park agreements within the meaning of the *Residential Parks Act 2007* and to premises that are subject to residential tenancy agreements, or to rooming house agreements, under the *Residential Tenancies Act 1995*.

Part 2—Administration

Division 1—Minister

7—Functions

This clause sets out the functions of the Minister. The functions include promoting safe and suitable standards of housing, by ensuring that adequate measures are taken to achieve compliance with the Act, developing or adopting codes of practice or guidelines and being a primary source of advice to the Government in connection with safe and suitable standards of housing.

8—Delegation

The Minister will be able to delegate functions and powers conferred on the Minister under the Act.

Division 2—Authorised officers

9—Appointment of authorised officers

This clause deals with the appointment of authorised officers for the purposes of the Act. Appointments can be made subject to conditions or limitations. An authorised officer is subject to the Minister's direction.

10—Identity cards

This clause requires authorised officers to be issued with identity cards and to produce the card when exercising powers. The clause also requires the surrender of the card when the person ceases to be an authorised officer.

11—Powers of authorised officers

This clause sets out the powers of authorised officers in connection with the administration and enforcement of the Act. Such an officer may—

- enter and inspect residential premises at a reasonable time;
- ask questions of any person found on the premises;
- inspect any article or substance found in the premises;
- take and remove samples from any substance or other thing found in the premises;
- require any person to produce any plans, specifications, books, papers or documents;
- examine, copy and take extracts from any plans, specifications, books, papers or documents;
- take photographs, films or video recordings;
- take measurements, make notes and carry out tests;
- remove any article that may constitute evidence of the commission of an offence against the Act, require a person to answer any question that may be relevant to the administration or enforcement of the Act.

This clause further provides that an authorised officer may use reasonable force to enter residential premises if—

- the officer has a warrant; or
- the officer believes it is necessary.

Subclause (6) makes it an offence attracting a maximum penalty of $10,000 for a person to—

- hinder or obstruct an authorised officer, or a person assisting an authorised officer, in the exercise of a power under this clause; or
- fail to answer a question put to him or her by an authorised officer to the best of his or her knowledge, information and belief; or
- fail to provide reasonable assistance in relation to the inspection of premises.

The ground of self-incrimination cannot be used as an excuse for failure to furnish information required under the clause. The standard provisions regarding the evidentiary use that may be made of information provided by a person in compliance with the clause apply.

Part 3—Orders, notices and other action to deal with unsafe or unsuitable housing conditions

Division 1—Housing assessment orders, housing improvement orders and housing demolition orders

12—Housing assessment orders

The Minister may issue a housing assessment order to the owner of residential premises if the Minister has reason to believe that the premises are, or may be, unsafe or unsuitable for human habitation. Failure to comply with a housing assessment order attracts a maximum penalty of $20,000.

A housing assessment order must include a requirement for assessments to be carried out of the nature and extent of defects at the premises, and for a written report of those assessments to be submitted to the Minister. In addition, such an order may require a person with specified qualifications to carry out or prepare a report of the assessments and may require assessments to be carried out on behalf of the Minister by an authorised officer or other person authorised by the Minister. The order must state that the person may, within 28 days, apply to the Tribunal for a review of the order.

13—Housing improvement orders

The Minister may issue a housing improvement order to the owner of residential premises if the Minister has reason to believe that the premises are unsafe or unsuitable for human habitation and that works are required to remediate defects in respect of the premises. Failure to comply with a housing improvement order attracts a maximum penalty of $20,000.

A housing improvement order must include particulars of the defects identified in respect of the premises and may require the person to whom it is issued to prepare a plan of works for the premises or to carry out specified works within a specified period. The order may authorise the work to be carried out on behalf of the Minister by an authorised officer or other person authorised by the Minister and may require the premises to be vacated and remain unoccupied for a time. The order must state that the person may, within 28 days, apply to the Tribunal for a review of the order.

The clause also provides a system for dealing with cases where urgent action is required to address unsafe or unsuitable conditions of residential premises. This is a fast track method of issuing a housing improvement order in circumstances of urgency. Such an order may be issued orally, but in such a case the person must be informed of his or her right to apply to the Tribunal for a review of the order. In addition, such an order will expire within 3 business days unless it is confirmed by a written order issued by the Minister and served on the person.

14—Housing demolition orders

The Minister may issue a housing demolition order to the owner of residential premises if the Minister has reason to believe that the premises are so unsafe or unsuitable that it would be impracticable or unreasonable to undertake remediation works. Failure to comply with a housing demolition order attracts a maximum penalty of $20,000.

Such an order must include particulars of the defects identified in respect of the premises and must require the premises to be demolished not less than 28 days after issue of the order. The order must require the premises to be vacated and remain unoccupied until the completion of demolition or of specified works. The order may also authorise the demolition to be undertaken on behalf of the Minister by an officer authorised or other person authorised by the Minister. The order must state that the person may, within 28 days, apply to the Tribunal for a review of the order.

15—Registration of housing assessment order, housing improvement order or housing demolition order

This clause enables a housing assessment order, housing improvement order or housing demolition order to be registered with the Registrar-General in relation to land owned by the person on which the premises are located.

The effect of such registration is either or both of the following (as may be required):

- the order will become binding on each successive owner of the land;
- the registration of the order against the land will operate as a charge on land, securing payment to the Minister of costs and expenses incurred by or on behalf of the Minister in taking action required by the order.

This clause also deals with notification of owners and registered mortgagees and encumbrancees. It sets out procedural requirements and preconditions for cancelling the registration of the order.

16—Action by Minister on non-compliance with housing assessment order, housing improvement order or housing demolition order

This clause enables the Minister (or an authorised officer or other person authorised by the Minister) to carry out the requirements of a housing assessment order, housing improvement order or housing demolition order in the event of non-compliance with such an order by the owner.

17—Recovery of costs and expenses incurred by Minister

This clause enables the Minister to recover reasonable costs and expenses incurred by the Minister in taking action under a housing assessment order, housing improvement order or housing demolition order as a debt from the person to whom the order was issued. Also recoverable by the Minister are the amounts prescribed by regulation for any registration or cancellation of an order. Subclause (3) sets out the method of recovery of these amounts including as a charge on land (if the order has been registered) or in the form of rent. Subclause (6) sets out how the priority of a charge imposed under the clause ranks as compared with other charges, namely, it will have priority over—

- any prior charge imposed on the land (whether or not registered) that operates in favour of a person who is an associate of the owner of the land; and
- any other charge on the land other than a charge registered prior to the registration of the order.

Subclause (7) gives the Minister the same powers as a mortgagee under a mortgage in relation to any default in payment of an amount that is a charge on land under this clause.

18—Action, and recovery of costs and expenses, by registered mortgagee or encumbrancee or by tenant

This clause provides that certain persons other than the owner (namely a tenant or a registered mortgagee or encumbrancee) may take action as authorised by the Minister in respect of a housing assessment order, a housing improvement order or a housing demolition order which has not been complied with. A tenant may recover the costs of doing so either as a debt due by the person to whom the order was issued or as a deduction in rent. A registered mortgagee or encumbrancee is entitled to recover the amount as a debt or by adding it to the principal of the mortgage.

19—Owner of residential premises may seek reimbursement of costs and expenses from other owners

This clause enables an owner of residential premises who has been issued with a housing assessment order, housing improvement order or housing demolition order to seek an order from the Tribunal to recover all or some of the costs incurred in connection with the order from one or more other owners of the premises.

20—Interaction of this Division with *Real Property Act 1886*

This clause gives precedence to the provisions of Division 1 relating to registration by the Registrar-General and the priority of charges over the *Real Property Act 1886*. A charge imposed under the Division is not discharged by the exercise of a power of sale or foreclosure under that Act or by the exercise of a power of sale under any other Act.

Division 2—Notice to vacate

21—Notice to vacate

This clause requires the Minister to issue a notice to vacate if a housing improvement order or housing demolition order has been issued in respect of premises requiring the premises to be vacated. A notice to vacate is issued to the occupiers of the premises (who may or may not be the owners) and requires them to vacate the premises by a specified date. If the premises are occupied under a residential tenancy agreement, the notice must state that the tenancy will be terminated on a specified date, that the tenants must give up possession of the premises on or before that date and that the landlord is authorised to take possession of the premises on that date. The notice must state that the persons may, within 28 days, apply to the Tribunal for a review of the notice.

Failure to comply with a notice to vacate or to sublet premises to which it applies is an offence attracting a maximum penalty of $5,000.

22—Power of Tribunal to make order for ejectment or compensation

This clause enables the Tribunal to make an order for ejectment of an occupier who has not vacated premises by the date specified and an order under certain circumstances requiring a landlord to pay compensation to the tenant for loss and inconvenience as a result of the early termination of the tenancy.

23—Enforcement of ejectment order

This clause makes an order for ejectment enforceable by a bailiff appointed by the Tribunal provided that the person in whose favour the order was made notifies the Tribunal of non-compliance with the order within 14 days of the date on which the order takes effect (or such longer period as the Tribunal may allow). The clause sets out the powers of a bailiff in enforcing such an order, including that the bailiff may request the assistance of the police and may use reasonable force. These powers are consistent with equivalent powers for such a purpose under the *Residential Tenancies Act 1995*.

Division 3—Rent control notices

24—Rent control notices

This clause allows the Minister to declare, by a rent control notice published in the Gazette, that premises in respect of which a housing improvement notice has been issued are to be subject to rent control. Before doing so, the Minister must give the owner a preliminary rent control notice stating his or her intention to control the rent and the maximum proposed rent. In fixing the maximum proposed rent the Minister must have regard to the condition of the premises, the capital value of the premises as assessed under the *Valuation of Land Act 1971* and the market rent for similar premises.

The preliminary notice gives the person 14 days to make representations to the Minister as to why a rent control notice should not be made, after which the Minister decides whether or not to proceed with the notice.

A rent control notice comes into operation on the date of gazettal or a later date specified in the notice and remains in place for the period specified or until revoked by the Minister. The notice continues to apply despite any change in ownership or occupancy.

25—Offence to charge more than maximum rent under rent control notice

This clause makes it an offence attracting a maximum penalty of $5,000 or expiation fee of $315 for a person to charge, demand or receive rent above the maximum rent fixed in a rent control notice.

Division 4—Special provisions relating to prescribed residential tenancy agreements

26—Landlord must give notice of intention to carry out inspections or works under housing assessment order or housing improvement order

This clause provides for the manner in which a landlord may enter and inspect premises to which a housing assessment order or housing improvement order applies. In most cases, entry will only be permitted after written notice is given to the tenant between 7 and 14 days before the day of entry and a specified 2 hour period required to be available for the proposed entry. In remote locations, if a person is required to accompany the inspection these time requirements are relaxed somewhat, and in the case of emergencies there are no time requirements. It should be noted that this clause does not apply to premises that are rented under a residential park agreement within the meaning of the of the *Residential Parks Act 2007*, under a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1995* to which that Act applies or under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995*. Such agreements are governed by similar provisions in those respective Acts.

27—Landlord must keep and provide record of rent if rent control notice applies

This clause requires a landlord to keep a record of rent details if a rent control notice applies to the premises. The records must include details of the date and amount of payment, who paid the rent and the period of the tenancy to which the rent relates. Records must be kept for two years. If rent is paid other than into an ADI account, the details must be given to the tenant within 48 hours. If paid into an ADI account, the landlord need only give the details on request by the tenant. Failure to comply with the clause is an offence attracting a maximum penalty of $2 500 and an expiation fee of $210. As with the previous clause, this clause does not apply to premises that are rented under a residential park agreement within the meaning of the of the *Residential Parks Act 2007*, under a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1995* to which that Act applies or under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995*. Such agreements are governed by similar provisions in those respective Acts.

28—Termination of prescribed residential tenancy agreement by tenant

A tenant residing in premises that are the subject of an order or notice under Part 3 is entitled to vacate without reason on giving at least 7 days notice. Again, this clause does not apply to premises that are rented under a residential park agreement within the meaning of the of the *Residential Parks Act 2007*, under a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1995* to which that Act applies or under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995*. Such agreements are governed by similar provisions in those respective Acts.

29—Termination or variation of prescribed residential tenancy agreement by landlord

This clause provides certain protections for tenants who occupy premises that have been the subject of an inspection by an authorised officer within the past 6 months or to which an order or notice under this Part applies (other than a notice to vacate). It enables tenants to speak freely about the condition of premises without fear of reprisals. A notice given to a tenant by a landlord terminating or varying such a tenancy must be in the prescribed manner and form, rely on at least 1 ground prescribed by regulation, and be confirmed by the Tribunal.

The clause enables the genuineness of factors motivating the giving of a notice of termination or variation by a landlord to be tested by the Tribunal, thus reducing the likelihood of retaliatory action on the part of a landlord.

If satisfied that the factors are genuine, the Tribunal may confirm the notice, however if it is not so satisfied, it may set aside the notice, and/or make an order reinstating the tenancy on such condition as it considers appropriate.

The Tribunal may, when considering the application, make an order compensating the tenant for loss or inconvenience resulting from the termination or variation of the tenancy.

It is an offence attracting a maximum penalty of $2,500 for a landlord to grant a fresh tenancy over the same premises within 6 months without the consent of the Tribunal.

Again, this clause does not apply to premises that are rented under a residential park agreement within the meaning of the of the *Residential Parks Act 2007*, under a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1995* to which that Act applies or under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995*. That is because such agreements are protected by similar provisions in those respective Acts.

Division 5—Obligation to publicise orders and notices

30—Orders and notices under this Part to be displayed on premises

This clause requires an owner of premises which are the subject of an order or notice under Part 3 (other than a preliminary rent control notice) to display the order or notice legibly and prominently at the premises as directed by the Minister. Failure to comply with this provision is an offence attracting a maximum penalty of $5,000 or an expiation fee of $315.

31—Orders and notices under this Part to be declared in advertisements for sale or lease of land and in lease agreement

This clause requires the vendor of premises to which an order or notice under Part 3 applies (other than a preliminary rent control notice) to include in any advertisement for the sale of the premises a clear statement that such order or notice applies to the premises. Failure to comply with this provision is an offence attracting a maximum penalty of $5,000 or an expiation fee of $315.

Clear disclosure must also be made in respect of the advertising for the lease of such premises and in the lease agreement. In addition, if a rent control notice applies to the premises, any oral or written representation to the lessee concerning the rent must disclose that the rent is fixed by a rental control notice. This offence attracts a maximum penalty of $5,000 or an expiation fee of $315.

Statements required to be made under the clause in an advertisement or document must be in legible form and appear in a reasonably prominent position in the advertisement or document, with the offence attracting a maximum penalty of $5,000 or an expiation fee of $315.

If a landlord fails to make clear to a lessee that the rent is fixed under a rent control notice the lessee may rescind the lease.

