

## HOUSE OF ASSEMBLY

Wednesday, 22 June 2016

*Parliamentary Procedure*

### SPEAKER, ABSENCE

**The CLERK:** I advise the house of the absence of the Speaker. I will invite the Deputy Speaker to take the chair.

The Deputy Speaker took the chair at 11:00 and read prayers.

### VISITORS

**The DEPUTY SPEAKER:** Before I call the first item of business, I would like to note that there is a delegation in the gallery today of visiting Cambodian businessmen and women. They are the guests of the Hon. David Ridgway from the other place. The group is led by His Excellency Mr Kuong Koy, the Cambodian Ambassador to Australia and New Zealand. We welcome you to our parliament. Thank you for the honour of your visit, and we hope you enjoy your time with us today.

### *Motions*

### SEXUALISATION OF CHILDREN

Adjourned debate on motion of Dr McFetridge:

That the Social Development Committee inquire into and report on the sexualisation of children and young people, with particular reference to—

- (a) the sexualisation of children and young people in television, electronic, print and social media and marketing;
- (b) the exposure of children and young people in South Australia to sexualised images and content in public places, television, electronic, print and social media and marketing;
- (c) the impact of children and young people of growing up in a sexualised culture;
- (d) adequacy of current measures at state and federal level to regulate sexualised imagery in television, electronic, print and social media and marketing, and the effectiveness of self-regulation measures;
- (e) measures to assist parents in fulfilling their responsibility to protect and educate children;
- (f) measures to educate children and young people and assist them in navigating the contemporary cultural environment;
- (g) possible measures that the state government can take to assist children and young people to navigate the cultural environment successfully; and
- (h) any other related matter.

(Continued from 8 June 2016.)

**The DEPUTY SPEAKER:** The member for Morphett is on his feet.

**Dr McFETRIDGE:** Deputy Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

**The DEPUTY SPEAKER:** Are we looking for the member for Adelaide? If she is not here, unfortunately she will miss her turn to speak. Unless someone speaks, you will have to close the debate, member for Morphett.

**Dr McFETRIDGE (Morphett) (11:02):** Thank you, Deputy Speaker. This motion to refer this issue to a parliamentary committee is something that I think all of us would agree with. The priorities of that committee are open for debate. I certainly would like to see this motion supported by the parliament today, and I would like to make sure that the issue of sexualisation of young people is dealt with as soon as possible. I have written to the committee, and I have not yet heard back

officially, but I hope that with the support of this house the committee will recognise the urgency and the importance of the motion.

**The DEPUTY SPEAKER:** As I said, if the member for Morphett speaks, he closes the debate, and no-one moved. So, the debate is closed and the question before the Chair is that the motion be agreed to.

Motion carried.

#### *Parliamentary Committees*

### **NATURAL RESOURCES COMMITTEE: LEVY PROPOSALS 2016-17**

Adjourned debate on motion of Hon. S.W. Key:

That the 109<sup>th</sup> to 115<sup>th</sup> reports of the committee, relating to various natural resources management board levy proposals and plans for 2016-17, be noted.

(Continued from 8 June 2016.)

**The Hon. S.W. KEY (Ashford) (11:04):** I would like to thank members for their contributions and also their interest in this area. It is a very important one to all of us, I know, and I would just like to note that the Natural Resources Committee spent an enormous amount of time, as did the staff, on trying to work through what has been a very, very difficult time this time. We really do commend the members and staff who work for Natural Resources because we know that they have had an equally difficult time trying to deliver on this particular levy round. I commend the report to the house.

Motion carried.

### **SELECT COMMITTEE ON E-CIGARETTES**

Adjourned debate on motion of Ms Digance:

That the final report of the committee be noted.

(Continued from 9 March 2016.)

**Ms REDMOND (Heysen) (11:05):** I am rising today simply to strike a blow for freedom. I say that on the basis that my entire smoking history can be summarised by the fact that I had one puff on a cigarette when I was about eight, and then I lit a cigarette in a car for the person who was driving when I was about 21. That is my entire smoking history, so I am not a smoker and I have never been a smoker.

However, I am concerned that we are becoming a parliament that thinks if something moves we had better regulate it. I listened with interest to the comments of the member for Elder when this motion came on; in particular, I took some notes. The member for Elder said that 'conclusive evidence on the health risks or benefit [regarding e-cigarettes] is not likely to be available for...decades', and that they have not been 'proven to be safe'. It strikes me as passing strange that, in face of the fact that we do not have any evidence that there are harmful effects, we want to do something to regulate, in any way, these e-cigarettes.

I know only two people who use them, and both of those people use them as a mechanism for giving up smoking. Indeed, the member for Elder, in her comments, also said that there was support for e-cigarettes internationally. There was a UK report that e-cigarettes are now the most successful method for people to stop smoking.

We know that smoking cigarettes is harmful, we have known that for a long, long time. Indeed, we have done various things in this parliament and in other places around this country and around the world to inhibit the use of what remains, however, a perfectly legal substance in this state. We have put conditions on how old you have to be before you can buy cigarettes. We have put conditions on how the cigarettes have to be hidden, how they have to be branded with all sorts of antismoking advertisements, and how they cannot have the usual packaging in this state. We have put restrictions on where you can be when you are smoking, and we are now at the point where even smoking outside restaurants and food areas is being regulated.

I have no difficulty with any of that because in the case of ordinary cigarettes there is clear, abundant evidence of the harm they do. However, in the face of clear statements from proponents of the motion to the effect that, first, there is no evidence to show they do any harm and, secondly, that they are now the most common way for people to give up smoking, and in face of the fact that, as I said, the only people I know who use them are both using them to give up smoking, it seems incomprehensible that we would then try to regulate the use of e-cigarettes.

I will be opposing this motion simply because I cannot understand why a parliament, in the face of those clear statements, would choose to do anything other than say, 'Until the science is in, it is not our place to regulate.' What we may be doing in fact is making it more difficult for people who wish to give up smoking to actually be able to do so using this particular method, so the idea that a cigarette store cannot also be a vaping store seems to me to be contrary to common sense. The fact that there is discussion about providing warnings seems to me to be premature. We do not know what the effects of e-cigarettes might be and, as I said, it seems to me that we are almost at the point where we are jumping at shadows in this parliament.

On behalf of those people who are using e-cigarettes as a mechanism by which they can give up smoking, I wanted to get up this morning and simply make those few brief comments to say it is a nonsense to me that, in the face of an absence of any evidence that e-cigarettes are harmful, and in light of the fact that we have legal consumption of cigarettes which we know to be harmful, it is crazy to then say we need to regulate this.

Last night, I attended the Science Meets Parliament meeting down in the Old Chamber. The guest speaker at that meeting made the point that policy should be based on science and that the science, in turn, should be based on the research. In light of the member for Elder's comments that these things have not been proven to be safe but the evidence of the benefits is not likely to be available for decades, it seems to me that the motion before the house is premature, and I will be thus voting against it.

**Ms DIGANCE (Elder) (11:11):** I would like to thank all those members who have spoken on this particular motion, including my fellow committee members and also others who have contributed. It was interesting to hear the member for Heysen speaking just now on the fact that she will vote against these recommendations in the house, given that this committee unanimously supported all 20 recommendations.

I think if the member looked at these recommendations, she would find that the committee does not recommend banning this particular product. In fact, we identified that there is significant research to be done on this product, and there are also those who told the committee that they benefit from this particular product when giving up smoking or complementing their smoking habit so they can cut down their cigarette intake. What we have done is be very mindful that we need regulation. In fact, I do not think we can continue to allow this product to be bought by any age group, as this means that children and minors can actually access this product at this particular point.

The other thing I would like to raise is that it is a relatively new product. The longitudinal studies are not yet in on the health side effects of this particular product. Just recently in Queensland, when the ACCC tested some products that were being imported courtesy of an e-cigarette company, they found there was formaldehyde, among other potential carcinogenic-causing compounds, in the e-cigarette liquids. What that highlighted is that the committee was quite right in suggesting that clear and transparent marking of what is in these products is essential so that people know what they are actually inhaling.

In the process of inhaling, the body takes up these products much more quickly than when ingesting, generally, in the main. I would just like to highlight that, and I would also like to make note of the fact that the AMA, Asthma Foundation and also Heart Foundation have supported the recommendations as suggested by the committee. In due course, I look forward to and welcome what will come forward from the minister after her deliberations. With that, I commend the report to the house.

Motion carried.

**ECONOMIC AND FINANCE COMMITTEE: NATIONAL BROADBAND NETWORK**

Adjourned debate on motion of Mr Odenwalder:

That the 88<sup>th</sup> report of the committee, entitled National Broadband Network, be noted.

(Continued from 24 February 2016.)

**Mr TRELOAR (Flinders) (11:14):** I rise to make a contribution here today on the Economic and Finance Committee inquiry into the National Broadband Network. I note from the Presiding Member's introduction, and quite rightly, that the National Broadband Network represents the most significant change to Australia's telecommunications landscape since the creation of the old postmaster-general's department more than a century ago, the old PMG, as you and I would remember it, Deputy Speaker.

**The DEPUTY SPEAKER:** Don't be so presumptuous! Unbelievable!

**Mr TRELOAR:** And wasn't the PMG responsible for so much, including not just the daily post of course but ultimately telephones as well. It is certainly a significant change to our communications, and it is an imperative change. It is imperative so that we have the broadband network that not only meets the current demands of this state but also is flexible enough to meet future demands, many of which have yet to be conceived.

That is alluding to the fact that this technology is progressing so quickly, it is moving so quickly. We only have to look at the iPhones that we all carry and use every single day to see how much they have changed in just a few years. We can all remember how excited we were when we got our first mobile phones and they were often—

**Mr Pengilly:** The old bag phones.

**Mr TRELOAR:** The former member for Stuart had a bag phone, I know. I remember him at one meeting where I met him early on, and he was underneath the meeting table with his bag phone open, trying to make a phone call—maybe the battery was flat. Soon after that, they were referred to as brick phones.

*Members interjecting:*

**Mr TRELOAR:** It was just a phone, yes. I was expecting him to take his shoe off soon after that. The NBN continues to be rolled out, not without its fair share of difficulties, I might add. It does not seem that it is being done with any haste. In 2013, there was a change by the commonwealth government that meant that the existing copper infrastructure will be required to play a critical role in the various components of the multitechnology mix. The federal government has decided to use existing infrastructure to help transmit and transpose this new infrastructure.

I want to talk about a couple of things, first, how this relates to country areas, particularly in regard to the provision of services, government services in particular—health and education. There is no doubt about the increasing role this digital technology is expected to play, will play and is already playing in the delivery of both health and education services. I note that one of the recommendations covers on the benefits of broadband to the health and education sectors.

It was particularly noted that in remote areas of South Australia the benefits were emphasised, from both the teaching and medical practice perspectives. For example, the successful nature of several e-health trials was described for the committee. It was stressed that, in order for e-health programs to be successful, access to reliable, high-speed broadband is paramount.

I am here to tell you today that that has not occurred as yet, and I will give an example. Just three weeks ago, the whole township of Elliston on the West Coast of South Australia in my electorate of Flinders was completely offline for a period of five hours. That is certainly an inconvenience to homes, to businesses and to local government. It is more than that for the local school and the local hospital because, without access to internet technology, which so many of us rely on each and every day, the delivery of their services is highly compromised.

At the Elliston Area School, as is the case at many other area schools right across regional South Australia, some of their lessons are delivered via Open Access. It is particularly the senior school students—years 10, 11 and 12—and these area schools do not have a lot of senior school

students, but they have some. Some country kids are completing their schooling in our remote area schools, and they are remote. Elliston is remote, all my towns are remote, but we should not be isolated.

On this particular day, they became isolated. These senior school students are being expected to get the very best marks they can for their year 12 results in a situation where some of their subjects and lessons are delivered via Open Access via the internet, where the internet access and broadband speed is abysmal. It compromises the education that can be offered by this state to our country kids. I really want to make that point. It is something I have felt strongly about for some time.