Division 6—Review by Tribunal

32—Review by Tribunal

A person who has been issued with a housing assessment order, housing improvement order, housing demolition order or notice to vacate may apply for a review by the Tribunal of the order or notice or a variation of the order or notice. The owner of premises in respect of which a rent control notice has been made may apply for a review of the notice or any variation of the notice. An application for review must be made within 28 days after the order or notice is issued or made or any variation of the order or notice is made (unless the Tribunal allows an extension of time).

Part 4—General duty

33—General duty

This Part creates a statutory duty on an owner of property to ensure that the premises are safe and suitable for human habitation. If the premises are occupied under a residential tenancy agreement, the landlord and tenant have the following obligations:

- the landlord must take reasonable steps to ensure that the premises are and remain safe and suitable for human habitation;
- the tenant must take reasonable steps to comply with the landlord's actions and must ensure that the premises are maintained in a reasonable state for the purposes of human habitation.

In determining what is to be regarded as being reasonable for the purposes of the clause, regard must be had to matters including—

- prescribed minimum housing standards;
- relevant codes of practice under the regulations;
- the potential impact on occupants of the premises of a failure to comply with the general duty.

A failure to comply with the general duty does not of itself render an owner liable to civil liability or criminal action, but compliance may be enforced by the issuing of a housing assessment order, housing improvement order or housing demolition order.

Part 5—South Australian Civil and Administrative Tribunal

34—Jurisdiction of Tribunal

This clause vests the South Australian Civil and Administrative Tribunal with jurisdiction to deal with a housing improvement tenancy dispute. It will have the powers given to it under the Act as well as under the *South Australian Civil and Administrative Tribunal Act 2013*.

However, the Tribunal has no jurisdiction to hear and determine a monetary claim for more than $40,000, unless the parties to the proceedings consent in writing (and such a consent will be irrevocable).

If a monetary claim is above the Tribunal's jurisdictional limit, the claim and any other claims related to the same residential tenancy agreement may be brought in a court competent to hear and determine a claim founded on contract for the amount of the claim.

In such proceedings the court may exercise the relevant powers of the Tribunal under the *South Australian Civil and Administrative Tribunal Act 2013* as well as under the Act.

35—Intervention by Minister

The Minister may intervene in proceedings before the Tribunal or a court concerning a housing improvement tenancy dispute.

If the Minister intervenes in proceedings, he or she becomes a party to the proceedings and has all the rights (including rights of appeal) of a party to the proceedings.

36—Amendment of proceedings

This clause enables the Tribunal to amend proceedings if satisfied that the amendment will contribute to the expeditious and just resolution of the questions in issue between the parties.

37—General powers of Tribunal to resolve housing improvement tenancy disputes

The Tribunal may, on application by a party to a housing improvement tenancy dispute—

- restrain an action in breach of the Act; or
- require a person to comply with an obligation under the Act; or
- order a person to make a payment (which may include compensation) under the Act for breach of the Act; or
- modify a residential tenancy agreement to enable the tenant to recover compensation payable to the tenant by way of a reduction in the rent otherwise payable under the agreement; or
- relieve a party to a residential tenancy agreement from the obligation to comply with a provision of the agreement; or
- terminate a residential tenancy agreement or declare that a residential tenancy agreement has or has not terminated; or
- reinstate rights under a residential tenancy agreement that have been forfeited or have otherwise been terminated; or
- require payment of rent into the Fund until conditions stipulated by the Tribunal have been complied with; or
- require that rent so paid into the Fund be paid out and applied as directed by the Tribunal; or
- require a tenant to give up possession of residential premises to the landlord; or
- make orders to give effect to rights and liabilities arising from the assignment of a residential tenancy agreement; or
- exercise any other power conferred on the Tribunal under the Act; or
- do anything else necessary or desirable to resolve a housing improvement tenancy dispute.

The Tribunal does not have jurisdiction to award compensation for damages arising from personal injury.

38—Restraining orders

The Tribunal may make a restraining order against a person in the following circumstances:

- if the person is causing or may cause serious damage to property following the issuing of an order or notice under Part 3 in relation to the premises or the making of any decision by the Tribunal in relation to the premises in a material respect; or
- if the person is failing to comply with the general duty under Part 4.

A restraining order may be made without notice to the person provided that the Tribunal gives the person a reasonable opportunity to satisfy it that the order should not continue.

39—Special powers to make orders

The Tribunal may make an order in the nature of an injunction (including an interim injunction) or an order for specific performance.

However, a member of the Tribunal who is not legally qualified cannot make such an order without the approval of the President or a Deputy President of the Tribunal.

The Tribunal may also make ancillary or incidental orders.

40—Application to vary or set aside order

A party to proceedings before the Tribunal may apply to the Tribunal for an order varying or setting aside an order within 1 month of the making of the order. The Tribunal may allow an extension of time. The 1 month period will, if reasons are provided on request by the applicant, run from the time the applicant receives the written statement of reasons. This clause is expressed not to limit the provisions of the *South Australian Civil and Administrative Tribunal Act 2013*. Proceedings under the clause are not intended to constitute a review for the purposes of section 34 or 70 of that Act.

41—Reasons for decisions

This clause requires the Tribunal to provide written reasons for its decision on request by a person affected by the decision.

42—Time for application for review or instituting appeal

The time for making an application for a review or appeal under the *South Australian Civil and Administrative Tribunal Act 2013* runs from the time written reasons are received, provided that the request is made within 1 month of the decision.

43—Representation in proceedings before Tribunal

The rights of a party to a housing improvement dispute to be represented in proceedings before the Tribunal (including a conference or mediation under the *South Australian Civil and Administrative Tribunal Act 2013*) are set out in this clause.

A party may be represented by a lawyer if—

- all parties to the proceedings agree to the representation and the Tribunal is satisfied that it will not unfairly disadvantage a party who does not have a professional representative; or
- the Tribunal is satisfied that the party is unable to present the party's case properly without assistance; or
- another party to the dispute is a lawyer, or is represented by a professional representative (defined to mean a lawyer, law clerk or a person who holds or has held legal qualifications under the law of the State or another place); or
- the Minister has intervened in, or is a party to, the proceedings.

A party may be represented by a person who is not a lawyer if—

- the party is a body corporate and the representative is an officer or employee of the body corporate; or
- the party is a landlord and the representative is an agent, or an officer or employee of an agent, appointed by the landlord to manage the premises on the landlord's behalf; or
- all parties to the proceedings agree to the representation and the Tribunal is satisfied that it will not unfairly disadvantage an unrepresented party; or
- the Tribunal is satisfied that the party is unable to present the party's case properly without assistance.

44—Remuneration of representative

A representative of a party to a housing improvement tenancy dispute in proceedings before the Tribunal may not be remunerated unless the representative is:

- a lawyer or a law clerk employed by lawyer; or
- an officer or employee of a body corporate representing the body corporate in the proceedings; or
- an agent, officer or employee of an agent representing the landlord in the proceedings whose premises the agent had been appointed to manage on behalf of the landlord.

Contravention of this provision is an offence attracting a maximum penalty of $15,000.

Part 6—Register

45—Register

This clause provides that the Minister must keep a register that records—

- the address of residential premises to which an order or notice under Part 3 applies;
- the maximum rent fixed for residential premises to which a rent control notice applies; and
- any other prescribed information.

The register must be made available for free inspection by members of the public. However, the Minister has an absolute discretion to exclude particular details in the register from inspection. A person may also obtain a copy of part of the register on payment of the prescribed fee.

Part 7—Miscellaneous

46—Contract to avoid Act

An agreement or arrangement that is inconsistent with the Act or purports to exclude, modify or restrict the operation of the Act, will be (unless the inconsistency, exclusion, modification or restriction is expressly permitted under the Act) to that extent void. A purported waiver under the Act will be void. A person who enters into an agreement or arrangement to defeat, evade or prevent the operation of the Act (directly or indirectly) will be guilty of an offence attracting a maximum penalty of $10,000.

47—Protection from liability

This clause provides that an authorised officer or person engaged in the administration of the Act will not be subject to civil or criminal liability for any acts or omissions done in good faith in the exercise or discharge of a power, function or duty or in the carrying out of any direction or requirement under the Act. Such a liability lies instead against the Crown.

48—Offences by bodies corporate

If a body corporate is guilty of an offence against the Act, each director and manager of the body corporate will be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless that person can prove that he or she could not, by the exercise of due diligence, have prevented the commission of the offence. A person may be prosecuted and convicted of an offence against this clause whether or not the body corporate has been prosecuted and convicted of the offence.

49—Tribunal may exempt agreement or premises from provision of Act

The Tribunal may order that a provision of the Act will not apply (or will apply in a modified way) to a particular prescribed residential tenancy agreement or to particular premises occupied under such an agreement. Contravention of any condition of such an order is an offence attracting a maximum penalty of $2,500.

50—Service

An order, notice or document may be served on a tenant, subtenant, occupier or other person (or agent of the person)—

- personally; or
- by leaving it for the person or agent at the person's or agent's place of residence, employment or business with someone apparently over the age of 18 years; or
- by posting it to the person's or agent's last known place of residence, employment or business; or
- by sending it to the person or agent by fax or email to an address provided by the person or agent for the purposes of service under the Act.

In addition, the order, notice or document may also be fixed on a conspicuous part of the premises or by some other manner permitted by the Tribunal.

If two or more persons are owners, occupiers, landlords, tenants or subtenants of residential premises, service need only be effected in relation to one of them.

An order, notice or other document required or authorised to be given to an occupier or subtenant under the Act need not address the occupier or subtenant by name.

51—False or misleading information

A person must not make a statement that is false or misleading in a material particular, whether by inclusion or omission of a particular, any information given or record kept under the Act. The offence attracts a maximum penalty of $20,000.

52—Continuing offences

If an offence against a provision of the Act is committed by a person by reason of a continuing act or omission, the person will be liable to an additional penalty for each day during which the offence continues of not more than one-fifth of the maximum penalty for the offence.

If an offence continues after the person is convicted of it, the person will be guilty of a further offence against the provision and will also be liable to an additional penalty for each day during which the offence continues of not more than one-fifth of the maximum penalty for the offence.

An obligation will be regarded as continuing until the act is done, regardless of whether a period within which, or time before which, the act is required to be done has expired or passed.

53—Commencement of proceedings for summary offences

Proceedings for an offence against the Act may only be commenced by the Minister or an authorised officer within 3 years of the date of the alleged commission of the offence or such later time as the Attorney-General may allow.

54—Orders in respect of contraventions

This clause provides that if the court finds that there has been an offence committed under the Act that has caused injury or loss to a person or damage to property of the person, the court may, in addition to any penalty—

- order the defendant to take specified action to prevent further injury, loss, or property damage; or

- order the defendant to pay reasonable costs and expenses or compensation as determined by the court.

A person who has contravened the Act may also be ordered to pay the Minister an amount into the consolidated account not exceeding the court's estimation of the amount of economic benefit he or she is estimated to have acquired or accrued. This includes an economic benefit obtained by delaying or avoiding costs.

55—Recovery from related bodies corporate

This clause provides that if an amount is payable by a body corporate to the Minister, its related bodies corporate will be jointly and severally liable to pay the amount.

56—Joint and several liability

Where an amount is recoverable by the Minister from 2 or more persons under the Act, the provision is to be construed as if those persons were jointly and severally liable to pay the amount to the Minister.

57—Evidentiary provisions

This clause outlines the evidentiary provisions that will facilitate proof of certain matters in proceedings under the Act.

58—Regulations

This clause sets out the general regulation-making powers under the Act.

Schedule 1—Related amendments, repeal and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Residential Parks Act 2007*

2—Clauses 2 to 9—Amendment of various provisions of *Residential Parks Act 2007*

Clauses 2 to 9 amend various provisions of the *Residential Parks Act 2007* that are consequential on, or related to, the *Housing Improvement Act 2015*.

Part 3—Amendment of *Residential Tenancies Act 1995*

3—Clauses 10 to 21—Amendment of various provisions of *Residential Tenancies Act 1995*

Clauses 10 to 21 amend various provisions of the *Residential Tenancies Act 1995* that are consequential on, or related to, the *Housing Improvement Act 2015*.

Part 4—Repeal of *Housing Improvement Act 1940*

4—Clause 22—Repeal of Act

This clause repeals the Housing Improvement Act 1940.

Part 5—Transitional provisions

5—Clauses 23 to 30—Transitional provisions

These clauses contain transitional arrangements for the implementation of the Act.

Debate adjourned on motion of Mr Speirs.

YOUTH JUSTICE ADMINISTRATION BILL

Introduction and First Reading

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) (16:00): Obtained leave and introduced a bill for an act to provide for the establishment and management of training centres and community based supervision services; to make related or consequential amendments to various others acts; and for other purposes. Read a first time.

Second Reading

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) (16:01): I move:

That this bill be now read a second time.

Young people who become involved in the criminal justice system present a complex task for government. When dealing with young people, the justice system requires a balance between a justice and rehabilitative response, delivered within the family and community context. The Youth Justice Administration Bill 2015 will form part of the government's legislative policy response to criminal behaviour in South Australia, which seeks to deliver both community safety and positive, non-offending outcomes for young people.

The bill is necessary for various reasons. In October 2011, machinery of government changes occurred, which resulted in the Minister for Communities and Social Inclusion and the Department for Communities and Social Inclusion chief executive and departmental officers no longer having the necessary powers to administer youth justice functions.

As a result, the legislative framework for youth justice administration became highly complex and required a significant number of delegation instruments to ensure adequate powers were in place to act lawfully. The critical delegation requirements arise primarily from the Family and Community Services Act 1972 (power to establish youth training centres) and the Young Offenders Act 1993. Powers that are contained in other relevant legislation also require delegation instruments via these acts.

The provision of youth justice services has undergone significant reforms since these functions were provided as a stand-alone directorate. The development of the Adelaide Youth Training Centre and statewide community supervision have been core elements in the reform. Youth justice requires legislation that fully reflects the powers and functions of all youth justice operations. Current legislation fails to do this.

The bill seeks to consolidate all youth justice administrative functions into one clear, concise legislative framework while, at the same time, contemporising other relevant legislation to better reflect best practice in this area, particularly in respect of the detainment of children and young people. It achieves this by aligning legislative powers for administrative management, particularly of youth training centres, with the Young Offenders Act 1993, while addressing gaps in existing legislation. It also ensures that legislation reflects a contemporary standard of practice for youth justice functions, given the Family and Community Services Act 1972 is now 43 years old.

The bill proposes consequential amendments to the Young Offenders Act 1993 as the principal act in which offences against the criminal law by young people are considered. The Young Offenders Act 1993 was established to place emphasis on holding young people accountable for their behaviour, imposing penalties of sufficient severity to act as a deterrent, increasing victims' access to reparation and to strengthen the powers of the Youth Court in criminal justice matters, while maintaining objectives for rehabilitation and community connection.