In regard to health, that five-hour blackout that Elliston underwent some three weeks ago impacted significantly on the hospital as well. They got away with it because there was no emergency at that particular period of time, but had there been a medical emergency in a small country town—and it does not just have to be Elliston; it could be any country town anywhere in South Australia—if they did not have that internet access for whatever reason, it would compromise the ability of that hospital and that health system to deliver the service and may actually compromise the health and wellbeing of a patient or patients.

These are really serious issues and over time I am going to be asking questions of this government. Ultimately, the paramount responsibility of a state government is to provide education and health services. That is our bread and butter. Such things are discussed in this place and it is the responsibility of state governments to deliver those. How is the state government going to work with the federal government of either colour at any time to ensure that our health and education service delivery is adequate in country areas? It is just not at that point yet.

It will mean that state and federal governments have to come to the table on this to strike an agreement about how they best do it. A lot of expectation is being placed on the NBN rollout. My understanding is that where hardwire is not to be delivered—and that is a fair area of country South Australia—the satellite that has been recently launched and is just coming online now is going to provide the NBN's services. The schools and hospitals throughout South Australia will have to have the capacity within themselves to access that satellite and that will come at a cost.

My question to the state government is: how will it help facilitate this service delivery? The people who live in the country areas are not second-class citizens. As I have said before, we are often remote from a big city but we should not feel isolated. We do not deserve to be isolated. We deserve services that are of equal quality to those of our city cousins. These are really serious issues, and I am going to watch carefully how this plays out and how the NBN continues to roll out and how the state government in this budget and incoming budgets actually takes the bit between its teeth to ensure that proper delivery occurs throughout South Australia.

With those few words and the points that I have made, I would like to thank the committee for their work. It is an extensive report. It was tabled on 1 December 2015, so it has taken us six or seven months to get to debating it and probably the situation has changed already because technology is moving quickly. As I said, we look forward to this. In a related discussion, but it will be one for another day, is mobile phone coverage in country areas. These small schools, which I was referring to earlier, often in the absence of satellite and hardwire NBN are using mobile phone towers to access internet and, of course, that in itself limits the internet access they have and it limits the internet speed they have. There is a lot of work to do in this communication space in the next little while.

#### *Parliamentary Procedure*

#### **VISITORS**

**The DEPUTY SPEAKER:** I advise members of the presence in the gallery today of students from Clapham Primary School, who are guests of the member for Waite. We welcome you to parliament and thank you for the honour of your visit. I hope you enjoy your time with us today.

*Parliamentary Committees***ECONOMIC AND FINANCE COMMITTEE: NATIONAL BROADBAND NETWORK**

Debate resumed.

**Mr GRIFFITHS (Goyder) (11:24):** I wish to make a small contribution. I also recognise the young people in the gallery. Indeed, part of the reason for the report is based around the infrastructure that has been supported by all parties, and there is no doubt about that. There are different ways in the argy-bargy about how to achieve it, but it is about a \$50 billion project that is occurring around our nation and it is being done, in a lot of ways, for these young people as an example of trying to ensure that connectivity exists for them.

I also commend the Economic and Finance Committee. I was a member of the committee for some period, but I have not been on it for a couple of years. I am actually really pleased to see that they are looking into this because, by virtue of undertaking the inquiry, they are informing members about the issues across all of South Australia regarding the NBN. We are contacted—and certainly I am as one of the regional MPs—by constituents who have questions to pose about it or concerns about information access or differences seemingly in the service provision: is it to be the hardwired stuff or is it to be satellite?

I know that in the Goyder electorate, north of my southern boundary at Two Wells, I am told by constituents that there is a concern that satellite will seemingly be the solution for those on the western side of the highway, but for those on the eastern side of Port Wakefield Road it will be the copper hardwired option. It really is a key issue. I know information flow to people about time frames and how it is to be achieved frustrates them when it is not readily available.

I have a small example to give about the profound difference that it can make and this, in my case, occurred about 15 years ago when, in my local government role prior to my parliamentary role, the Yorke Peninsula area wanted to ensure that information flow existed for the four different offices of the Yorke Peninsula Council. The technology that was in place then was not readily available so there was a real need to work with providers, significantly from financial support that came from federal and state government.

I recognise those dollars that came through to actually achieve the technology to allow the connectivity to exist between their administrative structures at that time. Without that, it was near bedlam, I must say, so the fact that support has existed for a long time to improve their infrastructure to a great capacity is recognised. I just hope that the delivery of the NBN in its fulsome way occurs much sooner rather than later. I know that a variety of time frames have been put in place, particularly as we approach 2 July. There is a lot of debate about it from time to time, but it is actually a key one.

I am grateful that the Economic and Finance Committee has done this report. I am pleased by the information flow that comes from it. I was rather surprised to read in the opening comments from the Chair that there were only 18 submissions. I would have thought there would have been a lot more people than that. I suppose in some ways that shows that we, as a parliament, and we, as individual members, need to ensure that our communities are aware of inquiries that the parliament is undertaking so that feedback can be from a much larger base on this because this is one that impacts everybody. The time frames on the eventual delivery will be there.

It scares me, as it does many other people, when we talk about a five with that many zeros that follow it for the cost of the delivery of the service, but it is an investment that is being made by our nation for our nation's future. It is a very sound investment, and we have to ensure that the outcomes from it are the best and that what we have in place is a system that will serve us for decades. Technology changes and improvements are able to be achieved through tweaking, but it is one that is brought to my attention and it is an issue that I talk to my telephone service providers about also because, whilst they are not directly involved in it, they were able to provide me with some information on it from their application.

As in the case of the member for Flinders, I am from a regional community too, and access and opportunities for all is really one of the core principles that I hold to. I know from the health service provision, with the current range of services available in our community, that even though we are a more mobile community now than we were decades ago, there is, by virtue of the technology

that exists, an expectation for communities to be able to access advice, treatments and reviews of situations via that technology. I hope, as part of the rollout of services that stem from the NBN's full range of services, that not only do health and education get it, but communities, by their needs, become the long-term beneficiaries of it. I commend the committee and the report and look forward to its passing.

**Mr PENGILLY (Finniss) (11:29):** I would also like to make a contribution and be very supportive of this report. As the other speakers have alluded to, it is something that is critically important to Australia for its future. As both the member for Flinders and the member for Goyder have indicated, regional Australia, by virtue of the fact that it is regional Australia and does not have the population, is seen to be down the track in getting a lot of this NBN rolled out. I can understand that. What is taken for granted in metropolitan areas around the nation and big regional towns filters out slowly to electorates like my own.

I want to pay particular tribute to the member for Mayo, Jamie Briggs. He has been tireless in pushing the NBN cause across the electorate of Mayo and he has been tireless also on the issue of phone towers for wider telephone communication. I have not heard a squeak out of Xenophon and his team on it, but Jamie has been out there for the last few years, pushing and agitating to get NBN rollout and, as was alluded to also by the member for Flinders, the satellite version of the NBN.

Quite simply, we do not expect to have cables rolled out for the NBN here, there and everywhere. If the satellite connection is there, it is great because it gives people the opportunity to have faster broadband. It gives people the opportunity to run their businesses much more successfully from wherever they may be. They can be many kilometres away from immediate cable network, and the satellite is a terrific option.

I was actually with the member for Mayo last Wednesday when he announced some towers on Kangaroo Island for phones, but he has also been over there and on the Fleurieu on the NBN issue. There are some issues on the Fleurieu with an NBN tower, where I believe the wrong information has gone out to people. I am keen for the tower that will cover Back Valley and Inman Valley to get underway as soon as possible.

As the member for Goyder said, when he pointed to the schoolchildren in the gallery, it is the way of the future for them. Where technology will be by the time they are our age, I would not know. I probably will not be around to see it. Technology changes so much. The member for Ashford might still be in the house at that stage. I am not sure. It is the way of the future. I am something of a Luddite and that is the way I am. It is an enormous investment in Australia's future and it is appropriate that the member for Lee's committee looked at this—

**The Hon. S.W. Key:** Little Para.

**Mr PENGILLY:** What did I say?

**The Hon. S.W. Key:** Lee. It's Little Para.

**Mr PENGILLY:** I beg your pardon, member for Little Para. It is a Freudian slip. You may want to be the member for Lee. It is a long-term investment. It is the way of the future and again, in my electorate, I pay tribute to the efforts of Jamie Briggs, federal member for Mayo, in pushing and promoting it and agitating hard to get it in.

There are people who are not happy. They want everything yesterday and they push and agitate for all these services, but people have to take their turn, I am afraid. It is going to get there slowly. I would suggest that there are many people in Australia who are a fair way away from having satellite broadband, regrettably, but that is just the way things are. It will get there. It is coming. I am really pleased that Malcolm Turnbull grabbed the initiative after the Labor government fell and picked this up and sorted it out. It has progressed. I do not have the figures on me, but I have seen them. It has progressed admirably over the last few years under the federal Coalition government and I thank them for that. Again, I thank Jamie Briggs for his great effort in my area.

**Mr ODENWALDER (Little Para) (11:34):** I want to thank everyone for commenting on this report. I will not speak long. It has been a long time coming, as the member for Flinders said. It is a

long time since the report was brought to this house. It was brought initially to the committee on the initiative of the member for Kaurana who made an admirable contribution to the debate in this place.

I can barely recall the others who have made contributions along the way, but they have been fine ones. The member for Flinders is always thoughtful, as is the member for Goyder. The member for Finniss made a brave and valiant defence of the member for Mayo in the face of all logic. I am not going to labour the point.

**Mr Pederick:** Just keep cracking jokes.

**Mr ODENWALDER:** Yes.

*Members interjecting:*

**Mr ODENWALDER:** I am not going to go over all the arguments. I am a little bemused by the defence of the federal Coalition government. As I said, the member for Flinders' contribution was very thoughtful, but I think—once the federal Labor Party regains the reins of power and influence in Canberra—we are going to finally see a broadband network that serves the needs of the present and the future, including regional Australia, so I commend the report.

Motion carried.

#### **PUBLIC WORKS COMMITTEE: NORTH-SOUTH CORRIDOR NORTHERN CONNECTOR PROJECT**

Adjourned debate on motion of Ms Digance:

That the 536<sup>th</sup> report of the committee, entitled North-South Corridor Northern Connector Project, be noted.

(Continued from 2 December 2015.)

**Mr PENGILLY (Finniss) (11:36):** This was an interesting project that came to the committee that we discussed at some length. These types of issues need appropriate discussion in the Public Works Committee. I am not sure whether or not my colleague the member for Chaffey has spoken on this, but I know that the member for Bragg wanted to discuss it; whether she is listening in and is prepared to come down, I am not quite sure. I really do not need to go on for too long because we have discussed this at another time. Madam Deputy Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

**Ms DIGANCE (Elder) (11:37):** I would like to thank all the members who have spoken to the North-South Corridor Northern Connector Project report. I would like to thank all committee members for their support, and hard work on this particular project, and the bipartisan efforts that were made to support such important projects and infrastructure. With that, I recommend it to the house.

Motion carried.

#### **NATURAL RESOURCES COMMITTEE: UNCONVENTIONAL GAS (FRACKING) INTERIM REPORT**

Adjourned debate on motion of Hon. S.W. Key:

That the 106<sup>th</sup> report of the committee, entitled Unconventional Gas (Fracking) Interim Report, be noted.

(Continued from 18 November 2015.)

**Mr TRELOAR (Flinders) (11:38):** I am pleased to be a member of the Natural Resources Committee, a standing committee of this parliament. It is a wonderful committee to be involved with. We do lots of exciting work, take lots of exciting trips all around the state, and we seem to make quite a considerable number of reports to this place which are often spoken to and are well received.

We are part way through what has been a really time-consuming and not inconsiderable inquiry into fracking. It has all come about as a result of the intention of a couple of companies, Beach Petroleum most particularly, looking to investigate at least the possibility of extracting gas from the South-East of South Australia through a method known as fracking.



The inquiry is entitled 'An inquiry into unconventional gas in fracking', and it was referred by the Legislative Council to the committee on 19 November 2014. It has been in motion for quite some time, 18 months now, and I have to say that the committee has been very diligent in its work. The committee has taken on an extraordinary workload, and it is not over yet. In fact, we quite possibly will have another trip to the South-East. I know that this coming Friday at our Natural Resources Committee yet more witnesses will be presenting on this particular issue.

It has been very topical. As with a lot of these inquiries, there have been extreme views put forward by both sides of the argument, and I do not say that lightly. I guess the challenge for the committee is to find its way through all this and come up with a report that adequately reflects the submissions we have received and the positions that the various stakeholders take.

I would have to say that the economic environment has changed quite significantly in the last 18 months. We have all seen the price of oil and gas drop considerably. We have seen east coast gas come online for the export market. We heard from one of our most recent witnesses that the world gas market, not just the gas market here in Australia, is well and truly adequately supplied, I guess that is the best way of putting it. Without being oversupplied, it is adequately supplied. That is keeping a lid on gas prices and no doubt will be a consideration for those looking to investigate fracking in the South-East, Beach Energy in particular.

In the last couple of minutes, I will quickly highlight the terms of reference because it will give some idea of the scope this committee has had to work within:

The terms of reference for the inquiry include inquiring into potential risks and impacts in the use of hydraulic fracture stimulation—

otherwise known as fracking—

to produce gas in the South East of South Australia and in particular:

1. The risks of groundwater contamination;
2. The impacts upon landscape;
3. The effectiveness of existing legislation and regulation; and
4. The potential net economic outcomes to the region and the rest of the state.

We are speaking to an interim report today, and I would suggest—and I am sure that the Chair of the committee, the member for Ashford, who is here today, would agree—that the committee still has to do some work on term of reference No. 4, the potential net economic outcomes to the region and the rest of the state. My opinion is that the first three references we have covered and canvassed pretty well thus far, but certainly the fourth is one that we will be considering more in the coming weeks.

Time expired.

**Mr PEDERICK (Hammond) (11:42):** I rise to speak to the Natural Resources Committee 106<sup>th</sup> report, titled Unconventional Gas (Fracking) Interim Report. As I have indicated in this place before, I was involved in the fracking industry from 1982 into early 1983 in the Cooper Basin, operating in the north of this state and in Queensland. Fracking is certainly a business that does open up the resource. In the Cooper Basin, it has been low volume fracking, or fracturing. I was involved in fracturing many drill holes and many oil wells. I was working for a company called Gearhart Australia, which was subsequently taken over by Halliburton, which is a major company operating in this field.

Essentially, we did vertical fracking, straight down. Most of the time it was using items like four-inch steel guns, and there would be an explosive every 120° that could blast through 22 inches (using old technology measurements) of solid steel, so they had a fair go. There is quite a science in making sure that you actually shoot, so to speak, the correct area. As a junior operator at the time, it was my job to run the equipment the 10,000 feet to the bottom of the well. You knew when you were getting close to the well by your distance meter. You slowed the pace right down to a crawl, and then you kissed the bottom of the oil well with the equipment, with the guns.

*Mr Pengilly interjecting:*

**Mr PEDERICK:** It was 10,000 feet down. Then you had to work out where exactly you were in the oil well because at 10,000 feet (or a bit over 3,000 metres) you could get close to 10 metres of stretch in a cable. There is a machine called a casing collar locator that would tell you exactly where the collars in the 30-foot (nine and a bit metres) lengths of casing were. The idea was that you did not want to shoot through the collars.

This was all cased-hole work and it was all operated in holes with multiple runs of casing, usually triple runs at the top, going down to double runs and then a single run to the bottom. All these runs of casing are cemented in, and that is tested. The work that was done, in relation to the ability of the cement to be properly cured and in place for the whole distance of the well, was logged with a cement bond log. That would tell you if the cementing had been done appropriately. If it was not done appropriately, you would have to go back in. Usually, it was Halliburton's job as a company to cement in those wells.

Essentially, we would run our equipment down. We would work out the exact depth of where we had to be, which had been found out through the open hole testing that had been completed by a company that operated doing the open hole work prior to the wells being cased. The company is called Schlumberger, and they are well known around the world as experts in their field of wireline operations, which are what the operations are called when you are operating down a hole like that. They would have the zones where the gas or the crude oil was and where the fracture was going to happen.

What would happen after we fractured the wells was that we would come out and pack up our equipment. We would use a truck hooked up to an oil rig on site. Then Halliburton would have a range of tanks, and they could have up to 30 of these probably 30,000 or 40,000 litre tanks on site. They would have an article called 'frac sand' mixed up in fluid that would be pumped under immense pressure using V12 and V16 two-stroke diesel motors, Detroit engines, all operated by one engineer and all linked on one throttle. Obviously, all these tanks were hooked up so that this slurry could be blown down the hole and open up the fracture.

I participated in many of these fracture stimulations. We also did some work through tubing perforation, where we would have what was called a workover rig or a two-stage rig on a hole, and they would have the fully completed well with tubing in place. You would have long strips with lighter explosives on them. You would run them down and just go through the tubing, so it was not such a structured operation as with the four-inch or 100-millimetre guns. We did quite a bit of that work as well.

Things have moved on. There are tubing-conveyed perforations operated now, and there has certainly been the advent of horizontal drilling, which is when you are drilling vertically and then you have the art of being able to go horizontally and use about 300-odd metres (or 1,000 feet) to make the bend so that you can limit the impact on the surface and make it much more efficient in shifting your oil rig. I have seen it at Moomba and I have seen it in the United States. You can actually confine your pad area where you can put up to at least a dozen wells on one drill pad.

I acknowledge the work the committee has done on this, and I know they have a lot more work to do, but I think people really need to look at the science. There are a lot of different views about fracturing. Last year, I went on a trip to America with the Hon. John Darley, Mr Troy Bell (member for Mount Gambier) and the Hon. Mark Parnell to have a look at the situation in the United States. What they have learned in the United States is that good regulation is the key. Reports by the United States Environmental Protection Agency acknowledge there has not been any systemic failure. I did encounter people who were abjectly against the use of fossil fuels. I personally believe that they use fracturing as the tool to combat fossil fuels.

We also met a farmer who has since spoken to the committee via Skype, Jeff Heller, who represents 1,700 farmers from New York state who have been blocked out with the moratorium and the ban on hydraulic fracturing. The royalty regime in the United States means that a property owner actually gets a share of their royalties, which they obviously do in Pennsylvania and the other 34 out of 35 states in the US which have oil drilling. They were very keen to access that work so it would make their farms viable, for one thing. It was interesting to note, as Mr Heller said in his evidence, that they are heavily reliant on groundwater. You would not think you would want to mess up your farm if there were a risk of the hydraulic fracturing messing it up.

There are certainly a lot of different views, and I note there is a lot more work to do. I acknowledge that work needs to be done. It just shows that you need to sell your message if you are going to conduct this anywhere. I note that Kidman properties have recently figured well in the debate on land sales and that they have had many holes fractured on their properties. I would urge people to have a look at a couple of short videos, *TruthLand* and *FrackNation*, just to get a view of how hydraulic fracturing operates. I commend and support the work of the committee, because there are a lot of questions to be asked. We do not want to upset our prime farmland, but we also have to be realistic about how it really operates.

**Mr BELL (Mount Gambier) (11:52):** I rise to make a contribution to the unconventional gas inquiry interim report. I commend the committee and the work that they do. I have been in the audience at a local meeting and will be presenting evidence this Friday. Having received 175 separate submissions and taken evidence, at this point, from 48 witnesses, this should highlight the anxiety and also the importance of this piece of work. The area I want to focus on is the social licence. What is the social licence and how is it achieved? According to the Pacific Energy Summit 2013 working papers:

The term 'social license'...generally refers to a local community's acceptance or approval of a project or a company's ongoing presence. It is usually informal and intangible, and is granted by a community based on the opinions and views of stakeholders, including local populations...and other interested parties. Due to this intangibility, it can be difficult to determine when social license has been achieved for a project. Social license may manifest in a variety of ways, ranging from absence of opposition to vocal support or even advocacy, and these various levels of social license...may occur at the same time among different interested parties.

I would contend at this point in time that a social licence has not been achieved in the South-East. You only need to read our local paper this week to see some commentary with differing views on fracking in the South-East or shale gas extraction. What is quite interesting in those debates that are taking place—and I have collected just six months worth ready for Friday and already it needs to be bound and presented—is that the defendants of fracking in the South-East do not live in the South-East. They represent various groups and industry bodies, such as the Norwood Resource group, that are not based in our local community.

Those who have a concern and those who are raising the issue live in our local community. What they are concerned about is what is quite rightly in the terms of reference for this inquiry, and that is:

1. The risks of groundwater contamination;
2. The impacts upon landscape;
3. The effectiveness of existing legislation and regulation; and
4. The potential net economic outcomes to the region and the rest of the state.

It has been acknowledged in this interim report that there are differences in the Cooper Basin where fracking has been occurring for several decades. There is a significant difference between the Cooper Basin, which is sparsely populated and in an arid zone, and the South-East, which has a much wetter environment and is a more densely populated area. That is quite an important distinction.

One of the issues I would like to see raised is the difference between hydraulic fracturing and slick water fracturing because part of this is about transparency, being open and so forth. The proponents claim that they have been fracking in the Cooper Basin since the 1970s, and to all intents and purposes that is true, but slick water fracturing—the injection of water with silica or some other proponent to keep the cracks open at high pressure—has not been around for 70-odd years, as we may be led to believe with fracking in the Cooper Basin. In fact, it was only in the early 2000s that it was introduced commercially into America.

On that, in April 2015 I undertook an American study tour and my conclusions are on record. That was looking at the positive effects that the oil and gas industry, particularly fracking, has in sections of the United States, focusing pretty heavily around Texas and an area called Eagle Ford. I met with local representatives, mayors and community people and really got their insight into the benefits of fracking in their areas.

I then also went to America in June—so not long after, but this trip was not organised by me and I felt it was important that I attend—on another fracking tour and this predominantly looked at the negatives. I seek leave to continue my remarks.

Leave granted; debate adjourned.

### *Bills*

## **ROAD TRAFFIC (ROADWORKS) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (12:00):** Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

### *Second Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (12:01):** I move:

That this bill be now read a second time.

**The Hon. S.C. MULLIGHAN:** In 2015, the South Australian government launched Operation Moving Traffic to improve the efficiency, reliability and safety of our transport network. South Australia depends on its road and public transport networks to reliably and efficiently move people and goods where and when they are needed. How we manage congestion on our road network has a direct bearing on the mobility of our community, our economy and our competitiveness, as a great place both to live and to do business.

Operation Moving Traffic is already providing South Australians with tools to manage congestion. We have switched on 28 electronic signs across Adelaide's road network, particularly on key routes at decision points for motorists and on projects such as Darlington and Torrens to Torrens, to provide road users with up-to-date information about travel times to help them make informed travel and journey decisions. Operation Moving Traffic has delivered, and continues to deliver, real-time travel delay information on congestion and unexpected delays through the traffic.sa.gov.au website, the smartphone app Addinsight and the expansion of the bluetooth network to deliver real-time information across more of Adelaide's road network.

Today I rise to speak to another initiative within this strategy of Operation Moving Traffic that the government proposes to undertake to keep Adelaide moving. As one of the initiatives in the Operation Moving Traffic reforms, the government also announced new laws to better govern roadworks conducted on our arterial roads. The inappropriate and incorrect usage of roadwork speed limits and other traffic control measures and devices is a major cause of congestion on our roads. It causes significant disruptions for motorists, commuters, the general community and those people in industries who derive an income from the use of the road network. The resulting congestion and disruption has brought about considerable, and often justifiable, public criticism and frustration.