Therefore, the aim of the legislative reform is to bring the administration of training centres and community based supervision services in line with contemporary operational requirements and current government which:

- clearly defines the legislative powers and responsibilities of the minister, chief executive and departmental officers;
- provides a legislative framework for contemporary and best practice approaches to the management of young people in custodial environments and subject to community based supervision;
- reflects the particular experiences of Aboriginal young people in the justice system;
- reflects that assessment, case planning and rehabilitation programs are key to crime reduction objectives;
- reflects the important contribution of families and communities in supporting young people;
- aligns with the objectives and policy principles contained in the Young Offenders Act 1993;

- aligns with and reflects the rights of the victims and promotes community safety;
- aligns with national and international protocols and agreements with respect to the administration of youth justice;
- aligns with and reflects South Australian government strategic planning; and
- is forward thinking in allowing for the growth and continuous improvement in youth justice.

I seek leave to have the remainder of the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Consultation with stakeholders

Given the importance of the provisions contained in the Bill, extensive consultation has taken place with key stakeholders.

There have been multiple opportunities provided for key stakeholders, both Government, non-government and community members to participate in the discussion about how to reflect best practice of youth justice administration in a legislative scheme. Previous consultation has included:

- the release of the Youth Justice Discussion Paper inviting submissions
- the delivery of numerous information sessions
- direct stakeholder meetings with those agencies most directly affected by the Bill
- Ministerial Roundtable Forums

Most recently, stakeholders were again invited to make written submissions on an exposure draft of the Bill which was publicly released on 3 August 2015.

Fifteen written submissions were received as well as internal submissions from Youth Justice staff, who were also consulted throughout the development process.

As a result of feedback received a number of consistent themes were raised for consideration and have been included in the Bill. These themes include:

- that the provisions provide a balance between community safety and rehabilitative aims
- the inclusion of an Youth Justice Aboriginal and Torres Strait Islander Principle
- the inclusion of a Training Centre Visitor of the Adelaide Youth Training Centre
- the inclusion of provisions which provide greater flexibility in managing older residents accommodated at the Adelaide Youth Training Centre to support the safe and secure functioning of the facility
- the inclusion of provisions clearly outlining the administration of the Adelaide Youth Training Centre to ensure that children and young people's rights are properly protected whilst detained.

Objectives and guiding principles

The objects and guiding principles of the Bill reflect best practice for achieving a balance between recognition of the vulnerability of children and young people, responding to their rehabilitation needs in the youth justice system and the importance of community safety.

The Bill has been developed with consideration of national and international standards and State Government policy frameworks. Age, gender, gender identity, disability, culture, race and other particular needs must be considered in the design of service delivery.

The particular regard to young people under the Guardianship of the Minister (Child Protection orders) has also been specifically included to recognise a whole-of-government approach for these young people.

In South Australia, a long-held policy position has been that a young person's family, both immediate and extended, forms a key role in supporting a young person to lead a non-offending lifestyle. However, there has been a significant increase in the body of evidence on the positive impact that family-based interventions can have when working with young people in contact with the justice system. To ensure this policy position is supported in legislation, the Bill includes a principle and objective that family inclusive practice should be applied wherever practicable.

Youth Justice Aboriginal and Torres Strait Islander Principle

While the need to recognise different cultural backgrounds is included in the overarching objects and guiding principles of the Bill, it was also important to include Aboriginal children and young people more specifically, given the over-representation of this group in the justice system. It is also important to recognise that this is a result of the effects of colonisation, inter-generational trauma and compounded grief and loss experiences.

Included in the Bill, in relation to Aboriginal and Torres Strait Islander young people, is a requirement that the Youth Justice Aboriginal and Torres Strait Islander Principle be observed. I have worked closely with Aboriginal stakeholders in developing the Principle, which is intended to clearly outline what is expected for culturally appropriate practice, and it is intended for inclusion in Regulations.

The Principle will support a policy position of self-determination for Aboriginal children and young people as active participants in decisions that affect them where it is possible to do so. The Principle will necessitate culturally appropriate assessment and case planning which is inclusive of family, kinship, and community in decision-making. It will require that services are culturally relevant to the needs of the child or young person and reflect the cultural diversity among Aboriginal communities.

Culturally diverse and linguistically diverse populations

It is unfortunately the case that young people from minority communities are often over-represented in the youth justice system. They present with very unique needs which require particular consideration.

For example, more recent experiences of newly arrived immigrants have been a focus of youth justice policy and practice development. It is, therefore, necessary for the Bill to reflect the particular needs of this group of young people, reflected in a specific clause in the guiding principle.

Training Centre Visitor

It is a standard requirement in international and national protocols and agreements for youth justice administration that there must be an independent monitoring mechanism in places of detention. Any legislative basis for depriving a person of their liberty requires transparency and accountability measures. Nowhere is this arguably more important than in the case of young people. The Bill provides for this requirement.

The Guardian for Children and Young People currently acts in this capacity via delegation instruments and administrative agreement. The new provisions relating to the Training Centre Visitor will provide stronger legislative power for this important function.

Adelaide Youth Training Centre

The provisions contained in the Bill relating to Training Centres ensure that each phase of a resident's custodial period is considered. Responsibilities in respect to admission, assessment, case planning and targeted programs is required.

The Bill includes various provisions which are required for safety and security reasons. Some of these provisions were formerly contained in Regulations because of their importance, such as the use of safe rooms and use of force. While staff are trained to support young people in the facility to behave safely, there are times when a young person requires increased security responses. It is necessary that the Bill clearly identifies the perimeters of permitted actions and ensures the appropriate checks and balances are in place.

There are new provisions in the Bill in relation to drug testing for example, which provides the powers to ensure that residents and staff are kept safe from the harm that illicit drug use can create in a custodial environment.

Consequential amendments to the *Young Offenders Act 1993*

During the development period of the Bill, the Government launched the Transforming Criminal Justice initiative. This provided the opportunity to review the *Young Offenders Act 1993* in light of the aims of the Transforming Criminal Justice initiative.

The Bill proposes the expanded use of home detention as a sentencing and early release option. The Home Detention Program has been operating for young people in South Australia since 1995. Home detention diverts young people from incarceration in youth detention facilities by providing the Youth Court with this option for sentencing, as well as a condition of bail. In addition, home detention is an option in considering the early release of a young person from detention.

The *Young Offenders Act 1993* anticipates a role for youth justice administration with respect to youth over 18 years of age, in both the community and custodial settings. This reflects the legal principle that offences committed as a youth should be managed within the youth jurisdiction wherever possible. However, the *Young Offenders Act 1993* requires strengthening to ensure the safe and secure administration of the youth training centre and to ensure that older youth have access to programs that can meet their developmental needs. As such, the Bill proposes amendments to the *Young Offenders Act 1993* to establish a framework for the management of custodial and supervision orders for youth over 18 years of age, either by youth justice or correctional services, where appropriate. Proposed amendments include:

- a ceiling age of 21, with discretionary provision, for custodial placement in a youth training centre and for community supervision by DCSI;

- transfers to prison through increased reviews of custodial placement; and
- limits on custodial placement in a youth training centre after a period in adult custody.

Regulations

It is common, that for legislation, which is largely administrative in nature, there will be a requirement for numerous administrative processes to be captured in the Regulations. While the development of such Regulation cannot begin until the Bill has passed, it is necessary to provide assurances to stakeholders and the Parliament that all necessary administrative responsibilities will be addressed. Therefore an overview of what is intended for Regulation is required.

Adelaide Youth Training Centre

There is a range of provisions contained in the Bill which require greater detail in Regulation. Areas of administration which will be considered include:

- documentation upon admission;
- rules of the facility;
- behaviour management and incentive schemes;
- segregation and bedrooms;
- searching of visitors;
- use of force and restraints;
- leave of absence from the facility;
- health and education needs;
- security provisions, such as telephone communications, internet, CCTV, and biotechnology;
- handling of mail; and
- complaints processes.

Community Supervision

With regard to community supervision:

- community service, such as ensuring child safe environments; and
- reporting and compliance processes will be considered for regulation.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects and guiding principles

This clause sets out the objects of the measure and the guiding principles to be followed by the Minister, the Chief Executive, the Department and other persons and bodies involved in the administration of this measure in the performance of their functions.

4—Interpretation

This clause sets out the definitions of words and phrases to be used in interpreting the measure.

5—Interaction with companion legislation

This clause provides that this measure and the *Young Offenders Act 1993* (the *YOA*) are to be read together and construed as if the 2 pieces of legislation constituted a single Act.

Part 2—Administration of youth justice

6—Power of Minister and Chief Executive to delegate

This clause provides the Minister and the Chief Executive with power to delegate powers, duties, responsibilities or functions under this measure in the usual terms.

7—Functions of Chief Executive

The functions of the Chief Executive include—

- responsibility for ensuring that proper standards of administration are observed in the management of a training centre established under this measure; and
- establishing community youth justice programs for the purposes of the supervision of youths who are required to carry out community service; and
- any other function conferred on the Chief Executive under this measure or any other Act.

8—Use of volunteers in administration of Act

The Minister must promote the use of volunteers in the administration of this measure to such extent as the Minister thinks appropriate.

9—Chief Executive's annual report

The Chief Executive is required to make an annual report in relation to the administration and work of the Department in relation to this measure.

Part 3—Official visitors

10—Official visitors

The following persons are entitled to visit a training centre:

- Members of Parliament;
- judges;
- the Guardian for Children and Young Persons;
- the Training Centre Visitor;
- and any other person authorised in writing by the Minister.

11—Training Centre Visitor

This clause establishes the office of the Training Centre Visitor and provides for the terms and conditions of, and suspension and vacancy in, the office.

12—Independence

In performing and exercising his or her functions and powers under this measure, the Training Centre Visitor must act independently, impartially and in the public interest.

13—Staff and resources

This clause provides that the Minister must provide the Training Centre Visitor with the staff and other resources that the Visitor reasonably needs for carrying out his or her functions.

14—Training Centre Visitor's functions

This clause sets out the functions of the Training Centre Visitor, as follows:

- to conduct visits to training centres as required or authorised;
- to conduct inspections of training centres as required or authorised;
- to promote the best interests of the residents of a training centre;
- to act as an advocate for the residents of a training centre to promote the proper resolution of issues relating to the care, treatment or control of the residents, including issues raised by a guardian, relative or carer of a resident or any person who is providing support to a resident of a training centre under the measure;
- to inquire into, and provide advice to the Minister, in relation to any systemic reform necessary to improve—
    - the quality of care, treatment or control of residents of a training centre; or
    - the management of a training centre;
    - to inquire into and investigate any matter referred to the Visitor by the Minister;
    - any other functions assigned to the Visitor under the Act or any other Act.

15—Use and obtaining of information

This clause requires government and non-government organisations involved in the provision of services to children to provide the Visitor, at his or her request, with information relevant to the performance of the Visitor's functions

16—Visits to and inspection of training centres

The Training Centre Visitor may, on a visit to a training centre—

- so far as practicable, inspect all parts of the centre used for or relevant to the custody of youths; and
- so far as practicable, make any necessary inquiries about the care, treatment and control of each resident of the centre; and
- take any other action required for the performance of the Visitor's functions.

A visit to a training centre by the Visitor may be made on the Visitor's own initiative or at the request of a resident of the centre. Although a visit may take place at any reasonable time of the day and be of such length as the Visitor thinks appropriate, there is a requirement for the manager of the centre to give reasonable directions in relation to security of the centre.

17—Requests to see Training Centre Visitor

A request may be made to see the Training Centre Visitor by a resident of a training centre, or a guardian, relative, carer or support person of a resident.

18—Reporting obligations of Training Centre Visitor

The Training Centre Visitor is required to present an annual report to the Minister in connection with the Visitor's functions and may prepare special reports from time to time as the Visitor considers necessary.

19—Other reports

The Training Centre Visitor may, at any time, prepare a report to the Minister on any matter arising out of the exercise of the Visitor's functions under this Act.

20—Confidentiality of information

Information about individual cases disclosed to the Training Centre Visitor or a member of the Visitor's staff is to be kept confidential and is not liable to disclosure under the *Freedom of Information Act 1991*.

Part 4—Training centres

Division 1—Establishment of training centres, facilities and programs

21—Training centres, facilities and programs

The Minister may establish such training centres and other facilities and programs as the Minister thinks necessary or desirable for the care, rehabilitation, detention, training or treatment of youths and any such centre will be under the control of the Minister. The Chief Executive is required to ensure that adequate arrangements are in place in training centres to ensure the welfare of the residents, as set out.

Division 2—Charter of Rights for Youths Detained in Training Centres

22—Charter of Rights for Youths Detained in Training Centres

This clause provides that there will be a Charter of Rights for Youths Detained in Training Centres. The Charter has effect if approved by the Minister. A copy of the Charter is to be made available on a website maintained by the Department.

Division 3—Procedures on admission

23—Initial assessment on admission

The Chief Executive is required under this clause to ensure that a youth newly admitted to a training centre is given a copy of the rules of the centre and a copy of the Charter. There is also a requirement for the youth to be given a written and verbal explanation of the rules in a language that he or she is able to understand. The youth is to be made aware of the consequences of non-compliance with the rules. A guardian, relative or carer of a newly admitted youth is to be notified that the youth has been admitted to the centre. This clause also includes requirements for periodic assessment of youths in detention.

Division 4—Custody of residents of training centres

24—Minister has custody of youths in detention

The Minister has the custody of a resident of a training centre. This is the case whether the resident is within, or outside, the precincts of a training centre in which he or she is being detained, or is to be detained.

25—Chief Executive responsible under Minister for management of training centres

This clause sets out the Minister's discretion in relation to placing youths in training centres and establishing regimes for various aspects of a youth's day-to-day life in a training centre.

Division 5—Management of residents of training centres

26—Chief Executive may make rules relating to management of training centre

This clause provides for the making of rules by the Chief Executive relating to the management of training centres and regulating the conduct of residents of training centres.

27—Education

The Chief Executive is required under this clause to arrange courses of instruction and training to be made available to residents of training centres.

28—Safe rooms

This clause limits the circumstances in which a resident of a training centre may be detained in a safe room. A resident under the age of 12 years must not be detained in a safe room.

29—Prohibited treatment of residents

This clause sets out the kinds of treatment to which a resident of a training centre may not be subjected:

- corporal punishment of any form (that is, any action that inflicts or is intended to inflict physical pain or discomfort);
- isolation or segregation (other than in a safe room or in prescribed circumstances) from other residents;
- psychological pressure or emotional abuse of any form intended to intimidate or humiliate;
- deprivation of medical attention, basic food or drink, clothing or any other essential item;
- deprivation of sleep;
- restriction of free movement by means of mechanical restraints (other than in prescribed circumstances);
- unjustified deprivation of contact with persons outside the centre;
- any other treatment that is cruel, inhuman or degrading.

30—Power to search residents

A resident's belongings may be searched in the situations set out in this clause, namely:

- when the resident is received into the centre or returns after an absence from the centre;
- if the resident has had a full contact visit with a visitor to the centre;
- if the manager of the centre has reasonable cause to suspect that the resident has in his or her possession in the centre any substance or item that is prohibited in, or may jeopardise the security of, the centre.

This clause also prescribes limitations in relation to searching a resident of a training centre:

- the resident may not be required to be completely naked at any time during the search;
- those present at any time during the search when the resident is semi-naked (except a medical practitioner) must be of the same sex as the resident;
- at least two persons (apart from the resident) must be present at all times during the search when the resident is semi-naked (with one of them conducting the search while the other observes);
- if a medical practitioner is required for the purposes of the search—the medical practitioner must be in addition to the two persons required above;
- for the purposes of the search—the resident may be required—
    - to open his or her mouth; and
    - to remove the clothing from his or her upper body or lower body (but not both at the same time); and
    - to adopt particular postures; and
    - to do anything else reasonably necessary for the purposes of the search,

and if the resident does not comply with such a requirement, reasonable force may be applied to secure compliance;

- force must not be applied to open the resident's mouth except by or under the supervision of a medical practitioner;
- nothing may be introduced into an orifice of the resident's body for the purposes of the search except by a medical practitioner;
- the search must be carried out expeditiously and undue humiliation of the resident must be avoided.

31—Drug testing of residents

The Chief Executive may, under this clause, require a resident of a training centre to undergo a drug test in certain specified circumstances.

32—Use of sniffer dogs

This clause authorises the use of sniffer dogs for certain specified purposes, such as carrying out a search at a training centre, tracking an escaped youth or patrolling a training centre. A sniffer dog is—

- a drug detection dog within the meaning of the *Controlled Substances Act 1984*; or
- a dog that is trained and handled by South Australia Police; or
- a correctional services dog (within the meaning of the *Correctional Services Act 1982*).

33—Use of force against residents

The circumstances in which an employee in a training centre may use force against a resident of the centre are limited by this clause. An employee may use force against a resident as is reasonably necessary in a particular case—

- to prevent the resident from harming himself or herself or another person; or
- to prevent the resident from causing significant damage to property; or
- to maintain order in the centre; or
- to preserve the security of the centre.

An employee who uses force against a resident is required to prepare a written report on the use of force for the manager of the training centre.

Division 6—Leave of absence under authority of Chief Executive

34—Leave of absence under authority of Chief Executive

This clause authorises the Chief Executive to grant a youth detained in a training centre leave of absence from the centre in certain circumstances.

Division 7—Transfer of youths under detention from 1 jurisdiction to another

35—Interpretation

This clause sets out definitions required for the purposes of the Division.

36—Transfer of young offenders to other States

Under this clause, the Minister may enter into arrangements with the appropriate authority of another State for the transfer of a young offender to the other State.

37—Transfer of young offenders to this State

Arrangements may be made by the Minister under this clause with the appropriate authority of another State for the transfer of a young offender from that State to this State.

38—Adaptation of correctional orders to different correctional systems

An arrangement made for the transfer of a young offender may provide that the relevant correctional order is to operate with necessary modifications to ensure its effective operation in the correctional system of the State to which the young offender is to be transferred.

39—Custody during escort

This clause provides that an escort in whose custody a young offender is placed for the purpose of bringing the him or her into, or taking the him or her out of, South Australia has, while in this State, lawful custody of the young offender.

Division 8—Release from detention

40—Release of youth from detention

This clause provides that a youth will be released from the training centre in which he or she is being detained on the day on which his or her sentence of detention expires. This applies unless the youth is released earlier under Part 5 of the Young Offenders Act or another Act or law. A youth is to be released from the training centre in which he or she is being detained as near as practicable to 10 am on the day of release.

41—Manner in which former resident's personal property is to be dealt with

This clause sets out procedures for dealing with personal property left at a detention centre by a youth after his or her release.

42—Certain prohibited items not to be returned to former residents

This clause makes it clear that there is no requirement for a prohibited item of property to be returned to a person.

Part 5—Community programs and community service

43—Community programs

The Minister may establish programs for the care, rehabilitation, training or treatment of youths required to be under supervision in the community. The Chief Executive is to ensure that adequate arrangements are in place to ensure that a youth is supervised by a community youth justice officer.

44—Restrictions on performance of community service and other work orders

This clause sets out various restrictions and requirements that apply where a youth is required to perform community service or to carry out work under an order.

45—Insurance cover for youths performing community service or other work orders

There is a requirement under this clause for a youth who is to perform community service or other work pursuant to an order or undertaking to be insured against death or bodily injury arising out of, or occurring in the course of, performance by the youth of that community service or work.

46—Community service or other work orders may only involve certain kinds of work

This clause requires that the work selected for the performance of community service or other work pursuant to an order or undertaking under this Act or the Young Offenders Act be for the benefit of—

- the victim of the offence; or
- persons who are disadvantaged through age, illness, incapacity or any other adversity; or
- an organisation that does not seek to secure a pecuniary profit for its members; or
- a Public Service administrative unit, an agency or instrumentality of the Crown or a local government authority.

Part 6—Miscellaneous

47—Hindering a person in execution of duty

It is an offence under this clause for a person to hinder the Chief Executive, a community youth justice officer, a home detention officer or any person in the execution, performance or discharge of a power, function or duty under the Act.

48—Impersonating an employee of Department

Under this clause, it is an offence for a person to falsely represent himself or herself to be an officer or employee of the Department and to be authorised to exercise powers by or pursuant to this or another Act.

49—Confidentiality

This clause prohibits the disclosure of information relating to a youth or resident of a training centre if the information was obtained in the administration or enforcement of the Act. The clause specifies a number of exceptions to this general rule.

50—Disclosure of health information

This clause requires disclosure to the Chief Executive of relevant health information about a youth detained in a training centre or released on home detention as reasonably required for the treatment, care or rehabilitation of the youth, or the safe management of the youth in the centre or in the community.

51—Information about youth may be given in certain circumstances

This clause authorises the Chief Executive to release, on application by an eligible person, information relating to a youth sentenced to detention or imprisonment. A person is an eligible person in relation to a youth sentenced to detention or imprisonment for an offence if he or she is—

- a registered victim in relation to the offence; or
- a member of the youth's family or a close associate of the youth; or
- a legal practitioner who represents the youth; or
- any other person who the Chief Executive thinks has a proper interest in the release of such information.

52—Information about youth to be given when youth to be imprisoned

Under this clause, the Chief Executive is required to provide the Department (within the meaning of the *Correctional Services Act 1982*) with information he or she holds relating to a youth transferred to a prison from a detention centre if the information is required in order to ensure—

- the safety and security of the youth while he or she is detained in the prison; and
- the safety and security of other persons at the prison; and
- that the rehabilitation needs of the youth will be met while he or she is detained in the prison.

53—Minister may acquire land

The Minister may acquire land in accordance with the *Land Acquisition Act 1969* for the purposes of the measure.

54—Evidentiary provision

This clause is an evidentiary provision relating to the use of sniffer dogs under clause 32 of the measure.

55—Regulations

This clause authorises the making of regulations for the purposes of this measure.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Children's Protection Act 1993*

2—Amendment of section 52C—The Guardian's functions and powers

This clause amends the *Children's Protection Act 1993* by making it clear that the Guardian for Children and Young Persons to carry out functions relating to children and the welfare of children assigned to the Guardian under the *Youth Justice Administration Act 2015*.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 269A—Interpretation

This clause amends mental impairment provisions of the Criminal Law Consolidation Act 1935 by providing clarification in relation to the meaning of certain terms as they apply to youths.

Part 4—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 3—Interpretation

A definition of *Minister for Youth Justice* (being the Minister responsible for the administration of the *Youth Justice Administration Act 2015*) is inserted.

5—Amendment of section 3A—Application of Act to youths

6—Amendment of section 23—Offenders incapable of controlling, or unwilling to control, sexual instincts

7—Amendment of section 79A—Rights on arrest

A number of consequential amendments arising from the enactment of the *Youth Justice Administration Act 2015* are made by these clauses.

Part 5—Amendment of *Family and Community Services Act 1972*

8—Repeal of section 7

Section 7 of the *Family and Community Services Act 1972*, which is redundant, is repealed by this clause.

9—Amendment of section 36—Establishment of facilities and programs for children

This clause amends section 36 to remove a reference to the establishment of training centres by the Minister as training centres are to be established by the Minister under the *Youth Justice Administration Act 2015*.

10—Amendment of section 77—Unlawful communication with children in certain facilities

The amendments made by this clause remove references to training centres and detention.

11—Amendment of section 236—Limitation on tortious liability for acts of certain children

The amendment made by this clause removes a reference to persons detained in training centres.

12—Amendment of section 251—Regulations

This clause makes further amendments to remove references to training centres and detention.

Part 6—Amendment of *Young Offenders Act 1993*

13—Amendment of section 4—Interpretation

This clause inserts a number of definitions required because of the proposed enactment of the *Youth Justice Administration Act 2015*.

14—Amendment of section 15—How youth is to be dealt with if not granted bail

Section 15(1) of the *Young Offenders Act 1993* requires that a youth who is not granted bail is to be detained by the Chief Executive with a person or in a place that is not a prison. Under subsection (1a) as substituted by this clause, subsection (1) will not apply in relation to a youth who is already in custody in a prison, a youth who has previously been in custody in a prison or a person who is aged 21 years or more (regardless of his or her alleged age at the time of the relevant alleged offence).

15—Amendment of section 23—Limitation on power to impose custodial sentence

Section 23 currently limits the period for which a youth can be sentenced to six months. This clause amends the section by increasing the maximum period to 12 months.

The section as amended will provide that the Court must, when sentencing a youth to detention, direct that the youth serve the period of detention in a prison if the youth has previously served a sentence of imprisonment or detention in a prison. This does not apply if the court considers that there are exceptional circumstances for not directing that the detention be served in a prison. The section as amended will also provide that where a sentence of detention will extend past a youth's 21st birthday, the Court must, unless satisfied that there are exceptional circumstances for not doing so, direct that any period of the detention that is to be served by the youth after he or she reaches 21 years of age is to be served in a prison rather than in a training centre.

16—Amendment of section 26—Limitation on Court's power to require bond

Section 26 as amended by this clause will provide that, where an order has been made under the section imposing an obligation that a person be supervised for a period that will extend past his or her 21st birthday, the Court may, on application by the person or the Chief Executive, direct that, after the person reaches 21 years of age, the person be supervised by a community corrections officer (under the *Correctional Services Act 1982*) rather than by a community youth justice officer.

17—Amendment of section 36—Detention of youth sentenced as adult

If a youth is serving a sentence of imprisonment in a training centre, section 36 requires the sentencing court to review the detention before the youth reaches 18 years of age. Under the section as amended by this clause, the Chief Executive is to provide a report to the sentencing court on the youth's progress in detention.

18—Amendment of section 36A—Transfer following imposition of concurrent prison sentence

Section 36A provides that if a youth who is serving a sentence of detention or imprisonment in a training centre is sentenced to imprisonment for an offence committed after he or she turned18, and the latter sentence is to be served concurrently with the youth sentence, the youth is to be transferred to a prison where he or she is to serve the sentences. The section currently provides that this is to be the case unless the court directs otherwise. Under the section as amended, the court will be required to direct that the youth be transferred to a prison to serve the sentences unless it considers that there are exceptional circumstances as to why the direction should not be given.

19—Amendment of section 39—Reviews etc and proceedings of Training Centre Review Board

Section 39(6) as amended will require consideration to be given as to whether a youth who has turned 18 and is serving a period of detention in a training centre should complete the sentence in a prison. Currently, the section requires this to occur only at the last periodical review before the youth's 18th birthday. Under the provision as amended, the required consideration is to be given at each periodical review that occurs following the youth's 18th birthday.

20—Amendment of section 40A—Leave may be authorised by Board

Section 40A provides for the Training Centre Review Board to authorise the Chief Executive to grant a youth periods of leave from a training centre during which the youth will not be under the supervision of the Chief Executive. The section as amended will provide that periods of leave granted under the section may be subject to a condition that the youth be monitored by use of an electronic device.

21—Amendment of heading to Part 5 Division 3 Subdivision 3

This amendment is consequential on amendments made to Subdivision 3 of Part 5 Division 3.

22—Amendment of section 41A—Conditional release from detention

Section 41A sets out a number of provisions that apply to the release of a youth from detention. Currently, those provisions apply in relation to the release of a youth on home detention. Under the section as amended, provisions requiring that a youth must have completed at least two thirds of the period of detention in a training centre to which he or she has been sentenced before he or she can be released on detention will not apply in relation to release on home detention.

23—Amendment of section 41B—Release on condition of home detention

Section 41B is amended by this clause so that the Training Centre Review Board may release a youth on home detention on the application of the Chief Executive or on its own initiative.

24—Repeal of Part 5 Division 4

This clause repeals Division 4 of Part 5 because it is proposed that the relevant provisions be moved to the *Youth Justice Administration Act 2015*.

25—Repeal of sections 49A to 52

This clause provides for the repeal of sections 49A to 51. These sections are to be reproduced in the *Youth Justice Administration Act 2015*.

26—Substitution of section 63

Section 63, as substituted by this clause, provides for (among other matters) a person of or above the age of 16 years who has been remanded to, or is being detained in, a training centre or another place pursuant to an order of a court, to be transferred to a prison for the remainder of the period of remand or detention. The Youth Court may order this to occur if it is satisfied, on application by the Chief Executive, that—

- the person—
    - cannot be properly controlled in the training centre or other place; or
    - has, within the period of 14 days preceding the date of the application, been found guilty of assaulting a person employed, or detained, in that training centre or other place; or
    - has persistently incited others in the training centre or other place to cause a disturbance; or
    - has escaped or attempted to escape from the training centre; or
- the person's needs for rehabilitation, care, correction and guidance cannot be met in that training centre or other place and it is in the best interests of the person for him or her to be transferred to a prison.

27—Amendment of section 63B—Application of *Correctional Services Act 1982* to youth with non-parole period

28—Amendment of section 64—Information about youth may be given in certain circumstances

The amendments made by these clauses are consequential.

Part 7—Amendment of *Youth Court Act 1993*

29—Amendment of section 24—Persons who may be present in Court

This clause adds officers or employees of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Youth Justice Administration Act 2015* to the list of persons entitled to be present in the Youth Court.

Debate adjourned on motion of Mr Gardner.

MOTOR VEHICLES (TRIALS OF AUTOMOTIVE TECHNOLOGIES) AMENDMENT BILL

Introduction and First Reading

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) (16:06): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

Second Reading

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) (16:06): I move:

That this bill be now read a second time.