It is within the power of this government to remedy this mischief, and we will do so through the Road Traffic (Roadworks) Amendment Bill 2016, which will effectively address this major cause of traffic congestion, while ensuring that road workers remain safe. The Department of Planning, Transport and Infrastructure can quantify, for illustrative purposes, the approximate cost of congestion through lost productivity to the South Australian community and industry by using data from its Addinsight bluetooth system and comparing travel times disrupted by roadworks against historical travel times for the same section of road.

From this comparison, the number of vehicle hours of delay can be approximated and converted to a monetary value using unit costs derived by Austroads. Applying the Austroads model to the recent roadworks on West Terrace, Adelaide, conducted by the Adelaide City Council during the morning peak period, the Department of Planning, Transport and Infrastructure has estimated that nearly 6,000 vehicle hours of extra delay is created. At \$20 per vehicle hour, the delay costs for that morning alone were approximately \$115,000, when compared to normal running for the same period the previous week.

These indicative figures do not include the wider social costs arising from congestion, nor do they reflect changes in the cost of living, which have occurred since 2005 when the Austroads model was created. There will be times when such delays and costs are unavoidable due to the need to undertake urgent roadworks on the road. This bill is not concerned with such works if they are undertaken efficiently and expediently.

This bill is a comprehensive approach to the management of roadworks. It is not simply an attempt to address the use of one particular sign on our roads, which is the shallow and vacuous approach taken by the opposition on this matter. Rather, this bill aims to comprehensively amend the provisions relating to traffic control devices and roadworks in the Road Traffic Act to optimise traffic flow while ensuring safety at roadworks through requiring proper risk management and compliance with tightened standards.

The bill also addresses the source of much public anger and criticism that drivers are subject to fines for exceeding the posted speed limit at roadworks when there have been no road workers present at the site. The reason for this is that the Road Traffic Act contains an evidentiary provision that deems all traffic control devices to be lawfully installed and therefore must be complied with. In addition, some drivers may not appreciate that a lower speed limit is required due to a level of hazard associated with the roadworks. This evidentiary presumption will be amended so that the offence does not apply at certain times when, for example, workers are not within the vicinity of the roadworks, but the work area necessitates a slower speed due to certain conditions which create a hazard (such as loose gravel or steel plates).

Additionally, the bill will, first, provide for better planning by road workers and others authorised to use road traffic control devices, including through appropriate risk assessments and project management being undertaken to:

- adequately protect workers while maximising the flow of traffic; and
- ensure compliance with required standards in line with work, health and safety, legislative, regulatory and policy requirements to protect workers and other road users.

Secondly, the bill will establish a permit regime whereby the Commissioner of Highways may issue a permit to any business or entity requiring the use of speed signs in relation to any roadworks undertaken, or as otherwise required for any off-road construction that may adversely impact on congestion of the road network. The proposed permit regime will only apply to roads that are either under the care, control or management of the Commissioner of Highways, or prescribed by regulations and subject to any conditions deemed appropriate. Any noncompliance with the condition or guidelines may void the operation of the permit to use traffic control devices.

Thirdly, public authorities (including utilities) will be subject to the proposed permit regime, except where they are required to carry out roadworks as a matter of urgency. For example, a burst gas main or water main. In these instances, the bill will require public authorities to notify the Commissioner of Highways as soon as practicable, or otherwise within two hours of placing signage on the road, and complete the roadworks within a 24-hour period. The bill enables an extension of time to be obtained, on further request, from the Commissioner of Highways where necessary.

Fourthly, the bill further addresses the longstanding problem of lack of coordination by utilities with the Department of Planning, Transport and Infrastructure when planning major upgrades. The bill manages this problem by requiring utilities to:

- consider the impact of non-urgent and routine maintenance works on traffic flows, congestion and disruption to the road, and public transport networks;
- better plan how and when work be undertaken (for example, outside peak hours, staging to reduce the time and size of the physical impact of the work);
- and avoid duplication of effort, such as digging up a road when it has just been resealed. In this situation, the road must again be resealed resulting in unnecessary disruption, congestion and duplication of costs and works.

Fifthly, the bill will require public authorities (such as utilities) to comply with guidelines issued by the Minister for Transport, as required under the Road Traffic Act, and better align South Australia to nationally agreed roadwork practices.

Sixthly, penalty levels, structures and enforcement options will be updated, and, in this regard, the bill will impose penalties for breaching conditions of an approval or permit relating to the incorrect use and placement of speed signs at roadwork sites (including 25 km/h, 40 km/h, 60 km/h and 80 km/h signs). The penalties will be up to \$20,000 for a first offence and up to \$50,000 for a second or subsequent offence. It will introduce penalties (calculated using the Austroads congestion modelling discussed in this submission) for failure to complete works within the prescribed time and enable the Commissioner of Highways to recover such amounts as a debt against the permit holder.

It will also introduce an economic penalty that may be awarded by the court upon application following a successful prosecution if it can be shown that the defendant received an economic benefit or if there was a cost to the community or government as a result of the commission of the offence. Penalties covering the inappropriate use of speed limit signs, whether it be 25, 40, 60 or an 80 km/h sign, are necessary, particularly to account for roadworks in the greater metropolitan area and regional areas of South Australia. Imposing penalties for only 25 km/h signs would deny the benefits to regional communities of this state. Another reason why this bill is a far more comprehensive approach than that of the opposition's.

Seven, the bill enables authorised officers to remove speed limit signs that are used inappropriately. In other words, where workers are not engaged at the work area and the condition of the road in the work area is not such that it represents a greater than normal level of hazard for persons using the road. Finally, in accordance with the principles of natural justice and the precepts of administrative law, create a right of appeal to the District Court for anyone aggrieved by a decision of the Commissioner of Highways:

- not to approve an application related to the installation of a traffic control device, or
- for a permit to carry out roadworks, or
- the variation, suspension or revocation of a roadworks permit.

These measures will apply to all road authorities, such as state and local government, as well as power, gas, telecommunications, water utilities and any organisations that use roadwork signage.

However, the RAA, and other similar service providers, emergency services and anyone who temporarily stops on the road to render assistance to another person will, through regulations, be excluded from the operation of these provisions. This bill will mean that South Australians no longer have to put up with lanes being unnecessarily closed, or speed restrictions being in place when not required or longer than necessary, as occurred, for example, on Port Road for more than a year when the utilities were being provided to the new Royal Adelaide Hospital.

No longer will we have to endure unnecessarily prolonged closures of lanes on main arterial roads, such as occurred on West Terrace for a year, where 25 km/h speed restrictions were placed on weekends or after-hours when no road workers were present and there was no significant risk posed to motorists and pedestrians by roadworks in progress. No longer will South Australians have to endure disruptions because repairs to the road network take longer than is strictly expedient or necessary.

The reforms that will be delivered by this bill, in conjunction with the government's record infrastructure spend, such as the Torrens to Torrens works, the Darlington project, the Port River Expressway, the Northern Connector project and the O-Bahn project will deliver substantial and enduring improvements which will positively impact on congestion and disruption on both the road and public transport networks and keep Adelaide moving. I commend the bill to the house. I seek leave to insert the explanation of clauses.

Leave granted.

Explanation of Clauses

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

4—Amendment of section 17—Installation etc of traffic control devices—general provision

This clause amends the provisions on Ministerial approvals in relation to traffic control devices. The amendments provide that an approval may be issued to an authority, body or person of a class determined by the Minister or to an authority, body or person who applies under the section. The amendments then make provision in relation to such applications.

5—Substitution of section 20

This clause replaces the current section 20 as follows:

20—Work areas and work sites

Proposed section 20 provides a new scheme for management of speed limits in work areas and work sites. Placement of speed limit signs must be authorised by a roadworks permit issued by the Commissioner of Highways or, in some circumstances (specified in proposed section 20(4)(b) and (c)), by Ministerial approval under section 17. The section also—

- sets out various provisions in relation to the issue of roadworks permits;
- specifies the speeds to be indicated by speed limit signs;
- requires an authority, body or person who has placed a speed limit sign on a road under the section to ensure that there is signage indicating that the speed limit signs relate to roadworks or a work site or work area and that speed limit signs are removed if there are no workers in the work area and there is no increased level of hazard for road users;
- provides that if the removal requirements are not complied with in relation to a speed limit sign, the sign is of no legal effect during the period of non-compliance and may be removed by an authorised officer.

The section doesn't apply to SA Police or police officers and the regulations may also prescribe exclusions.

20A—Delegation

Section 20A is a delegation power for the Commissioner of Highways.

20B—Appeal to District Court

Section 20B provides for an appeal to the District Court on issues relating to Ministerial approvals and roadworks permits.

6—Amendment of section 21—Offences relating to traffic control devices

This clause creates a new offence for the holder of an approval or permit if they fail to comply with conditions of the approval or permit relating to speed limit signs placed on a road under section 20 in respect of a work area or work site or any other traffic control devices used in connection with the work area or work site. The maximum penalty is \$20,000 for a first offence and \$50,000 for a subsequent offence. In addition, if a court is presented with evidence of any economic benefit to the defendant obtained by the commission of the offence or the estimated costs to government or to the community, or a section of the community, as a result of the commission of the offence (including costs relating to increased traffic congestion) the court may, on convicting the defendant, order (in addition to any penalty imposed) payment to the Crown of the amount of such economic benefit or of such costs, or any portion of such benefit or costs, that the court thinks fit in the circumstances.

7—Substitution of section 22

New section 21A provides for various amounts to be paid into the Highways Fund. The changes to section 22 are consequential to proposed section 20(10) and (11).

8—Amendment of section 45A—Excessive speed

This amendment is consequential to proposed section 20(10) and (11).

## 9—Amendment of section 176—Regulations and rules

This clause amends the regulation making power to ensure that regulations can provide for the waiver, reduction or remission of fees and to increase the maximum expiation fee that may be prescribed for offences against the Act from \$1,250 to \$5,000.

## Schedule 1—Transitional provision

The transitional provision preserves the current Ministerial approvals under section 17 of the Act and ensures that, for works in progress immediately before the commencement of the measure, the approval in respect of those works will continue to have effect as if it were a permit or approval as required under section 20 as substituted by the measure.

Debate adjourned on motion of Ms Chapman.

**CONSTITUTION (DEMISE OF THE CROWN) 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:14):** Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:16):** I move:

That this bill be now read a second time.

The 'demise of the Crown' refers to the transfer of sovereignty from one king or queen to another upon the death of the king or queen, their abdication, or their being deposed. This leads to the question of whether acts done in the exercise of the authority of the sovereign survive the sovereign. Historically, at common law, things done by the sovereign in a personal capacity were considered not to survive the demise of the Crown and, in particular:

- parliament was immediately dissolved;
- persons holding office at the pleasure or by commission ceased to hold office, and
- legal proceedings involving the Crown ceased.

Various imperial statutes were enacted to mitigate these effects. These imperial statutes are piecemeal and their current application in this state is not always certain. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

NSW, Queensland, Tasmania and Victoria each have various specific provisions in their Constitution Acts dealing with the demise of the Crown, for example, specific provisions dealing with the continuation of Parliament, legal processes, appointments, use of the public seal, etc.

A 2015 Inquiry by the Standing Committee on Legislation of the Western Australian Parliament concluded that demise of the Crown provisions were needed in that State to address current complexity and uncertainty in the law. This Western Australian Parliamentary Committee recommended a general catch-all amendment to the Constitution Act of WA, modelled on a New Zealand provision, to put beyond doubt the legal effect of demise of the Crown in that State.

This Bill would amend the *Constitution Act 1934* of South Australia to insert a general demise of the Crown provision. To put beyond doubt the effect of the demise of the Crown in this State, including on the continuity of Parliament, public offices and legal proceedings, the amendment provides that the demise of the Crown has no other effect in law other than to transfer sovereignty.

I commend the Bill to Members.

## Explanation of Clauses



1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Constitution Act 1934*

3—Insertion of Part

This clause inserts a new 'Miscellaneous' Part in the Constitution Act containing a provision on the demise of the Sovereign. The provision makes it clear that the Sovereign's demise has the effect of transferring all the functions, duties, powers, authorities, rights, privileges and dignities to the Sovereign's successor but has no other legal effect.