I am pleased to introduce the Motor Vehicles (Trials of Automotive Technologies) Amendment Bill 2015. At the opening of parliament earlier this year, the Governor announced that the government would 'legislate for driverless vehicles which will revolutionise transportation in South Australia'. This bill establishes a legislative framework to allow for trials of driverless vehicle technology on our roads. I seek leave to insert the remainder of the second reading explanation in *Hansard* without reading it.

Leave granted.

This not only places South Australia ahead of the technological curve but gives this Government the privilege of being the lead jurisdiction in 'real life' trialing of driverless vehicle technology in Australia.

Major car manufacturers and technology giants are teaming up to make driverless vehicles a reality and are investing millions of dollars globally in the race to develop the world's first fully driverless vehicle for the community.

This legislation will mean new opportunities for South Australian businesses, because it's estimated that the driverless vehicles industry will be worth $90 billion globally by 2030. This legislation sends a clear message to manufacturers and innovators that they can come to South Australia to develop and test there technology for Australian roads.

Google, Volvo, Mercedes-Benz and Tesla amongst others have all been testing their driverless vehicle technology in recent years. Google's fleet of experimental drone cars have already completed over 3 million driverless kilometres over the last 6 years, with only 14 minor incidents—none of which were caused by the driverless vehicle.

Earlier this year, a South Australian transport portfolio delegation was able to see and experience the Google self-driving car first-hand. Impressive is an understatement in terms of how advanced the company's technology and business model has progressed. The director of self driving cars at Google, Dr Chris Urmson, has made it clear that the company plans to have completely driverless cars on the market within the next 5 years.

Stefan Moser, Head of Product and Technology Communications at Audi, has announced that the next generation of their A8 sedan will be able to drive itself with full autonomy, with Audi suggesting they are willing to bring on-road testing of fully autonomous vehicles to South Australia. Elon Musk, CEO of Tesla, estimates that *'five or six years from now we will be able to achieve true autonomous driving where you could literally get in the car, go to sleep and wake up at your destination*'. He then added another 2 to 3 years for regulatory approval.

On 21 July 2015, the Government announced that Volvo will conduct the first on-road trials of driverless vehicle technology on the Southern Expressway during the weekend of the 7 and 8 November this year. This will mark the first on-road testing of a driverless vehicle in the Southern Hemisphere.

Volvo's recently released XC90 SUV will have autonomous features specially programmed for the trial, allowing it to be operated hands-free, within a controlled environment.

The Volvo trials will immediately follow an international conference on driverless cars that the Government will host in Adelaide. The expertise and calibre of the international speakers invited to present at the Conference will facilitate open discussion and reflection on the potential benefits of the technology to the State. Both the conference and the Volvo trial will provide a wonderful opportunity to showcase the latest driverless vehicle technology and satisfy public curiosity.

It is envisaged that the Volvo trial on the Southern Expressway will be the first of many trials conducted in SA. This government is actively pursuing discussions with market players, South Australia is keen to be a leader in take-up of this technology, and applying it to real-life scenarios. Discussions with vehicle manufacturers, technology providers and researches throughout the globe have already shown that the opportunity to prove this groundbreaking technology in an on-road context will be a chance that many vendors will take up.

The *Motor Vehicles (Trials of Automotive Technologies) Amendment Bill 2015* will enable the Minister to authorise trials of automotive technologies and issue exemptions from the relevant provisions of the *Motor Vehicles Act 1959* and any laws that regulate drivers and use of motor vehicles on roads.

In the interests of transparency, the Bill contains measures to ensure the general public are kept informed of any trials taking place. The authorisation for a trial must contain relevant information, including:

1. the area of the State in which the trial is to be held;
2. the period of the trial;
3. the scope and nature of the trial;

4. the name of the person authorised to undertake the trial.

The details of any upcoming trials will be published on relevant departmental websites at least 1 month in advance of the commencement of a trial. The Minister must also prepare and table a report for both Houses of this Parliament of any authorised trial within 6 months of its completion.

Enticing the likes of Google, Volvo, Mercedes-Benz, Audi, Tesla Motors and similar international companies, leading the work towards driverless vehicle technologies, to undertake trials in Adelaide will be a real coup for our State.

The Bill has been drafted with this in mind. For example, a confidentiality clause seeks to protect the prospective company's commercial-in-confidence details. Additionally there is also an offence provision against hindering an authorised trial or interfering with equipment with a maximum penalty of $10,000.

The Bill balances protecting the interests of trial proponents with important safeguards to protect the Government and general public by requiring all proposals to have risk management plans and proper public liability insurance. There is also an indemnity provision protecting those exercising official powers or functions in good faith.

As a further community protection, the Bill as a clear deterrent makes it an offence for a company conducting an authorised trial to breach any conditions of exemptions of the trial. If a trial participant commits an offence, the participant may also be charged for the substantive offence. The exemption does not apply to the benefit of the exempted person to the extent that he or she is in breach of a condition of the condition.

To further protect the community, the Bill makes it an offence for a company conducting an authorised trial to breach any conditions of exemptions of the trial. More importantly, the Minister will have the power to revoke or suspend an authorised trial for any breach of condition or if it's otherwise in the public interest to do so.

The future of driverless vehicles technology when ready for release to the community has the potential to offer numerous broad reaching benefits to the community as a whole. The elderly, disabled people or those with poor eyesight will have improved mobility and independence. The technology uses a range of sensors to constantly monitor the surroundings and obey all road traffic laws and can thereby eliminate human error in road crash and look to substantially reduce injuries and deaths on our roads. We can make better use of road space, reduce congestion and provide more consistent journey times, through vehicles communicating with each other and their surroundings eg vehicles can 'platoon' (run in close formation) creating more efficient use of the existing road network, thereby reducing congestion and increasing fuel and carbon savings. This can also breathe new life into our diminishing vehicle manufacturing industries. For example, local Adelaide based technology company Cohda Wireless is already exporting locally manufactured wireless sensor systems providing connected vehicle capability to General Motors in the United States.

I hope the Bill will receive the support of all Members so that it may pass in a timely manner prior to the commencement of the Volvo trials in November.

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 *Motor Vehicles Act 1959*

4—Amendment of section 116—Claim against nominal defendant where vehicle uninsured

This clause amends the definition of uninsured motor vehicle in section 116(1) of the principal Act to include a driverless car the subject of an authorised trial under new Part 4A and in relation to which there is in force a policy of public liability insurance referred to in new section 134H(a).

5—Insertion of Part 4A

This clause inserts new Part 4A into the *Motor Vehicles Act 1959* as follows:

Part 4A—Trials of automotive technologies

134B—Interpretation

This section defines key terms used in new Part 4A.

134C—Minister may publish or adopt guidelines

This section enables the Minister to publish or adopt guidelines applicable to the operation of new Part 4A.

134D—Minister may authorise trials of automotive technologies

This section enables the Minister to authorise trials of automotive technology. The section sets out requirements that the person undertaking the trial must satisfy prior to the Minister authorising the trial, as well as setting out procedural matters relating to the authorisation.

134E—Exemptions from this and other Acts

This section enables the Minister to grant exemptions from the principal Act, as well as any other Act, for the purposes of an authorised trial. The section sets out procedural requirements for such exemptions, including a requirement that the Minister consult with other Ministers when granting exemptions under Acts for which they are responsible.

134F—Revocation and suspension of exemption

This section allows the Minister to revoke or suspend an exemption under section 134E in the circumstances set out in the section.

134G—Offence to contravene etc condition of exemption

This section provides an offence for a person who contravenes or fails to comply with a condition of an exemption, with a maximum penalty of a $2,500 fine. The exemption does not operate in the person's favour during any period of contravention or non-compliance.

134H—Requirement for insurance

This section sets out the minimum standards in relation to the insurance in respect of a trial that must be held by the person undertaking the trial. This includes third party insurance and other public liability insurance.

134I—Offence to hinder authorised trial or interfere with equipment

This section provides an offence for a person to hinder or obstruct a trial without reasonable excuse, with a maximum penalty of a $10,000 fine.

134J—Immunity relating to official powers or functions

This section provides immunity from civil liability for specified persons in relation to things done in good faith and without negligence in relation to a trial.

134K—Commencement of prosecutions

This section requires the consent of the Minister, or, in the case of an offence against another Act, the Minister responsible for that Act, before a prosecution relating to a trial can be commenced.

134L—Confidentiality

This section requires the Minister to keep certain commercial information confidential.

134M—Report to Parliament

This section requires the Minister to provide a report to Parliament on each completed trial.

Debate adjourned on motion of Mr Gardner.

DEVELOPMENT (ASSESSMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 February 2015.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:07): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

SUMMARY OFFENCES (BIOMETRIC IDENTIFICATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 July 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:08): It is with pleasure that I rise to speak on the Summary Offences (Biometric Identification) Amendment Bill 2015. Minister Snelling, on behalf of the Attorney-General, introduced this bill on 30 July this year.

Members interjecting:

The DEPUTY SPEAKER: Order! I want to be able to hear the deputy leader.

Ms CHAPMAN: This bill amends the Summary Offences Act 1953 and legislates in respect of the use of mobile fingerprint scanners by SAPOL. I will briefly refer to part 15 of the Summary Offences Act 1953 which sets out in an ever-expanding way during the time I have been here in the parliament the police powers of entry, search and the like, and covers a number of aspects. Obviously, members would be aware that police have general search warrant powers and there is a regime process that needs to be issued, form and in substance, set out in part 15. There is power to search suspected vehicles, vessels and persons, and that relates to circumstances where:

> …there is reasonable cause to suspect that—
>
> (i) there are stolen goods; or
>
> (ii) there is an object, possession of which constitutes an offence; or
>
> (iii) there is evidence of the commission of an indictable offence;

There is power to search land for stolen vehicles. There is power for police officers to board vessels at any time of the day or night, in certain circumstances. There is power to stop and search vessels in another set of circumstances, and there is power to apprehend people committing offences on board ships.

Then we have a whole regime process to implement the power to conduct metal detector searches. That is now under section 72A of the Summary Offences Act. We have 72B, which was inserted to provide special powers to prevent serious violence, and a regime for in what circumstances that can be implemented. Section 72C was inserted, outlining the general provisions relating to exercise of powers under sections 72A and 72B. Section 73 provides power for police to remove a disorderly person from a public venue as a consequence of general misbehaviour and a disorderly or offensive manner.

Section 74 provides for the power to enter licensed premises, and again that is able to be implemented even without a warrant, in the event that a person finds someone to be drunk and behaving in a riotous or indecent manner. There is a provision in section 74A for the power to require statement of name and other personal details, and that is the section which is immediately under proposed reform by the bill.

There are additions to this part in section 74AB which set out the circumstances in which a police officer may ask a person questions for the purpose of obtaining information as to the identification of a driver, etc., and significant penalties for failure to comply. There is an addition under section 74B for road blocks. As you would expect, senior police officers only are able to action this and, again, a regime setting out the circumstances in which a road block may be established in a particular spot upon there being suspicion of a commission of a major offence or the escape of somebody from lawful detention.

We have the relatively new provisions under section 74BAA for vehicle immobilisation devices and when an authorised police officer, again believing on reasonable grounds, is able to use a vehicle immobilisation device. It is fair to say that usually if a driver of a motor vehicle disobeys or is likely to disobey a signal to stop then this would be implemented. Sadly, all too often persons who are driving vehicles and refuse to stop end up in car chases by the police and this is a mechanism

by which a device can be used to assist in, essentially, immobilising the vehicle so that that can cease.

Members would appreciate that that is a very dangerous activity and, unfortunately, all too many people who flee in these circumstances cause damage to property and sometimes to persons, sometimes even resulting in death. In any event, it is certainly a very dangerous practice, I have to say, particularly in an urban environment where there are so many other accidental victims as a result of the conduct of usually one person.

Finally, this whole part has been amended to provide for section 74BAAB, which provides for the use of detection aids in searches. Most commonly, as I understand it, apart from using metal detectors or other activities, electronic drug detection systems are employed, and of course we have the drug detection dogs who are very helpful in this area. From what has been a very significant development of police powers of entry and search under this act, they are now expanded to many different circumstances in which police can actually undertake a search or entry or require compliance with certain directions. It is fair to say, and I think quite reasonably so, depending on the severity of the potential outcome or risks in a person not being required to conduct themselves in response to a police request, that varies depending on how serious the potential risk is. Nevertheless, there are quite detailed obligations and thresholds that need to be covered before police officers can act in a number of these areas.

Let me return then to section 74A, which is the power to require a statement of a name and other personal details. Certainly this is an area which has expanded over the years. I am not so sure in the time that I have been here in the parliament, but certainly since early practice in the legal profession the obligation to provide someone with a name and address is a far cry from what is now in the legislation, and we are about to expand it a little further. Some of this is because of technological advance; some of this is because it is important that there be a specific provision for offences in the event that there is noncompliance, and that has been more customised I think over the years, together with the increase in penalties.

It is also important to note that police officers, in requiring the name or personal details from a party, have an obligation to any person who they seek information from for themselves upon request to produce his or her police identification or state orally or in writing his or her surname, rank and identification number. That is not being interfered with by this bill, nor should it, but I make the point that, whilst there is a process to be complied with for police officers to extract names and addresses from persons in certain circumstances, the obligation for the police to identify themselves is also there.

Personal details now include the person's full name, the person's date of birth, the address of where the person is living, the address of where the person usually lives, the person's business address, and:

> if the police officer has reasonable cause to suspect that a person has committed, is committing, or is about to commit a sexual offence involving a child or children—the name and address of any place where that person works (whether as an employee, an independent contractor, a volunteer or in any other capacity).

To my recollection, that was introduced several years ago (but in the time I have been in the parliament) for obvious reasons in respect of the tightening of legislation surrounding sexual offences, particularly against children.

The bill before us does two things. Firstly, it expands the threshold upon which the reasonable suspicion enables the police officer then to act. At present, section 74A(1) provides:

> Where a police officer has reasonable cause to suspect—
>
> (a) that a person has committed, is committing, or is about to commit, an offence; or
>
> (b) that a person may be able to assist in the investigation of an offence or a suspected offence—

I was about to say 'has been expanded', but I do not actually think that has been. What has been expanded is the next part, which then says:

> …the officer may require that person to state all or any of the person's personal details.

However, now the bill, if applied, will require them to state all or any of the person's personal details and to submit to a biometric identification procedure. That is the nub of what this bill is about. I note actually, for the first time in my observation, that it makes provision for (c) and (d) but, in any event, if that is acceptable under the drafting arrangements I do not take any issue with it.

Returning to the bill, there is to be an insertion in respect of the data that is derived from biometric identification procedures, that it is not to be retained or stored for longer than is reasonably required for the purpose of carrying out a biometric identification procedure. It is proposed that there be a hefty penalty of $10,000 or imprisonment for two years. For obvious reasons, personal data under 'biometric data' and 'biometric identification procedure' has specific definitions inserted, and I will come back to those in committee.

The person who refuses to submit to this biometric identification procedure will be subject to an offence, which I am presuming—I am sure the Attorney will correct me—will have the same maximum penalty as identified of $1,250 or imprisonment for three months. The legislation before us is consistent with the government's 2010 election promise, and associated legislation was the follow-up in their 2014 election promise. The scanners were to be made available (that is, the sort of mobile fingerprint scanners, which I understand have now been issued to police) and the follow-up associated legislation was a 2014 election promise.

I am uncertain but I understand that there are about 150 of these devices already in police hands, and currently they are used but require the consent of the person who is requested to submit to it before they can be used. I would like to explore in committee with those who are here to answer questions when these devices were issued, the number of occasions that they have been used and/or at the very least to identify the number of occasions where there has been a refusal and therefore they have been unable to be used. So, someone who is listening to this may well wish to follow up some of that information.

The biometric identification procedure is to be defined as a procedure in which biometric data relating to a person is obtained by means of a photograph or scan (I am assuming that relates to the fingerprint only) and is then compared with other biometric data for the purposes of identifying the person. If there are other ways by which the scan is to be used other than for fingerprinting purposes, I would like some information in respect of that.

Under the proposed bill a scan of a person's fingerprint, assuming for the moment that is the only action that will be taken under the definition of 'scan', would be taken on the spot with one of these portable devices. That then sends the data to the National Automated Fingerprint Identification System (NAFIS). The NAFIS then issues some response confirming whether or not there has been a match and, if so, the person's identity and criminal history can appear on the screen.

As I understand it from the second reading explanation, the use of these devices does not contribute to the records held on the national AFIS database. So, we will see in committee as to how that might actually operate. The storage of the data, as I have said, creates a very significant penalty—two years' imprisonment, in fact—for someone who does retain this data beyond what is necessary, or as is specifically defined in the bill, with quite severe penalties.

As one would expect there are groups in the community who have been concerned about this. The SA Bar Association has confirmed that it opposes the bill on the grounds that it unduly erodes the civil liberties of persons, and the Legal Services Commission has suggested that the use of the devices should be confined to circumstances where the police have reasonable cause to suspect that a person has committed or is committing or is about to commit an offence, and not in the second circumstance, which is in the act and which allows for the police to have reasonable cause to suspect that a person may be able to assist in an investigation.

As I say, that second threshold of reasonable belief as to a circumstance that is to occur is already in the legislation, but the view of the Legal Services Commission is that if it is to be introduced then it should be confined; that is, a mandatory scanning or photographing of the person should only be confined to the circumstances where that person is in the category of committing an offence or likely to or otherwise as defined.

The only media reports that I am able to identify from when these mobile fingerprinting scanners were rolled out to the police back in February 2014, just before the election, suggested that it was important to recognise the usefulness of this equipment by having supportive legislation such as we are now dealing with.

The member for Stuart, who has had some involvement in this portfolio area, has made the point, and I think it is a very valid point, that there is not much point in having this technology if you cannot use it. In fairness, it is quite a valid point, but on the other hand the views of the Legal Services Commission also need to be given some thought. In any event, the government present this to us on the basis that it is an election commitment, so they are here to do so. We accept that there has been a reasonable consultation on the matter and that it is appropriate in the circumstances that we support the bill, and we will do so, but as I have foreshadowed, I will have some questions in committee.

Mr GARDNER (Morialta) (16:32): Speaking on the Summary Offences (Biometric Identification) Amendment Bill 2015, I do so obviously with an interest as the shadow minister for police. It is a matter that the police minister and I have discussed in a range of fora, including estimates, along with the police commissioner who provided some advice on that matter. It is also in relation to the portable fingerprint scanners, the use of which this bill seeks to make further enabled. I have also had the opportunity to be briefed by SA Police and, in particular, I thank those senior officers who took the time to do so.

In wanting to establish the nature of the tests that are sought to be enabled, or at least the compulsion that is sought to be enabled by this bill, my adviser, Ms Sarah Hennessy, and I attended at police headquarters and voluntarily offered ourselves to be scanned and tested. I inform members of parliament with pride, and not just a little relief, that the scan came up identifying 'no hit' for both of us, in fact.

The Hon. J.R. Rau interjecting:

Mr GARDNER: I am pleased that the Attorney-General is also as relieved as I was. In doing it, I did take some cause to think about this because the reason the bill is necessary is that, when police officers feel the need to ask a citizen for the scan, half of them say no. That is at the moment; that is according to the evidence provided at estimates, and I will read some of it a bit later and, indeed, the anecdotal evidence provided by police officers to myself and the officers conducting the briefing.

I had cause to think about why they might be saying no as I was being briefed on it. I had this moment of hesitation. I knew I was not going to get a hit; I knew I had never done anything that would possibly require a hit; and I had this unpleasant, uncomfortable sense in myself of, 'This actually doesn't feel very nice waiting to be judged in this way.'

We are in fact requiring our citizens to present themselves for judgement when a police officer not only has reasonable cause to suspect that a person has committed, is committing, or is about to commit an offence, but also, indeed, when the police officer has reasonable cause to suspect that they can assist with an investigation or a suspected offence. We are requiring that people submit themselves to this test without any longer having a reasonable cause to suspect that they themselves have committed or might be committing an offence. I support the bill, but I do not do so lightly, because I understand that a number of people have concerns with that.

I understand that the Bar Association has raised concerns and is opposed to the bill, and I understand that the Legal Services Commission has suggested a broader aspect; that is, where it is reasonably felt by the officer that a citizen might assist with an investigation or suspected offence, such a person should be excluded. We do take this very seriously and we do think long and hard. Ultimately, there is always this tension between the requirements of our community to have a safe community and one where civil liberties are protected. The question is: is it an unreasonable requirement that we ask our citizens to assist police in this way? Obviously, the opposition has, on reflection, agreed with the government that it is reasonable, but it is not appropriate, I think, to do so lightly.

The amendments to the Summary Offences Act that this bill entails provide for the use of mobile fingerprint scanners by SA Police. These scanners are an item of kit that was promised by

the government in the 2010 election, and they have been operating for some time. I know that there are many people who read the *Hansard* who also delight in reading the budget papers in detail, so I will direct them to the area in the police portfolio statements where they are described every year as 'high-tech crime-fighting equipment'. It is always a delightful read, it is an interesting read. Certainly since I have been reading the budget papers there are always some delays; so I asked the minister this year:

> Why has the high-tech crime-fighting equipment, identified in last year's budget for completion by June 2015, been delayed to 2016 in this year's budget, and will all of it be delivered on time?

The minister answered:

> The high-tech crime equipment involves a range of projects, including the portable fingerprint scanners—

and he goes on to list some others, stating:

> Some of those things have been implemented—not all have. In one area we need some changes to legislation to enable them to be implemented as well.

He then goes on to explain that fingerprint scanners are entirely in voluntary use at the moment. The minister identified that the fingerprint solution won the 'inaugural Premier's award and was the runner-up in the 2000 national awards too'. I assume he means the 2010 national awards. So it is a good scheme but obviously one where it was not able to be fully implemented because people were not required to provide their fingerprints if asked.

Moving on from what the minister said about it, because he then goes on to say that they need legislation, the Commissioner of Police, Grant Stevens, made some comments that I think basically sum up the police's case for this bill. He states:

> …we do not have the specific numbers on how many times it is refused, but we can say that, whilst in a voluntary capacity, it is assisting operational police in identifying people who happily submit to that process, and it eliminates the need for some people to be apprehended on the basis of unable to confirm their identity, and it also eliminates people from being unnecessarily arrested for warrants and other matters like that if we are able to clarify the identification in the first instance.

Clearly, these scanners have been providing a useful purpose up until now. However, the anecdotal evidence—and it is only anecdotal evidence; as the commissioner said, they do not have the specific numbers—suggests that half the people asked are declining. Obviously those people who are wishing to prove who they are and that they are not who they might be suspected to be are using it and coming up with no hit as identified.

Some people are obviously just relaxed about providing when asked, and that is great, and then there are some people, I understand, who, despite the fact that they are on the NAFIS database, are still voluntarily offering themselves, and police are getting some people to identify themselves through the fingerprint scanners voluntarily, even though it perhaps might not be in their own best interest to do so, as they do not need to. However, there is still that cohort who do not.

There are some people who this will enable us to catch, and that is good. There are some people who are going to be upset when they are informed that they will be required to submit themselves to these scans. I hope that those people will understand that this parliament does not ask them to do that lightly.

I note that the definition of biometric data will enable, in the future, forms of biometric identification to be used other than just the fingerprint scanning under the National Automated Fingerprint Identification System and, at that time, regulations can be introduced. I will certainly be paying close attention to such regulations, if they are introduced, and I think it behoves all of us to do so. This is a fairly new direction for the interface between technology and the law and something that certainly, as identified, makes some people uncomfortable, so I trust that things will not be added to that regulation lightly.

As the Attorney-General said in his second reading speech, the wider use of mobile fingerprint scanners by police is expected to improve identification rates, reduce the incidence of people avoiding being identified and allow for identification while police officers remain in the field. I think that this will save police officers on the beat a lot of time and angst and, in that way, it is certainly

going to have the opportunity to make a positive step towards officers doing their job. I think that it will, in a practical sense, benefit the community and improve public safety.

It is very important that section 74A(4a) makes it an offence if data is stored for longer than reasonably required to complete the identification procedure, with a significant fine. I think the maximum penalty is a $10,000 fine or imprisonment for two years, if somebody does so. That is very important in protecting people's personal data so that it is only used for the purpose for which it is meant, and I commend the inclusion of that measure in the bill.

I think that the safeguards are suitable. The use of these devices does not contribute to the records held on the National Automated Fingerprint Identification System database in any way. It is very important for people to understand that because I know that, when there was some media in relation to this matter, looking at the comments on the media sites where members of the public who, upon being informed that this might be coming in, put in their contributions, there were many theories about what might happen to these fingerprints which would be illegal under this provision. There were many theories and suspicions about government taking people's fingerprints and using them inappropriately.

I am satisfied that this bill does not enable that to happen, and I hope that members of the community will be too, but I identify that I am not sure all of them will be. All we can do is say that the police must abide by the law, as I am sure, in South Australia, they will. With those few words, I look forward to the contribution that this bill will make to improving public safety in South Australia and to making the jobs of some of our brave police officers easier. Hopefully, in actuality, it will in fact make it a more efficient system as well.

I support the bill. I thank in particular the shadow minister (the Deputy Leader of the Opposition) for her detailed work in preparing the opposition's position, and the articulate, concise and forensic way in which she set out the opposition's case in her comments. I also thank the member for Stuart who, as on so many occasions as a former shadow police minister, has assisted me in my understanding of these matters, and I look forward to hearing his remarks on the matter as well.

Mr ODENWALDER (Little Para) (16:44): I will make a very brief contribution to this debate. Of course I support the bill, and I have listened with interest to the other speakers, particularly the deputy leader, and some of the remarks of the member for Morialta I agree with wholeheartedly. I had the good fortune to visit the UK Home Office back in 2012, after they had piloted a very large rollout of similar technology.

The police minister at the time—in fact both parties—had committed in the previous election to rolling out this technology and I was very interested to see how it worked in the UK. So I met with the project manager and he went through the program. They rolled out 12,000 mobile fingerprinting devices to police forces across England and Wales.

Without labouring the same points that everyone else has made, the member for Morialta is right: it is very much about efficiency; it is not so much about gathering information, of course, and there are very strict safeguards in the bill to prevent that happening unnecessarily. But it is about efficiency, and it is about making very quick identifications. Often the main feedback from the UK police was that they were arresting people simply to make identifications and that is certainly true of my experience as well, so you are saving hours and hours and hours of police person time.

With those few words, I look forward also to hearing the member for Stuart's contribution. I know that he has made many good contributions on this area of policy in the past, and I look forward to the speedy passage of this bill.

Mr VAN HOLST PELLEKAAN (Stuart) (16:46): It is a pleasure for me to contribute to the Summary Offences (Biometric Identification) Amendment Bill 2015 on behalf of the people of Stuart and the opposition, and I note the contributions of the member for Little Para, a former police officer, so he knows things that none of us do about this type of work; and of course our deputy leader, the member for Bragg, as shadow AG (attorney-general), and the member for Morialta, the shadow for police.

It is worth pointing out I think at the start that what we are talking about at the moment is fulfilling the Labor government's 2010 election promise, so it has been quite a long time in the making.

As the member for Little Para said, both sides of politics have supported this development but, back in the lead-up to the 2010 election, the government said that if successful in 2010 they would do this. So here we are in 2015 and they are getting to it, and I think that is slow but positive.

It is also interesting to note that, in that time, we have had five different police ministers. Whether that has been part of the problem or not, I am really not too sure. I am sure that every one of them was committed to this program. It might well be the fact that when they made the commitment they may not have been fully aware that they actually needed to change the law to make these biometric scanners useful in that everybody who the police would like to have scanned would have to be scanned.

One way or the other we have got to where we are today and, as our lead speaker, the deputy leader and member for Bragg, said, we certainly support this, not without some hesitations and I think that they are probably hesitations that members opposite would have as well, but on balance we have certainly come to the conclusion that we are very supportive of this.

Just for people who might read *Hansard*, I will make a very brief summary of what we are really talking about here and that is, if a police officer has reasonable cause to suspect that a person has committed, is committing or is about to commit an offence, or that a person may be able to assist in the investigation of an offence or suspected offence, the police may require that person to state all or any of their personal details. In the above circumstances, a police officer will also be able to require that person to submit to a biometric identification using a mobile fingerprint device.

So, the officer has the choice whether to do that and I think that is very important for people outside this place to understand. The officer can ask the person they believe may have committed a crime or may even be able to help solve a crime for their details, and if the officer chooses, then the officer would be able to require that they submit to that biometric identification using a fingerprint device.

There are currently 150 of these devices in use, but they require consent before they can be used, so that is really what we are about at the moment: trying to shore up the fact that the police officers can require that identification to be given. As the member for Morialta explained, there is a range of different outcomes at the moment with regard to how those requests by the police are met. Some of them seem quite sensible and some of them seem quite silly, some of the ways that people choose to respond when requested by police at the moment.

If we get to the stage, as I hope we will, where police are able to require that test, one of the most important aspects about this is that the bill creates a new offence for inappropriate retention and storage of biometric data. It provides that a person—that is, a police officer—must not retain or store biometric data for longer than is reasonably required for the purpose of carrying out the biometric identification. That is certainly not everything that is in the bill but they are the key components to it as far as I am concerned and I think that it is fair for police to have this ability.