Debate adjourned on motion of Ms Chapman.

## LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

### *Introduction and First Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:16):** Obtained leave and introduced a bill for an act to amend the Legal Practitioners Act 1981. 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:17):** I move:

That this bill be now read a second time.

The Legal Practitioners (Miscellaneous) Amendment Bill 2016 seeks to amend the Legal Practitioners Act of 1981 to address concerns raised by the Law Society about the ability of incorporated legal practices to practise in partnership and concerns raised by the new Legal Professional Conduct Commissioner about the operation of part 6 of the act. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Act was substantially amended on 1 July 2014 by the *Legal Practitioners (Miscellaneous) Amendment Act 2013* (the Amendment Act). Among other things, the Amendment Act abolished the Legal Practitioners Conduct Board and established the new office of the Legal Profession Conduct Commissioner (the Commissioner) with expanded powers to deal with misconduct by legal practitioners. For example, the range of disciplinary sanctions that can be imposed without the practitioner's consent have been broadened and the Commissioner has the power to impose a range of lesser sanctions with the practitioner's consent reducing the need for recourse to the Legal Practitioners Disciplinary Tribunal. The Amendment Act also included a new Schedule 1 which regulates incorporated legal practices.

An incorporated legal practice is a corporation that engages in legal practice in South Australia. Schedule 1 regulates matters such as eligibility to be an incorporated legal practice, requirements for legal practitioner directors, obligations of such directors, professional indemnity insurance and auditing of incorporated legal practices.

Prior to 1 July 2014, section 25 of the Act permitted the Supreme Court to authorise a company practitioner to practise in partnership. In its position as delegate of the Supreme Court, the Law Society of South Australia had previously granted such authority and there are still legal practitioner companies practising in partnership with a group of individual practitioners.

As a result of Schedule 1, and other amendments, doubt has arisen as to whether or not the current wording of the legislation allows incorporated legal practices to practice the profession of the law in partnership with another incorporated legal practice or with an individual legal practitioner (i.e. a natural person). There is a view that, read as a whole, the amended Act does not permit an incorporated legal practice to engage in partnership with a legal practitioner or another incorporated legal practice.

This is an unintended consequence as it was never the Government's intention to prohibit incorporated legal practices from practising in this manner. The Bill therefore amends the Act to remove the sources of contrary

implication that exist at present and to make it clear that an incorporated legal practice can practice in partnership with another incorporated legal practice or with an individual practitioner.

The remainder of the Bill makes a number of amendments to Part 6 of the Act, at the behest of the Commissioner, to address some operational concerns with the new complaints process and to help make the complaints process more efficient.

In accordance with the current provisions of the Act, the Commissioner is obliged to investigate any complaint that he receives. Although the Commissioner has the option of closing a complaint against (for example) a Tribunal member on one of the grounds set out in section 77C, the Commissioner still has to deal with the complaint, even where the complainant has been declared vexatious by the Supreme Court. This has a significant impact on the resources of the office, the Commissioner's time and funding requirements. Furthermore, if the complaint is about the Commissioner or a member of his staff, the Commissioner is obliged to delegate the complaint externally because of a conflict of interest.

To address these issues and to ensure that the Commissioner need only consider complaints that should properly come before him and are duly made, the Bill makes a number of amendments to Part 6 of the Act. The main changes to Part 6 of the Act are set out below.

New section 67AB provides that the disciplinary regime set out in Part 6 of the Act does not apply to the conduct of certain legal practitioners or former legal practitioners.

Clause 8 of the Bill amends section 77 of the Act to clarify that the Commissioner is not subject to section 17(1)(c)(ii) of the *Public Sector (Honesty and Accountability) Act 1995* when making a delegation under section 77 because of a conflict of interest.

Section 77B of the Act will be amended to impose a time limit of 3 years for lodging a complaint, however, the amendment also gives the Commissioner a discretion to investigate complaints outside of that time limit. Any complaint lodged under section 77B will also have to contain particular information, such as the name of the complainant and a description of the alleged conduct that is the subject of the complaint.

The final amendment to section 77B addresses the issue of vexatious complainants. Under section 39 of the *Supreme Court Act*, the Court can, if satisfied that a person has persistently instituted vexatious proceedings, make an order prohibiting the person from instituting further proceedings without permission of the Court and/or make an order staying proceedings already instituted by that person. An order under this section either remains in force for a fixed period or it is ongoing until it is revoked.

Under the Act as amended, a complaint about the conduct of a legal practitioner or former legal practitioner may be made to the Commissioner under section 77B of the Act or it may be made directly to the Legal Practitioners Disciplinary Tribunal under section 82.

A person who has been declared to be vexatious by the Supreme Court would be prohibited from lodging a complaint with the Legal Practitioners Disciplinary Tribunal without the permission of the Court because the Tribunal is a 'prescribed court' for the purposes of section 39 of the *Supreme Court Act*. However, there is nothing in the Act currently to prevent a complainant who has been declared vexatious from continuously lodging complaints with the Commissioner, requiring the Commissioner to waste valuable time and resources in dealing with the complaint.

Proposed new subsection 77B(3b) provides that a person may not make a complaint to the Commissioner if the person is subject to an order under section 39 of the *Supreme Court Act*. A transitional provision will allow the Commissioner to close any complaints already lodged by a vexatious complainant.

Section 77K of the Act will be amended to clarify the nature of an appeal to the Tribunal against a determination of the Commissioner. It is clear that an appeal to the Supreme Court from the Tribunal is by way of a rehearing. Rule 286(1) of the *Supreme Court Civil Rules 2006* provides that 'an appeal is by way of rehearing (unless the law under which the appeal is brought provides to the contrary)'. The position in relation to an appeal from a determination of the Commissioner to the Tribunal is less clear.

The amendment to section 77K provides that an appeal to the Tribunal will be way of a rehearing during which the Tribunal must, in reaching the correct or preferable decision, have regard to, and give appropriate weight to the determination of the Commissioner. The amendment also sets out the procedure on a rehearing which is to include an examination of the evidence or material before the Commissioner and a consideration of any further evidence or material that the Tribunal decides, in the circumstances of the case, to admit for the purposes of rehearing the matter.

Finally, the Bill makes two amendments to Division 6 Part 6 of the Act. Division 6 establishes the public Register of Disciplinary Action and sets out provisions regulating the publication of disciplinary action taken against legal practitioners by the Commissioner.

The first amendment inserts a new subparagraph into the definition of 'disciplinary action' in section 89B of the Act. In effect, new subparagraph (ab) means that the Commissioner will be able to publish on the Register of Disciplinary Action, the name of any legal practitioner who has had his or her practising certificate suspended by an order of the Supreme Court.

The second amendment gives the Commissioner the power to cause information about disciplinary action to be removed from the Register of Disciplinary Action in the circumstances prescribed by regulation (if any). This will provide some discretion for the Commissioner, after consideration of the need to protect consumers from rogue lawyers, to remove a practitioner's name from the Register after a period of time where the conduct is considered to be at the lower end of the scale.

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 *Legal Practitioners Act 1981*

###### 4—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act and inserts definitions that are consequential on the proposed amendments relating to incorporated legal practices.

###### 5—Amendment of section 5A—Terms relating to associates and principals of law practices

This clause makes amendments to section 5A of the principal Act to expand the meaning of an associate of a law practice to include a legal practitioner who is a legal practitioner director in an incorporated legal practice that is a member of the law practice (in the case of a firm of incorporated legal practices or a firm of legal practitioners and incorporated legal practices).

###### 6—Amendment of section 53—Duty to deposit trust money in combined trust account

This clause amends section 53(6) of the principal Act to extend the application of the provision to firms of incorporated legal practices or firms of legal practitioners and incorporated legal practices.

###### 7—Insertion of section 67AB

This clause inserts proposed section 67AB into the principal Act.

###### 67AB—Application of Part

Proposed section 67AB operates to ensure that Part 6 does not apply to the conduct of the various categories of legal practitioners or former legal practitioners specified.

###### 8—Amendment of section 77—Delegation

This clause amends section 77 of the principal Act to provide that for the purposes of section 17(1)(c)(ii) of the *Public Sector (Honesty and Accountability) Act 1995*, delegation by the Commissioner of a function or power under this section because of a pecuniary or other personal interest that conflicts or may conflict with the Commissioner's duties does not constitute taking action in relation to the matter the subject of the delegation.

###### 9—Amendment of section 77B—Investigations by Commissioner

This clause amends section 77B of the principal Act to specify certain matters that must be set out in a complaint. The clause inserts a provision to prevent a person from making a complaint who is subject to an order under section 39 of the *Supreme Court Act 1935*. A complaint must be made to the Commissioner within 3 years of the conduct that is the subject of the complaint or such longer period as the Commissioner may allow.

###### 10—Amendment of section 77D—Notification of complaint to practitioner

This clause amends section 77D of the principal Act to ensure that the requirement to give notice under section 77D(1)(c) does not apply in relation to a determination not to investigate, or to close, a complaint.

###### 11—Amendment of section 77H—Report on investigation

This clause amends section 77H of the principal Act so that the requirement for the Commissioner to pass on information or evidence to the Crown Solicitor in relation to a possible criminal offence is only mandatory in respect of information or evidence suggesting that a serious criminal offence has been committed.

###### 12—Amendment of section 77K—Appeal against determination of Commissioner

This clause inserts proposed subsections (3a) to (3c) (inclusive). The proposed subsections set out that the Tribunal will, in exercising its review jurisdiction, examine the determination of the Commissioner by way of rehearing and set out the procedures to be followed on the rehearing.

## 13—Amendment of section 77N—Investigation of allegation of overcharging

This clause amends section 77N of the principal Act to extend the obligation to report or give notice of certain specified matters to the client to whom the bill that is the subject of the complaint of overcharging was delivered (if that client is not the complainant).

## 14—Amendment of section 84—Powers of Tribunal

This clause makes amendments to ensure that the power of the Tribunal to receive or adopt evidence taken by a court of any State extends to a court or tribunal of any State or the Commonwealth.

## 15—Amendment of section 89B—Definitions

This clause amends the definition of *disciplinary action* for the purposes of Part 6 Division 6 of the principal Act.

## 16—Amendment of section 89C—Register of Disciplinary Action

This clause amends section 89C of the principal Act to enable the Commissioner to remove information about disciplinary action from the Register of Disciplinary Action in circumstances prescribed by the regulations (if any).

## 17—Amendment of Schedule 1—Incorporated legal practices

This clause inserts new clauses 3A, 4A and 5A into Schedule 1. Proposed clause 3A states that subject to the principal Act, an incorporated legal practice may practise in partnership with another incorporated legal practice or a legal practitioner (or both). Proposed clauses 4A and 5A set out the notice required to be given by an incorporated legal practice according to the range of circumstances set out in the proposed clauses.

## 18—Amendment of Schedule 2—Trust money and trust accounts

This amendment is consequential on the proposed amendments relating to incorporated legal practices.

## 19—Amendment of Schedule 3—Costs disclosure and adjudication

This amendment is consequential on the proposed amendments relating to incorporated legal practices.

## 20—Amendment of Schedule 4—Investigatory powers

This amendment is consequential on the proposed amendments relating to incorporated legal practices.

## 21—Insertion of Schedule 5

This clause inserts Schedule 5 into the principal Act. The proposed Schedule establishes transitional arrangements relating to complaints made by persons who were, at the time of making the complaint, subject to an order under section 39 of the *Supreme Court Act 1935*.

Debate adjourned on motion of Ms Chapman.

**STATUTES AMENDMENT (YOUTH COURT) BILL***Final Stages*

Consideration in committee of the Legislative Council's message No. 103.

(Continued from 21 June 2016.)

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

That the disagreement to the amendments of the Legislative Council be no longer insisted upon.