I know that there are a lot of people in the public who are very concerned about civil liberties, as I am sure every member of parliament is concerned about infringement upon civil liberties. I personally do not consider that a deprivation of my civil liberties; in fact, I would be the sort of person who would say up-front you could have my fingerprints or you could test me in one way and I will be on the register and then hopefully I will be clear and clean. If ever there is any suspicion, you will know I was not involved. You will know that it was not me, or it was not him. However, not everybody takes that view and not everybody needs to take that view. I have close friends who take the very opposite view and say, 'No, I do not need to provide any personal identification unless they have beyond reasonable doubt a suspicion that I am connected.' A range of different views are out there, and I have expressed clearly how I feel.

I also believe strongly that police deserve to be supported in their work. It is incredibly hard work being a police officer. It is incredibly frustrating work at times being a police officer. I trust police. I do not think that they are perfect, I do not think that they are infallible. I do not think in over 4,500 police officers operating in our state that there is not one somewhere who might accidentally or deliberately do the wrong thing, because they are human just like us. Overwhelmingly, I trust the police and would be comfortable with their being able to ask me for my identification and, if I chose not to provide it for whatever reason, to require me to give them proof of my identification. I think that

the overwhelming majority of people I represent in the electorate of Stuart, or across our state for that matter, would have a similar view.

The other thing that is very important to this bill is the IT systems. We all know that legacy IT systems in SAPOL cause a great deal of stress and concern for police officers from the most junior through to the most senior within SAPOL, and that is actually critical to what is going on here because we are talking about a private person providing proof of identity that is matched to a database. The police are incredibly under supported, unfortunately, with regard to the quality and calibre of the IT systems that they work with across the very wide breadth of work that they do. I think rarely that results in inaccuracy, I know very regularly it results in inefficiency, and I want to put on the record that getting an IT system in place that can support this new law that we are talking about creating is going to be very important to making this happen so that the right things can happen in the right way when police use this new authority that they will have.

Right now there are endless examples of where police, unfortunately, operate inefficiently, not because the individual officer or officers are inefficient but because of their double, triple or quadruple handling of information (sometimes), having to enter the same information in different computers and all that sort of stuff. That is when honest mistakes can be made. That is when, unfortunately, a human being can enter the same information intending to put the same information into four or five different fields of computer systems and on one of those occasions makes a mistake. That can happen.

If mistakes are made in this area of work then not only does it make the police work inefficient, not only does it potentially lead to errors, potentially very serious errors with regard to identification, but it also supports the arguments of the extremely strong civil libertarians who oppose this because of those sorts of mistakes. I want to put very strongly on the record that people are entitled to their views, and I respect that, whether somebody says, as I have, 'Look, please have as much personal information as you want because I think that will make me feel safer,' or if somebody says, 'No, I don't want you to have any of my personal information because if you have it I will feel less safe.'

Everybody is entitled to have their own personal view, but what is indisputable is that if the systems that back up procedures and back up the laws are not efficient for any reason or are inaccurate for any reason, not only does the whole system fall down, but the people with the very strong civil libertarian views are actually, on occasion, proven to be correct as well. I want the police to be able to get on and do their work to the very best of their ability so that they can protect us, prevent crimes, apprehend people who have committed crimes and make South Australia the best and safest place it can possibly be. I have no hesitation in supporting this bill, but I urge the government to give the police the resources they need so that they can use this new authority as effectively and efficiently as possible.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:57): I thank the members who have contributed to this debate. I say to the member for Stuart that much of what he has said just now is something which has been very much on my mind and on the minds of all of us on this side. We wish to support the police. We wish to take reasonable steps to make use of technology which is becoming, essentially, ubiquitous in our community. For example, while I was thinking about this I looked at this new machine that my office made me get a while ago.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, but this is a new one. My old one had real buttons, Madam Deputy Speaker.

The DEPUTY SPEAKER: You felt comfortable with buttons.

The Hon. J.R. RAU: I felt comfortable with it. I felt I knew my way around it. This one does not have any buttons at all. It is just a blank front thing and you have to press the button to make the lights come on, but guess what? This machine takes your fingerprint to get in. Somebody in my office said, 'Just put your finger here,' and then they said, 'Do it four or five times,' and next thing I know I cannot get into this thing without my finger.

The DEPUTY SPEAKER: How else do you normally manage to get into your phone, sir? Don't answer that.

The Hon. J.R. RAU: Normally I have a button, I used to have a button, a red button.

The DEPUTY SPEAKER: But you used your finger on the button, didn't you?

The Hon. J.R. RAU: I used to put my finger on the—anyway, the point I am making is that I used to be able to get onto the interweb with a big red button and now I do not even have a button, I do not have either thing. I am just making the point that, if you have that sort of technology in everyone's handbag or, in my case, my pocket, then is it not time that we were actually embracing the idea that the police should have access to some of this technology in order to further their legitimate interest in making our community safer?

For that reason, I am genuinely very pleased and I would like to say thankyou to the opposition for expressing the support that they have about this matter. I think it is in the community's interest that we do express this support. I agree in particular with the member for Stuart about the importance of us obviously making sure that the police (who, I agree with him, are overwhelmingly well-intentioned and dedicated people) and their management keep an eye on how this sort of technology is being used, but I am confident they will do that.

There were some questions I think the member for Bragg raised which I might be able to provide some information about. This is information I have been given, obviously; it is not information which I know of my own knowledge. I have been advised that, in a five-month period from February to June of 2014 (and this is a representative sample for the benefit of those opposite), 248 people voluntarily agreed to submit their fingerprints for an identification check. The results of the 248 checks were 128 no hits and 120 hits. There has only been one reported incident of someone refusing to submit their fingerprint. Feedback from police officers indicate the use of fingerprints is well received by both officers and the public and a number of warnings, reports and arrests have resulted from a hit. That is the end of that little piece of information.

Essentially, the way I looked at this when I was trying to come up with the way we would assemble this piece of legislation was this. If we have a circumstance where a police officer could legitimately request an individual to provide a fingerprint, or where they could legitimately request or require a person to provide their name, address and whatever to be able to verify whether or not the individual, in making that statement to the police officer, was telling the truth or not by reference to an independent separate database in circumstances where the check involved simply a noninvasive placement of a fingerprint over a device and then the image itself was not retained for any other purpose, it seemed to me that that just added integrity to the process of a police officer asking a question or seeking identity information from an individual.

Provided all those safeguards are wrapped around it, it seemed to me, if they are going to be asking that question anyway, should we not be supporting them as much as we can to make sure the answer they get is verifiable on the spot if possible? To some extent, that is what this delivers, although of course I guess if we have a person who is not on the register who does give a false name, this does not help us, but chances are they are not the people we are so worried about probably anyway.

I do acknowledge the point made by the member for Morialta that even a person who has nothing to fear may feel that it is a bit of an intrusion or a bit intimidating for them to be asked to do this, because you would think, 'What if there is some mistake in the machine and they think I'm Mr von Einem or something?' You do not know, but you might be worried about these things happening, and I think that is a legitimate point, and some people possibly will feel apprehensive for that reason, but hopefully once this thing settles down and is out there, people will lose that sense of discomfort about whether this is likely to lead to a false positive, if you like, for individuals.

As I said, I do very much appreciate the support that the opposition has expressed today for this. I do think this is something which is in the interests of community safety and is in the interests of supporting our police. I do acknowledge that it is our expectation collectively as members of parliament that the police will accept the fact that this is a new tool we are giving them and we expect them to use it with the appropriate degree of circumspection and with appropriate safeguards, and I

am confident, as I think the member for Stuart and others are, that they will do their very best to deliver on that.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: I thank the Attorney for some of the information provided as to data for the first five months of last financial year. Assuming that is illustrative of the next 12 months, we are talking about perhaps three people who have said no since the introduction of this. Would that be right?

The Hon. J.R. RAU: I only have that information that I have provided. I would assume that that is not an unrepresentative period, but I do not have to hand any other information, so I cannot actually confirm that that inference is borne out by other figures. All I have is that piece of data.

Ms CHAPMAN: At the moment, just so I am clear about this, this piece of equipment scans the fingerprint, it identifies the 'hit, no hit' as we understand, as to whether that fingerprint does match up with the name of the person, if they are on the database. Of those who have refused to date, what action is then taken in respect of fingerprinting them, if at all?

The Hon. J.R. RAU: I think the answer to that is that, presently, there is no compulsion for individuals to cooperate, so I guess the officers would fall back on whatever existing mandatory measures they might have available to them, but I just make that assumption.

Ms CHAPMAN: What are they?

The Hon. J.R. RAU: It would depend on the context. Various pieces of legislation give them the entitlement, for example, to ask for a person's name and address or whatever. I guess one would look to that legislation to ascertain whether there is an offence of refusing to give a name and address or not, or whether, in the event of the refusal to give a name and address, some other thing becomes operational, like for example—

Ms CHAPMAN: That is what I am asking. What is available?

The Hon. J.R. RAU: I am advised that the option then basically comes to arrest the individual and I guess they would then be taken into custody. I guess at that point they would be able to get a fingerprint.

Ms CHAPMAN: I am assuming that there has not been a sufficient level of refusal to alert the government to this being a real problem for the police, because we are here in September 2015 and it does not sit with any urgency. Is that why it is 18 months or 20 months since the election that we are dealing with this?

The Hon. J.R. RAU: I do not believe that is the case. This is something we have been working through. I certainly have spent a lot of time talking with those who advise me in the policy and legislation area in AGD about this, because there were a number of alternative mechanisms we could have used to achieve the outcome, with varying degrees of compulsion. We explored what the alternatives might be and we ultimately landed on this. The promise was biometric scanning, yes, but that really does beg the question as to 'in what circumstances?' and so on. We did spend quite a bit of time working on the question of exactly in what circumstances this would apply.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Ms CHAPMAN: Clause 4 proposes under new subsection (1)(b) and under the reasonable cause to suspect provision that it can include 'be able to assist in the investigation of an offence or a suspected offence'. As the Attorney is aware, the South Australian Bar Association and, I think, even the Legal Services Commission, raised the question of this going a bit too far to the extent of winding

it back for the purpose of the testing process to be only if the person has committed or is committing or about to commit an offence; that is, there has to be some primary target involving that person perhaps to be useful in other areas. Did the Attorney consider that and reject it or not consider it at all?

The Hon. J.R. RAU: I believe I did. This has been evolving over a period of time, but I believe I did turn my mind to that. It strikes me that, given that the only element of compulsion, if you like, about this is to get a person the police have reasonable expectations might be able to assist in an investigation of an offence or suspected offence to actually have an identity check, nothing more. It strikes me that the potential risk of that causing any trouble is basically zero.

To be perfectly frank—and this is leading us on to a different track for a moment, if I can go off into a slight digression—sooner or later if we are serious about reforming our criminal justice system here and getting to the point where we have a streamlined system where those people who genuinely have an issue to agitate with the court get an early trial and those people who are just basically sitting it out to try to see whether they can beat the system stop doing that, we are going to have to start confronting issues about prosecution and defence disclosure. Some of those things will be confronting to some people, and I think I have alluded to this in our major indictable reform paper that we have sitting out there now.

What has been okay in the past for the prosecution—and I am not being disrespectful of police or the DPP here, I am just stating the facts—where they could just roll in with something relatively cursory (sometimes even less than that; not even the apprehension report) and say, 'Well, look, here it is. How do you plead?' That is not really good enough. And if they do come in with something which is decent and comprehensive and does inform the defendant pretty fully about what their charges are, the defendant should be in a position where they actually say, 'Well, I agree with that. I don't agree with that. I'm going to fight you on that. Yes, you've got me on that', or they say, 'Look, I want to plead guilty', or they say, 'Off we go to trial.'

I think that we are moving in the direction where this is a very modest proposition that somebody who the police think can help with an investigation of an offence is basically asked a question, 'Who are you?' and whether or not they are giving an accurate answer to that question is verifiable by means of this biometric test. I do not see that as being an invasion of any reasonable definition of what is a right.

Ms CHAPMAN: We will probably disagree on that, but can I just go to the data storage. What is the process at present in respect of removal of this from the database? I presume that we have had 2,000 of these done in the last 18 months, or so. Has this material been removed?

The Hon. J.R. RAU: Again, as you might have gleaned from remarks I made earlier, technology is not my long suit, but my understanding is that this image does not ever make its way onto the database held by CrimTrac. What happens is that the image is held on the portable device. A question is asked by the portable device, 'Does this thing on my device match anything you have got in CrimTrac?' And the answer is either yes or no, but the image on the device does not get imported or transported or exported, whatever the term is—are any of those terms right?

Mr Odenwalder: Uploaded.

The Hon. J.R. RAU: Uploaded, there it is. I knew there was a fancy word for it. It does not get uploaded elsewhere.

Ms CHAPMAN: Hence why I am asking about it.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: We are just about to introduce a penalty which will give two years' imprisonment for storing data beyond its reasonable purpose of being required.

Mr GARDNER: The bill does not presuppose only the current item of technology we are using; the bill allows for any such item.

The Hon. J.R. RAU: All I can say is that we are deadly serious about this point, because this is a very important point in my opinion. If the Law Society and others were going to get agitated

about something in this bill, not having this in it would be worth getting agitated about. Just like you cannot go around randomly collecting people's DNA, you should not be able to go randomly collecting their fingerprints either.

This is a matter where the police are going to have to manage this because it is going to be their people who are potentially liable if they infringe this. My understanding is, though, that the technology they are using does not involve the actual storage of the image they take in the field, so to speak. It acts as a comparative between whatever their device in the field is showing and compares then to the CrimTrac database, there is either a match or there is not, and then that image is disposed of.

Ms CHAPMAN: That is what I am asking: does it automatically lapse in the piece of equipment that we are talking about, or does it stay in storage until you go 'delete, delete, delete' at the end of your shift?

The Hon. J.R. RAU: Luckily, because I have advice here today, I can answer that—and only because of that. Apparently, the next image that is used destroys the image that is on the machine, so the next time you go to use the machine, whatever was there before is destroyed.

An honourable member: It writes over the top.

The Hon. J.R. RAU: Yes, that is what I am told.

Mr GARDNER: I think this is a question to which I hope I know the answer, but I hope that the Attorney's answer will potentially give comfort to some of the people who do have concerns. Where a police officer must have, under this clause, reasonable cause to assume that somebody is able to, in the broader application, 'assist' in dealing with any crime, is it the Attorney's understanding that it would, therefore, be in breach of this clause if any officer were to, what might be considered to be, officiously require somebody to give their fingerprint in a case where they could not be directly recognised as having any involvement or engagement or witnessing to any crime; it could not just be required of somebody for a casual purpose, for an incidental purpose, or for a spurious purpose?

The Hon. J.R. RAU: I understand exactly where the member for Morialta is going, and I can confirm that, from my point of view, that is exactly the case. We have situations at the moment where police are required to actually say that they have a reasonable suspicion of something before they issue a warrant, for example.

Ms Chapman: Reasonable cause.

The Hon. J.R. RAU: Reasonable cause, so they have to go somewhere and go to a court, or they might have to go to a senior officer and then they later have to have that verified by going to a court. The notion of there being a reasonable suspicion, or whatever the case might be, is something with which the police are already familiar, and they do execute that type of thing all the time. In those circumstances, theoretically, a bad police officer could abuse that already. I do not believe there is any evidence that that is happening on a substantial scale, or at all.

The second point I would make is: where is this going to be used? The answer would be that police believe an offence has occurred or needs to be investigated, and they believe that there is a person who might have information about that offence to whom they wish to speak. They find a person, and they say, 'Are you the member for Morialta?' The person replies, 'I don't want to say anything.' Their position is, 'We think, even though you don't necessarily figure in our consideration as a suspect, per se, we do think you might have been in a position where you could help us by having been proximate to when this thing happened'—or something.

What we are saying here is in that circumstance they can say, 'We think you can help us with the investigation. Are you whoever?', and the person does not want to cooperate with them even to say who they are. Then they say, 'We'd like you to put your finger on here and we'll see whether we know who you are anyway,' or they say who they are and the police say, 'Do you mind confirming that? Can we just check?' That is it.

I am pretty confident that this will not be something that will be abused and, I have to say to the member for Morialta, if we got any suggestion that it was being abused I would be very concerned about that, and that would be a matter that I think all of us in this place would perhaps be warranted

in taking sufficiently seriously to have another look at this piece of legislation, but I do not expect that is going to be a problem.

Ms CHAPMAN: On the biometric identification procedure, as has been pointed out, we are not just talking about these scanners; we are talking about other equipment, including taking a photograph. Can I inquire as to whether there is any other equipment around that is being used, apart from a camera, obviously, with which a photograph is taken, or is there any other equipment such as iris or eye scanners or anything else that is proposed to be introduced by regulation?

The Hon. J.R. RAU: Again, a very good question. I am advised that the actual definition of biometric identification procedure contains within it an element of future proofing.

Ms Chapman interjecting:

The Hon. J.R. RAU: The only thing I can offer you is that there is technology around the place, and I have seen demonstrations of this, which is facial recognition-type material. I do not think we are at a point in time, either in terms of the technology or the available funds, where that is anytime soon, but I know that it has been employed already in areas like border protection and other types of scenarios. Potentially, that is the type of area this could go to, but at the moment, as far as I am aware, we are talking about these fingerprint imaging machines.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

GAY LAW REFORM ANNIVERSARY

Adjourned debate on motion of Hon J.W. Weatherill:

That this parliament—

1. Remembers with pride that South Australia was the first jurisdiction in Australia to decriminalise homosexuality;
2. Records the special parliamentary leadership of Murray Hill, Don Dunstan, Peter Duncan and Anne Levy in this achievement;
3. Records the commitment of gay rights activists and other concerned individuals and organisations who fought to have a basic human right recognised; and
4. Acknowledges the ongoing and vital contribution to our community by members of its lesbian, gay, bisexual, transgender, intersex and queer community

(Continued from 10 September 2015.)

Motion carried.

Adjournment Debate

HARTLEY ELECTORATE

Mr TARZIA (Hartley) (17:24): I want to use the opportunity today to bring the house's attention to some recent events that I have had the fortune of having in the electorate of Hartley. We had our Hartley soup night recently, on Wednesday 16 September, when I supported the domestic violence centre in my local area. This was held at the Hectorville Sports and Community Club in Magill. Guests of the night enjoyed not only pumpkin but potato and bacon soup with a ciabatta bread

roll sourced locally to complement, for a gold coin donation to what is a great cause. The night was a great success with the event raising several hundreds of dollars from gold coin donations for the Eastern Adelaide Domestic Violence Service.

The Eastern Adelaide Domestic Violence Service provides women and children in the community experiencing or escaping domestic or family violence with various services ranging from counselling to support and also crisis accommodation. The guest speaker, Kathy Lilis, who is manager of the Eastern Adelaide Domestic Violence Service, spoke to guests about the outstanding services the centre provides to victims and also shared some of the amazing survival stories and positive stories of what people have gone on to achieve after being treated by this service.

Kathy's heartening stories touched all guests. It was certainly a reminder that domestic violence is a huge concern in our community. Guests were given the unique opportunity to ask Kathy and her team questions about the various services provided to victims and also obtain her opinion about what we can be doing to better prevent and stop the domestic violence epidemic.

All funds raised from the night will certainly help the Eastern Adelaide Domestic Violence Service to continue its outstanding service to the community. We on this side of the chamber will always support the service. I know, for example, the member for Morialta is a passionate advocate in this area and continues to selflessly hold fundraisers to help these sorts of fantastic causes.

I also had the good fortune on 17 September to attend the Rostrevor College music night. I would like to congratulate Peter Waterman, Marnie Tiggemann and also the parents and friends of Rostrevor College, the students and the headmaster for the great job that they are doing in making sure that the Rostrevor College music group is one of the best in the state.

On 18 September I had the good fortune to be able to attend the St Joseph's, Tranmere, Italian Day. I would like to thank Maria, the head Italian teacher, for the fantastic work that she does in that area. It was an absolute pleasure to attend this day and see that many of the students who have Italian heritage are celebrating their roots.

Obviously, there are substantial benefits in learning a second language. It gives you much more knowledge of your own language. It enables you to become more rounded because you are studying another culture, another language, extra customs and that sort of thing. It is fantastic to see that Radio Italiana was there, giving opportunities to students that perhaps they otherwise would not have every day. I applaud St Joseph's, Tranmere for the wonderful work that they are doing in that regard.

On 18 September, I also attended the Felixstow Community School and one of their workshops. They have a workshop that is almost like a small fete, and they are educating students about entrepreneurialism. I was lucky enough to purchase some candles there as well as some artwork. I think that, if we educate our students about entrepreneurialism and educate them that taking calculated risks is a good thing, it is certainly a wonderful skill to have. It is so good that those students are being encouraged to do this from a young age. Felixstow Community School is a wonderful local school, and I applaud Jen Bais, the parents and all the teachers at the school for the fantastic work that they are doing. I am pleased that we were recently able to obtain better local crossing signage for them on Briar Road at Felixstow.

At the weekend, on 19 September, I also attended a sports presentation at St Joseph's, Payneham. I would like to congratulate Mr Musolino, as well as Mr Laurie Sammut, on the superb job that they did in presenting awards to the students who participated in local sports during the last winter season. Sport is a fantastic thing. It teaches kids about keeping fit and keeping active but also working in a team environment. It teaches you how to win and it teaches you how to lose. I was happy to attend the presentation at that school.

I had the good fortune on 14 September of attending the East Torrens Primary School years 5 and 6 class. They are learning about democracy and the local, state and federal systems of government. Those students there were certainly a very enthusiastic bunch. They were very well behaved. Very intelligent, articulate questions were asked and, I hope, answers given, to some extent. It is fantastic to see so many young students in my community so engaged with the political system and history. I wish them all the very best in the years to come.

At the weekend the Campbelltown City Soccer Club also had their presentation night. It was fantastic to see life memberships awarded to two old Rostrevor College boys, Michael Matricciani and Oliver Totani, and I would like to congratulate them. I know the member for Morialta is also a keen fan of the Campbelltown City Soccer Club and he attends many games with me. Congratulations to those boys but also to the rest of the players from that team, the supporters and the committee for the outstanding job they do in that club.

Then of course, finally, I would like to take a few moments to draw the house's attention to the Associazione Molise, who at the weekend had their 10th anniversary, and what a fantastic event that was at the San Giorgio La Molara club in Payneham, hosted by none other than Steve Maglieri, who is a fantastic ambassador for not only South Australia and Australia but also Italy.

Obviously Steve is the first to put his hand in his pocket and provide wine to many events and functions, and he does a fantastic job in keeping the Molisane in South Australia together to make sure that their customs and traditions are passed on to the next generation. I know you, Deputy Speaker, are a big fan of the Zanzarini dancers and performers. Steve Maglieri is a fantastic performer that is for sure and I would like to commend him and his committee for the wonderful work that they continue to do in our community.

DOMESTIC VIOLENCE

Mr GARDNER (Morialta) (17:31): I wish to update the house briefly on some important work being done in the local area in the area of supporting women and children who are living through and who have lived through domestic violence. I note the member for Hartley's particular support for his fundraiser for the Eastern Adelaide Domestic Violence Service. There are a number of local initiatives that I wish to commend. In particular, Kathy Lilis (who the member for Hartley just spoke about in his contribution) was very welcoming, as she always is, in hosting me recently at the Eastern Adelaide Domestic Violence Service where I received a book called *Walk In My Shoes: Stories of Survival* celebrating the successes of women who have walked out of domestic violence and their stories.

This is a project that was undertaken by the Zonta Club of Adelaide. In particular, last week I was presented with this book by Maxine Panegynes and Wendy Bruce of the Adelaide Zonta Club and by Kathy Lilis of the EADVS. Maxine and Wendy have been running creative writing workshops with the women who have been the victims of domestic and family violence. They described the process of those workshops, and the creativity that was unleashed as a result of that work is impressive. It is captured in this book. Names, of course, have been changed and circumstances, where necessary, and there is an element of creative writing.

In reading the stories, it is a powerful message of the challenges that are faced by these women as we contemplate a range of measures which, indeed, the police are undertaking and on which I have updated the house on previous occasions, which we as lawmakers have to consider as well in contemplating legislative changes to make life easier. I think it is a useful insight so I encourage members to retrieve one of these books. Now you will not get it for free. They are on sale for $10 each and we are hoping there will be a second run.

I know a number of members of parliament will be attending the Morialta Community Quiz Night which my staff and I run every year, and this year it is on Friday 30 October. I know the member for Florey in particular will be eager to defend the title that her table won last year and other members who are involved. I hope this year they bring a bit of extra money so they can buy the book *Walk In My Shoes* that the Zonta Club of Adelaide will be selling on the evening. I encourage people to come along. It is on Friday 30 October at the hall behind St Joseph's School on Montacute Road, as it always is, just opposite the member for Hartley's office.

Maria Hagias the head of the Central Domestic Violence Service is our quiz master this year. We are all very much looking forward to that. Last year and the year before we had in excess of 200 members of the Morialta community present and both quiz nights raised in the vicinity of $5,000.

This year we are hoping to be even bigger and more successful in supporting the work of the EADVS. The support the Eastern Adelaide Domestic Violence Service gets through the national homelessness agreements, state and federal government to provide emergency accommodation for

women and children fleeing situations of domestic violence, of course, comes with constraints. It is very difficult to be innovative when you are dealing with just the funding that is there for crisis care.

It gets support gets from members of the community through charitable fundraisers such as those done by the member for Hartley and the quiz night supported by members in the Morialta community, including members of this house. That is money that is able to be used for innovative purposes and for need where it is seen, even when it does not necessarily fulfil the strict bureaucratic requirements of the government support that the service gets.

It enables emergency loans to be given to women who, for whatever reason, might need to go through other purposes. I am aware of a number of women who have been refugees fleeing domestic violence situations who, for one reason or another, may not have been able to receive the regular funding arrangements. It also supports the centre to run programs in assisting women in their skill sets, running their households and supporting their children. It does some great work, and I commend Kathy Lilis and Alison Meneaud and all of the staff at the Eastern Adelaide Domestic Violence Service. I know they will put it to good use.

On Sunday I had the privilege of joining the Leader of the Opposition, Steven Marshall, and 130 members of the community in support of Arman, Anita and Atena Abrahimzadeh in their fundraising efforts as part of the City to Bay Fun Run for the Zahra Foundation. A number of members of this house, a good many members—

The DEPUTY SPEAKER: Lots of us!

Mr GARDNER: Lots of us were at the launch of the Zahra Foundation a couple of weekends ago at the Convention Centre. It was an extraordinarily emotionally powerful evening, I thought, and an opportunity for these three amazing young South Australians to reclaim that space for themselves and for their mother, who had her life so cruelly torn from her and from them a few years ago in that space. For them to have the courage to reclaim that space was extraordinary. They were supported by over 600 South Australians. They made it a joyful event, a celebration of their mother's life and of everything that she held dear and a celebration of the future that they are going to be giving the other families who are victims of domestic violence resulting in homicide. I pay tribute to them. I paid tribute on the night.

The Leader of the Opposition, the Premier, and the federal Minister for the Status of Women, Senator Michaelia Cash, I thought all made terrific contributions. The interview with Australian of the Year Rosie Batty was profound and I think only surpassed by the brave and proud tributes given by Arman, Anita and Atena themselves. I think they have a lot to be proud of. The fact that 130 members of the South Australian community joined with the children and the Leader of the Opposition and myself in wearing those Zahra T-shirts to raise money on the City to Bay Fun Run, I think, further goes towards the incredible pride that our state has felt for these young people in making a positive impact for South Australian women.

The Zahra Foundation will be raising money to support the economic empowerment of women fleeing these circumstances. They have run their pilot project. We look forward to seeing their foundation do more work. I am pleased to report my own fundraising efforts. I was grateful for the support of members of the Morialta community and others who supported me to the tune of over $1,500 for my own efforts. I can report to those who did support me that, despite the fact that I had an unfortunate case of the flu in recent days, I did the walk. I felt it for the remainder of the afternoon and most of Monday and Tuesday as well, but it was just a small thing that I could do towards the more than $14,000 the Zahra Foundation was able to raise through the support of those walkers and runners on the weekend.

There is a lot going on in this area in the policing area. There is a lot going on in this area in the public debate. I think the extraordinarily tragic accounts of so many women dying as a result of this scourge in Australia are no longer behind the shadows, as they have been for far too long, and are no longer dealt with so silently, as they have been for far too long. It is clearly front and centre in the public consciousness. We, as lawmakers, need to be awake and constantly looking for ways to deal with it.

What I am encouraged to see is the extraordinary public involvement and engagement in this as well and the extraordinary way that members of our community are concerned and are trying

to find ways for them to do what they can to make a contribution. We saw that at the launch of the Zahra Foundation, we saw that at the City to Bay Fun Run and I look forward to seeing it as members of the Morialta community come out once again to support the Eastern Adelaide Domestic Violence Service in the weeks ahead.

Once again, I commend the Zonta Club of Adelaide's book *Walk in my Shoes* to all members and look forward to its further success and further print runs.

At 17:41 the house adjourned until Thursday 24 September 2015 at 10:30.

Answers to Questions

NATIONAL PARTNERSHIP AGREEMENT ON HOMELESSNESS

In reply to **Ms SANDERSON (Adelaide)** (24 March 2015).

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers): I have been advised that the South Australian government does not take an administration fee from the National Partnership Agreement on Homelessness.