**Ms CHAPMAN:** It is with great delight that we receive the government's indication that they no longer disagree with the amendments presented from the Legislative Council. This is an important area of reform. We have fought continuously to ensure that there is supervision of the Youth Court at a senior level, and that has now prevailed. It is consistent with Margaret Nyland, a former Supreme Court judge and now Commissioner for Child Protection Systems in South Australia.

Whilst it has taken a long time for the government come to this position, we thank Commissioner Nyland for her advice on this matter and appreciate that the government has now acquiesced to this position. It is an important area of reform, and it is an important area of protection for young people who either need protection or support to get back on track.

**The Hon. J.R. RAU:** I thank the honourable member for her contribution.

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Okay, but I did want to say that I missed the opportunity yesterday to congratulate her on a happy occasion, so I just wanted to make that—

**The CHAIR:** I think everyone in the country now knows that it was her birthday yesterday, and she survived—that is the main point.

*An honourable member interjecting:*

**The CHAIR:** Well, 'you' plural. The question before the house is that the house no longer insist on its disagreement with the Legislative Council's amendments.

Motion carried.

## **CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL**

### *Final Stages*

Adjourned debate on motion of Hon. J.R. Rau:

That the bill be laid aside.

(Continued from 25 May 2016.)

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:21):** In one final attempt to find a happy position on this I am seeking leave to withdraw my motion that this bill be laid aside. I move:

That the motion that this bill be laid aside be withdrawn.

Motion carried.

### *Conference*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:22):** I move:

That a message be sent to the Legislative Council requesting that a conference be granted to this house respecting certain amendments from the Legislative Council in the bill and that the Legislative Council be informed that, in the event of a conference being agreed to, this house will be represented at such conference by five managers and that the members of Bragg, Fisher, Little Para, Hartley and the mover be managers of the conference on the part of the House of Assembly.

Motion carried.

## **RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 8 June 2016.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:23):** I rise to speak on the Residential Tenancies (Miscellaneous) Amendment Bill 2016 which, as indicated by the government, proposes to make some relatively minor amendments in respect of right of entry between landlord and tenants, prospective tenants, arrangements to clarify concern as to the termination of tenancy when a property is to be under contract for sale, and what to do with abandoned property in the event of a tenant vacating a property and introducing, then, an obligation, effectively, for a two-day period to enable the recovery of them.

We accept that these are relatively minor amendments and that appropriate consultation has been made. I place on the record my appreciation to Mr Geytenbeek, adviser to the Attorney, for following up on an inquiry as to what is to happen in respect of abandoned goods that might be a live animal, in particular pets. I recounted to him an occasion when pets, including chooks, were left at a

property the tenants vacated. I found myself having to round up chooks, put them in the boot of the car and get them somewhere safe so that they could be fed and watered.

Mr Geytenbeek assures me that pets or livestock left at a premises are not abandoned property within the act, that there is an appropriate course of action. Whilst there is no provision to deal with animals left on premises, people are to contact the RSPCA or the Animal Welfare League (assuming my option was not satisfactory). I indicate that that advice was quite helpful. He suggested that SACAT would be an appropriate forum if there was a dispute about who should deal with abandoned animals. Fortunately, I am pleased to say that that was not necessary in order to ensure the safe and continued life of the chooks in question in my case. Nevertheless, I thank him for following that up, and I appreciate his prompt attention to the same. The opposition supports the bill.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:25):** I thank the honourable member for her support and that of her colleagues.

**The DEPUTY SPEAKER:** By speaking, you are closing the debate.

**The Hon. J.R. RAU:** I am, yes. I welcome her pithy response. I am very pleased that Mr Geytenbeek has been able to be of assistance to her in relation to this matter. I think the commissioner and others are here to hear this. I intend, after this, to buy them some Freddo Frogs or some other sort of tribute.

**The DEPUTY SPEAKER:** Surely Haigh's or Melba's.

**The Hon. J.R. RAU:** Yes, something of that nature. Maybe the red ones we can get here, I am not sure, but they certainly deserve congratulations, so congratulations for your good work. It is not always that the member for Bragg compliments people providing advice.

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** No, that is what I am saying: not always, therefore it is even more valuable because it is not the sort of thing that she throws around like confetti. I thank her for that and obviously acknowledge the great work done by those advising.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:27):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Sitting suspended from 12.27 to 14.00.*

*Petitions*

### **GLENELG POLICE STATION**

**Dr McFETRIDGE (Morphett):** Presented a petition signed by 629 residents of South Australia requesting the house to urge the government to maintain current levels of police numbers and operating hours at the Glenelg Police Station.

*Parliamentary Procedure*

### **VISITORS**

**The SPEAKER:** I understand we have visitors from Pennington Primary School again, who are guests of the Premier and member for Cheltenham, and I think, at some stage, we will have students from East Torrens Primary School, who are guests of the member for Hartley.

*Members interjecting:*

**The SPEAKER:** I believe Clapham Primary School have been here earlier. They were guests of the member for Waite, and I trust that they were acknowledged by the Deputy Speaker at the relevant time.

#### **ANSWERS TABLED**

**The SPEAKER:** I direct that the written answers to questions be distributed and printed in *Hansard*. The deputy leader has two answers.

#### *Ministerial Statement*

#### **ELECTRICITY PRICES**

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

Leave granted.

**The Hon. A. KOUTSANTONIS:** Recent announcements by the major electricity retailers in South Australia will see dramatic increases in electricity accounts for households and small businesses, as of July 2016. Retailers have indicated that the price rise was mainly driven by the cost and availability of coal and gas supply for electricity generation as well as the changing mix of generation output.

For a typical customer consuming five megawatt hours, AGL has announced an increase by an average of \$228 per annum. Origin Energy subsequently announced that it was increasing prices by an average of \$117 per annum. EnergyAustralia followed by announcing that it would increase bills by an average of \$261 per annum.

Given the significant level of community concern with the price increases, and the divergent views as to the cost drivers in the wholesale energy market as well as whether the scale of the increases can be justified, there is a strong case to seek independent advice on the recent retail price increases. I advise the house that, this morning, I have written to Dr Lynne Williams, Acting Chair of the Essential Services Commission of South Australia, seeking advice on whether or not the recently announced changes in electricity retail prices in South Australia are justifiable, having regard to relevant market conditions.

ESCOSA has a great deal of experience with the energy industry and its act provides significant information gathering powers that can assist in establishing the factual basis for the recent price increases. A report is due back before the end of October, and I look forward to updating the house on its findings.

#### **COWPER, MR B.**

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

Leave granted.

**The Hon. M.L.J. HAMILTON-SMITH:** It is with great sadness that I report the passing of one of our state's most distinguished World War II veterans, Squadron Leader Bob Cowper DFC & Bar OAM, Legion of Honour. Bob was a true ace of World War II, a title achieved by shooting down at least five enemy aircraft. He finished the war as the Commanding Officer of 456 Squadron, Australia's only Night Fighter Squadron.

Bob survived two crash landings, one when his Beaufighter crashed in the Sahara desert and another of the coast of Malta. I remember having a long discussion with him about each of those incidents and they were harrowing to say the least. He was lucky to survive each. He shot a German Junkers 88 light bomber out of the sky. The Junkers exploded directly in front of Bob's plane and brought Bob down with it. He was lucky to be rescued by a passing Allied ship. For his distinguished

service in the Malta action, Bob was awarded the Distinguished Flying Cross (DFC) with the following citation:

This officer has completed 68 sorties and has displayed great courage and determination. During a sortie in January, 1943, Flying Officer Cowper was compelled to make a forced landing behind the enemy's lines but he displayed great resource in outwitting the enemy and regained our own lines on foot. One night in July, 1943, he engaged a Junkers 88 and caused it to explode. The enemy aircraft disintegrated and a large portion struck and so disabled Flying Officer Cowper's aircraft that he was forced to leave it by parachute. He was later rescued from the sea and rejoined his squadron to resume operational flying. Since then, Flying Officer Cowper has destroyed another Junkers 88.

On 6 June 1944 (D-Day), Bob flew with 456 Squadron. He later spoke of the view of the channel, completely covered with thousands of boats. He was subsequently awarded a Bar to his DFC for 'consistently displaying a high degree of skill on two tours of operations'. The insignia was presented by His Majesty King George VI at Buckingham Palace on 2 February 1945.

After the war, Bob was a prominent farmer and active in local government with the Council of Willunga. He was also a member of Legacy and became state president. He was on the Bloodstock Breeders Board and was very active in horseracing. Bob retained unwavering loyalty to the members of his unit and their families. He was asked to step in after the last of the Australian Battle of Britain pilots died, representing them in England at a memorial service in 1995. More recently, Bob coordinated a memorial honour board, remembering the service of our Australian Battle of Britain pilots. The honour board was unveiled in September 2011 and is now proudly displayed at the RAAF Base Edinburgh Officers' Mess.

In 2004, Bob was awarded France's highest military decoration, the Legion of Honour. The award was bestowed to a small number of veterans representing Allied nations of World War II in recognition of their contribution to D-Day operations and the liberation of France. Bob was awarded a Medal of the Order of Australia in the 2012 Australia Day Honours List for service to veterans and their families through a range of ex-service organisations. In June 2014, Bob returned to France on a commonwealth DVA commemorative mission to mark the 70<sup>th</sup> anniversary of the D-Day landings.

A biography of Bob's amazing life, entitled *Chasing Shadows*, was written and published by Stephen Lewis in 2007. Bob was a tireless advocate for veterans and will be sorely missed by the veteran community. He was a proud South Australian. Lest we forget.

**Honourable members:** Hear, hear!

*Parliamentary Committees*

#### LEGISLATIVE REVIEW COMMITTEE

**Mr ODENWALDER (Little Para) (14:09):** I bring up the 26<sup>th</sup> report of the committee, entitled Subordinate Legislation.

Report received.

*Question Time*

#### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10):** My question is to the Premier. Will the Premier now unreservedly apologise to the hundreds of families affected by his creation of a super department for education and child protection?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:10):** Well, I have and I am happy to repeat it. I do unreservedly apologise for the fact that our most vulnerable children, children that the state has a responsibility for the care and protection—was unable to occur in a number of important cases over the life of this government. This is an important responsibility—

**Mr Pisoni:** Apologise for your failure—your failure.

**The SPEAKER:** The member for Unley is warned.

*Mr Pisoni interjecting:*

**The SPEAKER:** The member for Unley is called to order and warned.



**The Hon. J.W. WEATHERILL:** This is a critical responsibility of government and—

**Mr Tarzia:** And you failed.

**The Hon. J.W. WEATHERILL:** And we certainly have failed those children who have died in circumstances where there could have been ways of their being protected.

**Dr McFetridge:** No ministerial accountability whatsoever.

**The Hon. J.W. WEATHERILL:** It needs to be remembered that each of the cases that have been reported, I think, extensively have been the subject of findings of criminal guilt—each of those cases.

**Mr Gardner:** They didn't need to happen though.

**The Hon. J.W. WEATHERILL:** Paedophiles, criminal neglect, in some cases murder—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** These are cases of enormous—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is called to order. So is the member for Morphett, the members for Hartley, Morialta and the deputy leader. The member for Morphett is warned a first time. He is warned a second time. If I hear him utter anything outside standing orders, he will be departing.

**The Hon. J.W. WEATHERILL:** Mr Speaker, the tone of the response from the opposition is interesting. It is quite different from the tone of the response of the sector who actually have spent their life's work actually caring and protecting the children. What they want is a fresh start. What they want is both sides of politics—

*Members interjecting:*

**The SPEAKER:** The member for Morphett will depart for the remainder of question time under sessional orders.

*The honourable member for Morphett having withdrawn from the chamber:*

**The Hon. J.W. WEATHERILL:** I think the overwhelming preponderance of opinion is that people are looking forward to a fresh start in this agency. They are looking forward to new leadership and I call on those opposite to join with us—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is warned.

**The Hon. J.W. WEATHERILL:** —in enacting in a speedy way the decisions we take to act on the royal commission's report.

*Mr Marshall interjecting:*

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

#### TRADE MISSIONS

**Mr PICTON (Kaurna) (14:13):** My question is to the Minister for Investment and Trade. Can the minister update the house on the recent South-East Asia business mission?

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:13):** I thank the member for Kaurna for his question because in March 2015 the South Australian government put action behind its South East Asia Engagement Strategy by conducting an outbound trade mission to the Philippines, Vietnam and Indonesia following on from last year's successful mission to Thailand, Singapore and Malaysia. Recent results released by the Australian Bureau of Statistics reinforced the government's commitment to South-East Asia, with exports growing by 7.1 per cent or \$134 million to \$2 billion in the 12 months to April 2016.

The government is very keen to promote our exports to South-East Asia. Earlier this month, the mission was effectively conducted to the Philippines, Indonesia and Vietnam. It was the first of two business missions planned for this year. The second will take place in late July led by my friend the minister for primary industries to Singapore, Malaysia and Thailand.

Our delegation comprised 63 businesses. It covered education, business, cultural activities, government leaders and small business operators. There were 13 attending in the Philippines, 37 in Indonesia and 38 in Vietnam. It was the largest delegation we have taken to the region, reflecting the interest of delegates to take the opportunities before them. The Governor joined the mission in Indonesia and Vietnam. The Premier, of course, joined the mission in Vietnam. It was also supported by Sir Angus Houston, our special envoy for trade.

The mission has experienced a number of key successes. The first South Australia-Bandung Vocational International Collaboration forum was held in Indonesia. TAFE SA and West Java's LPKI signed a new commitment to expand cooperation in vocational education and training. The Premier and the government announced the StudyAdelaide student ambassador in Vietnam.

New MOUs were signed on a host of fronts. In Da Nang, I was pleased to sign an education MOU between our government and the People's Committee in Da Nang. Three Adelaide-based fashion designers presented outstanding products during the mission. Kon Tum Provincial Government and 4 Ways Fresh signed a joint venture, with the Premier and the Governor witnessing those agreements. The Governor and I announced the winner of the English language student competition in Da Nang.

Wine companies in attendance met with three very influential wine importers, distributors and retailers whilst in Vietnam (Red Apron, The Warehouse and Tan Khoa) and were pleased with the exposure and connections they have made. Horticultural groups met with the Australian Embassy's agricultural counsellor regarding the federal government's negotiations for recognition of Australia's pest-free areas in Vietnam and to determine how to proceed with further horticultural sales and activities.

A key meeting was held with the Plant Protection Research Institute of Vietnam with the objective of better understanding each country's production systems and biosecurity practices and to identify opportunities for the future. This was a very successful mission for small business on a host of fronts. Those opposite—certain of those opposite; I know not all—try to criticise the government for its trade mission program. Of course, they are criticising all of the small businesses who attend.

**The SPEAKER:** Point of order, member for Morialta?

**Mr GARDNER:** Standing order 98, sir.

**The SPEAKER:** Yes. I don't think the minister is responsible for the opposition's position. It was not part of the question.

**The Hon. M.L.J. HAMILTON-SMITH:** In addition, we have hosted very effective food and wine interactions during this mission and reinforced the important role that the Department of State Development and other government departments are playing in preparing business programs for businesses to provide essential assistance to help them to create more jobs and enterprise by selling their goods and services overseas, which they are doing in increasing numbers.

#### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17):** My question is to the Premier. Will the Premier now, once and for all, accept responsibility for the systemic failures in Families SA over 14 years as outlined by Commissioner Nyland? If he will not accept responsibility, who will?

*Members interjecting:*

**The SPEAKER:** The member for Newland is called to order, as is the member for Davenport, and the member for Hartley is warned.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:18):** I have accepted responsibility for the failings in our child protection system. Of course, it must reside with this government and, in large measure, with me because I am the Premier of this state and have also held important responsibilities in this area. But every single time a challenge has emerged in the system of child protection there has been an open—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** That's right—an inquiry where we have exposed ourselves to the scrutiny of an independent inquiry and we have responded to each of those inquiries—the Layton inquiry; the Mullighan inquiry, which, I must concede, was handled in cooperation with the then leader of the opposition, Rob Kerin, who adopted a bipartisan position in relation to child protection; the DeBelle inquiry, which arose out of an event which, as soon as it occurred, we responded to and conducted an independent inquiry; and then, of course, the awful events concerning the carer McCoole, where we put in place the present royal commission.

In each of those cases, the government exposed itself in an accountable way to an independent review and had to deal with the criticisms that emerged, and in each of those cases we responded. I think, on any view of it, we have responded to each of those issues. People regard the response to the original Layton review, with its tripling of resources to our child protection system, as an important response. People widely regard the Mullighan review as a successful inquiry that supported victims in state care.

*Members interjecting:*

**The SPEAKER:** The opposition will cease interjecting. The member for Chaffey can hardly hear himself on his phone.

**The Hon. J.W. WEATHERILL:** Of course, the work that has been done in relation to the DeBelle inquiry has now led to a series of changes in the way in which we alert parents to allegations that are made about people who work within schools, and they have been fully implemented. We will take the findings of these recommendations and implement them immediately, just as we did yesterday with the interim report.

**The SPEAKER:** The members for Adelaide and Schubert are called to order. I warn for the first time the members for Morialta, Davenport and Adelaide and the deputy leader. I warn for the second and the final time the member for Morialta and the member for Hartley. I will speak slowly so the member for Morialta can keep tally.

#### PLANNING REFORM

**Mr ODENWALDER (Little Para) (14:21):** My question is to the Minister for Planning. Minister, how is the government implementing planning reforms to develop prosperity and growth in South Australia?

**Mr VAN HOLST PELLEKAAN:** Point of order, sir.

**The SPEAKER:** Yes?

**Mr VAN HOLST PELLEKAAN:** Standing order No. 97: the question contained a great deal of argument.

**The SPEAKER:** I seem to recall some earlier questions containing a fair bit of argument, too.

**Mr Gardner:** Nobody complained, sir.

**The SPEAKER:** Well, that makes all the difference. The member for Morialta said no-one—

**Mr Odenwalder:** I am happy to rephrase it, sir.

**The SPEAKER:** Rephrase it? Yes.

**Mr ODENWALDER:** Can the Minister for Planning explain the government's planning reforms and their effect in South Australia?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:22):** Thank you, Mr Speaker.

**The SPEAKER:** I hope that doesn't wrong-foot you.

*Members interjecting:*

**The Hon. J.R. RAU:** Mr Speaker, they obviously don't want to hear the good news. First of all, can I thank the honourable member for his question. Planning reform is one of the most significant reforms we have been able to achieve in recent times. Although, of course, the passage of the legislation was inexorably slow, we have now succeeded—

*Members interjecting:*

**The Hon. J.R. RAU:** We have now succeeded in passing it. The reference by the interjectors to amendments moved by the government is only a demonstration of the extent to which our consultative processes were thoroughly exploring all of the issues. We were prepared to consider every proposition; some of them were acceptable. We make no apology for accepting some changes. A couple of them would have been better if we hadn't had to accept them, but there you are—life is like that.

So, what are we going to expect out of this? The first thing is we are going to see a more certain and more secure development environment in South Australia. One of the issues that I have had mentioned to me on many occasions is the fact that investors often say that they would rather an early yes or an early no than a very, very long maybe. That seems to have been a common complaint about the system that we have had. I can say with confidence that the new system will be capable of delivering those early answers. The new system will be capable of doing those things.

The other thing is the new system is underpinned by two significant, completely new pillars of thinking. The first one of those relates to the central part that good design plays in good planning. I have spoken to many people in the community about some of the rezones we have done. The member for Bragg may be pleased to know that I have gone out and spoken to some of her constituents about rezones which impacted on the beautiful municipality of Burnside. After speaking to the good people of Burnside about their complaints or concerns, it became clear to me that they were not people who resisted change; they were not Luddites.

They weren't people who weren't interested in living in a more vibrant community, but what they were interested in was excellent design. They were interested in the buildings that were being placed in their communities, being buildings that worked in the community in which they were going and buildings that added value and didn't detract from amenity. Of course, who could disagree with that? Because of some of those conversations, because of some of the—

**The SPEAKER:** And the minister has been to Woodville Park.

**The Hon. J.R. RAU:** Indeed, and I can say, Mr Speaker, that recently the Speaker asked me and some members of the department to come and visit a constituent of his who has complained to me personally about some of the impacts of interface issues, and these are important issues as well. So, there will be a central concept of good design.

The second central concept is community engagement. What we want to have is the community engaged early so that people are putting their views into the planning system at the beginning, not right at the end when you are applying to build a garage, or a carport, or a pergola, or, indeed, a fence. These are the main elements, but of course I know those opposite are wondering, "Well, what are we going to see next?"

*Members interjecting:*

**The Hon. J.R. RAU:** Well, here's a few things you can expect to see next.

**The SPEAKER:** Before we get to what we can expect to see, in the one second you have remaining, under standing order 141 I call the member for Chaffey and the Treasurer to order.

**The Hon. A. Koutsantonis:** What for?

**The SPEAKER:** Quarrels. Has the minister finished?

**The Hon. J.R. RAU:** I can say a lot more, Mr Speaker, but I fear my time has gone.

**The SPEAKER:** The leader.

### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26):** My question is to the Premier. Does the Premier accept responsibility for the broken culture in the child protection system? In his previous role as the minister for child protection, the Premier stated:

There remains deep and systemic problems in our child protection, but one of the important things we have done is change the culture of the system.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:26):** At the time—

*Mr Tarzia interjecting:*

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

**The Hon. J.W. WEATHERILL:** —I made those remarks, sir, you will recall that—

*Mr Tarzia interjecting:*

**The Hon. J.W. WEATHERILL:** —what we had been dealing with—

**The SPEAKER:** The member for Hartley is on the precipice.

**The Hon. J.W. WEATHERILL:** —was a period of substantial neglect and underinvestment in our child protection system. Indeed, I can remember vividly talking to a representative of one of the advisory bodies who said to me—

*Members interjecting:*

**The SPEAKER:** The member—

**The Hon. J.W. WEATHERILL:** Would you like the answer?

*Members interjecting:*

**The SPEAKER:** The member for Unley is warned for the second and final time, and the member for Hartley can depart for the next half hour under the sessional order.

*The honourable member for Hartley having withdrawn from the chamber:*

**The Hon. J.W. WEATHERILL:** I can recall—

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** Given that you've asked me about a comment that was made in 2004, I think I'm entitled to.

*Mr Marshall interjecting:*

**The Hon. J.W. WEATHERILL:** Well, you were asking about something that happened in 2004, and so what was quite important—

**Mr Pisoni:** You said it's your culture.

**The SPEAKER:** The member for Unley will depart for the remainder of question time under the sessional order.

*The honourable member for Unley having withdrawn from the chamber:*

**The SPEAKER:** The Premier.

**The Hon. J.W. WEATHERILL:** What I am laughing at is the foolish behaviour of the member for Unley.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Mr Speaker—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Mr Speaker, I can vividly remember a conversation with the head of one of the advisory panels who told me that—

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** Well, in fact, when she tried to communicate directly with the then minister in the previous Liberal government about the child protection system being—

*Members interjecting:*

**The SPEAKER:** Unless the disgraceful behaviour of members subsides, I will have to adjourn the house for disorder. Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Mr Speaker. It's important to talk about the time around 2004 when these remarks were made because that's the context. What was said to me at the time, when I took over the portfolio and spoke to people, which was around 2004, was that when they tried to tell the then minister that there was a crisis in child protection that was actually deleted from their report and they were unable to get that message to the minister.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, the reason why it's important is because the agency we found when we came into government was indeed—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is on two warnings, and the next person will be named.

**The Hon. J.W. WEATHERILL:** It was an agency that found itself in deep crisis, and we tripled the amount of resources that we put into it. Naturally enough, there was a lift in morale around that time. You don't triple the amount of resources that goes into something without there being a lift in morale. I must attribute some of the achievement there to the former minister, who I took over from immediately prior to making those remarks, the member for Ashford. So, there was a view at that time, and I think if you ask child protection workers about the time of the former minister and my time in the portfolio—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, the truth is this is an agency that lives in trouble. It lives in trouble because it deals with some of the most difficult issues in our society. It has to make fine judgements. If we look at those awful cases about the poor little babies that died in circumstances where Families SA were associated with these families, what they were doing is they were being actively misled by their drug-abusing parents.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Don't ask me; ask the families who remain, who are talking to me about that.

*Ms Sanderson interjecting:*

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

**The Hon. J.W. WEATHERILL:** The child protection workers that were engaged in those families were deceived, and they shouldn't have been. They should have been wiser, they should have made wiser judgements, and there were warning signs, and we have been the subject of appropriate criticism about that. Let's not believe—

**The SPEAKER:** The time for answering the question has expired. The member for Giles.

#### **WHYALLA MENTAL HEALTH SERVICES**

**Mr HUGHES (Giles) (14:32):** My question is to the Minister for Mental Health and Substance Abuse. How is the South Australian government improving mental health services in Whyalla?

**Mr Bell:** Cutting beds, like they did in Mount Gambier.

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

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:32):** I thank the member for his question. Could I also acknowledge the member for Giles' advocacy on behalf of his electorate. It's always strong, and he has been very vocal about improving mental health in the local communities that he represents.

Whyalla is in a time of great uncertainty. The financial and emotional stress this is causing to local families is significant. It is a time of great uncertainty. We must be mindful of how these stresses will impact on the mental health and wellbeing of any community in our state. Just at this crucial time, when mental health services have never been more important to a local community, the federal Liberal government decides to rip out \$20 million from mental health services in our state.

The South Australian government believes that good mental health is important to the Whyalla community. That is why the state government is funding \$150,000 towards a Whyalla-based Suicide Prevention Network, that will specialise in the local steel industry and will be based on the highly successful work of MATES In Construction teamwork that they provide.

The new network will benefit local workers. It will also help them fight to remove the stigma regarding mental illness in our communities in an industry that traditionally does not talk well about these topics, whether it is suicide, suicide prevention or post prevention in the workplace. The South Australian government is also going to fund \$8.5 million over the forward estimates to contribute towards the restoration of mental health services in Whyalla, a service that was at risk and due to close on 30 June because of the federal Liberal government cuts to mental health funding through the national partnership agreements lapsing.

Having only just recently caught up yesterday again with the country mental health team, I believe there is a lot of positive work still underway in this space, and there is more improvement that can be made for better outcomes for mental health consumers across the state. This extra funding from the South Australian government will also go a long way in the communities when they need it most. It will provide quality treatment and assist in the recovery of mental health consumers when they need it and at a time of great need in Whyalla.

Ultimately, this help will avoid them ending up in hospital emergency departments and it will ensure they are safe with their families in the communities where they are loved and cared for. I look forward to seeing the new MATES suicide prevention network develop, launch and come to maturity. I am also pleased that this government is standing up for Whyalla, despite the Turnbull government ripping \$8.5 million of cuts from this region and leaving these people adrift.

*Mr Goldsworthy interjecting:*

**The SPEAKER:** No more lugubrious interjections from the member for Kavel. I call him to order. The leader.

#### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35):** My question is to the Premier. Considering that the previous head of Families SA, David Waterford, resigned over inadvertently misleading the minister over the department's handling of the Shannon McCoolle case, will the Premier now resign for what he refers to as 'failing little children'?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:35):** This would have had much more credibility if it was made yesterday, this call for resignation.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, no, it just would have had more credibility because, you see, if they really believed that the report and our response to it required a resignation, why wasn't it made yesterday? The truth is, the reason why it wasn't made yesterday, is that this is part of the three-day media strategy to make sure that this is strung along over the coming days.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Okay, now, let's test it. Let's test their resolve.

**The SPEAKER:** Point of order.

**The Hon. J.W. WEATHERILL:** Let's test their resolve, Mr Speaker.

**The SPEAKER:** The Premier will be heard in silence. He has the call. He has been asked a question; I presume he is in the course of addressing it.

**The Hon. J.W. WEATHERILL:** Let's test their resolve, Mr Speaker. I have said I won't resign. I am now prepared to offer, after question time, you move a motion of no confidence. You can make your arguments. You can move your motion of no confidence.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** No, right here, right now. Here is the offer. What do you say?

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Okay, great.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Bring it on.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Move it.

*Members interjecting:*

**The SPEAKER:** I shall adjourn—

*Members interjecting:*

**The SPEAKER:** I suspend the sitting of the house until order is resumed.

*Sitting suspended from 14:38 to 14:57.*

**The SPEAKER:** Member for Colton.

#### **SOUTH AUSTRALIAN MUSEUM**

**The Hon. P. CAICA (Colton) (14:57):** My question is to the Minister for the Arts. Minister, as the world's largest collector of Australian Indigenous cultural material, how is the South Australian Museum increasing employment opportunities for Indigenous people?

**The SPEAKER:** The cultural attaché.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:57):** Thank you very much, Mr Speaker, and I would like to thank the member for Colton for the question. The South Australian Museum is the custodian of the world's most comprehensive collection of Australian Aboriginal ethnographic objects. This collection boasts an unparalleled depth, both historically and geographically, consisting of around 30,000 items from different Aboriginal communities and language groups right around our country.

The Museum also has an archives collection containing tens of thousands of cultural records from throughout Australia, most relating to Aboriginal people. These collections are impressive, but their importance is lost without the engagement of Aboriginal communities to enable the access and interpretation of these items. In tying in with the need for engagement, there is also recognition that many science graduates face difficulties in gaining the necessary hands-on experience required to develop their careers.

As a result, the Museum has created a dedicated program which identifies opportunities for Aboriginal employment and training with the aim to support long-term career opportunities. Last financial year, Museum personnel contributed over 2,000 hours of teaching, mentoring and supervision to 22 PhD students and 11 honours students, providing them with valuable insight and,



more importantly, access to collections. This level of support not only helps the students with their academic work but it also helps them to build connections with their ancestors and their country.

The Museum have set themselves a goal to increase Aboriginal employment to reflect the institution's dependence upon and engagement with Aboriginal communities. Through the support provided, the Museum has also recently developed Museum pathways, which create paid employment opportunities with academics and professionals who share their expertise, providing high-quality training and development opportunities across the institution.

As a result of this fundraising, I am pleased to inform the house that the Museum is now able to employ an early career Aboriginal graduate and four Aboriginal cadetships, all of whom work directly with the Australian Aboriginal Material Culture Collection. The Museum is also now in a position to employ an Aboriginal curator for the collection. This new position will allow the opportunity to work alongside some of the best anthropologists from across Australia and around the world as they conduct their research and build upon the collection.

I wish to place on the record my thanks to those benefactors and donors who have contributed so generously to allow ongoing education and employment of Aboriginal staff and students at the Museum. These initiatives will enhance the reputation of the Museum as the nation's most successful research institution and custodian of the world's most comprehensive collection of Australian Aboriginal cultural materials.

**The SPEAKER:** I am pleased to see that the suspension has enabled enough effluxion of time for the member for Hartley to rejoin us. The leader.

#### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:00):** My question is to the Premier. Can the Premier detail to the house why, despite there being no recommendation in the 2003 Layton review, no recommendation in the Mullighan inquiry or any of the other inquiries that have since taken place, he decided it was in the best interests of child protection to amalgamate the agency with the education department?

**An honourable member:** Good question.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:00):** It is a good question actually, one of the better questions that have been asked. As it happens, child protection has always been in another agency, even under the previous Liberal government, as it has up until this point until we took the decision to have it in a stand-alone agency. That is largely because of the history of the development of this notion of community welfare which really started back in the 1960s and 1970s.

What we had really was a child protection system that began with what was commonly called 'battered baby syndrome', when we introduced this American notion of mandatory notification. It was designed to actually find out what was happening inside families, which up to that point had been treated as a family matter. So, this was intruding the role of the state in families in a pretty profound way.

Back in those days, the notion of abuse and neglect was a tiny idea about basically sexual or physical abuse, children who ended up with cigarette burns on their arms so that you had doctors who would report that to an agency, it would be investigated and a child would be removed. What has happened in the decades since is the notion of abuse and neglect has expanded in an extraordinary fashion that the notion of abuse and neglect has—

*Mr Marshall interjecting:*

**The Hon. J.W. WEATHERILL:** Well, do you want to hear the answer? You asked me a serious question.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, because I am addressing the question. The reason—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is on two warnings and I will name him if he persists, in which case he won't be here for the debate.

**The Hon. J.W. WEATHERILL:** The notion of abuse and neglect has now extended to cover the psychological and developmental issues of a child, so now abuse and neglect is this wide and, consequently, the number of notifications and the number of people who have notified is this wide. So, a small statutory organisation which was about real risk of harm for children ended up becoming overwhelmed by this mandatory notification system, and so a lot of what we have tried to do in the period since is to try to make changes to cope with that. The 2005 amendments that I promoted that the member for Bragg cooperated in putting through the parliament were disconnected, the relationship between notification from investigation. We wanted to make sure that where a family was going to be protected with mainstream services—

*Mr Gardner interjecting:*

**The Hon. J.W. WEATHERILL:** Well, do you want an intelligent answer or do you want to shout at me? And so what we needed to do was to connect up these families who were in trouble with mainstream services. Obviously, a critical agency in that regard was the health agency. Another critical agency was the education agency. What we did is we put elements of services—

**Mr Marshall:** Who recommended it?

**The Hon. J.W. WEATHERILL:** Well, amongst others, Professor Dorothy Scott, and indeed just last night I saw the support for this model from Leah Bromfield, who is the present head of child protection.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, you asked the question and I am giving you the answer.

**The SPEAKER:** If the member for Morialta makes another utterance outside standing orders, he will be named.

**The Hon. J.W. WEATHERILL:** So the point was to manage an agency in a way where there could be a statutory response, so the investigation and removal of children at real risk of harm, but, for those other families, to connect them up with the services that they might find in our children's centres, our 47 children's centres, or indeed our nurse home visiting service, where every newborn child gets a visit from a nurse, and where a family is found to be in trouble they get sustained home visiting service from that healthcare service. So we have brought all of those services into what is now called the Department for Education and Child Development (DECD). I think even the royal commissioner, in her remarks, said that there is still strong support for the original idea, for the original intention.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, in her—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** But she—

**The SPEAKER:** The time allocated for the answer has now expired.

#### **PREMIUM FOOD AND WINE GRANTS PROGRAM**

**The Hon. A. PICCOLO (Light) (15:05):** My question is to the Minister for Agriculture, Food and Fisheries. Minister, how is the state government supporting premium food and wine brands in the Riverland?

*Mr Whetstone interjecting:*

**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) (15:05):** The member for Chaffey laughs again as we talk about his wonderful region up there. If he doesn't love it, at least we do. We made a promise back at the 2014 election to come up

with some ways that we could help regional South Australia really improve on the way they promote and sell their wonderful produce. We are a government that sticks to our election promises, and it is great to see this being rolled out in the Riverland—obviously, a stunning part of South Australia.

**The Hon. A. Koutsantonis:** Xenophon is very popular in the Riverland.

**The Hon. L.W.K. BIGNELL:** He is.

*The Hon. A. Koutsantonis interjecting:*

**The Hon. L.W.K. BIGNELL:** They got a Nat up there before.

**The SPEAKER:** Nick Xenophon's popularity in the Riverland is irrelevant to the answer. The Treasurer is called to order—no, he is warned.

**The Hon. L.W.K. BIGNELL:** We came up with a \$412,000 program aimed at boosting regional economies with more money for local businesses and more jobs in the regions. Working with the RDA Murraylands and Riverland, we gave them some money to work collaboratively with representatives from Destination Riverland, Riverland Wine, Food Riverland and the Renmark Paringa council. The RDA undertook extensive consultation with local businesses and stakeholder groups to determine the best way to run their programs and communicate the Riverland's exceptional food, wine and tourism experiences.

I am pleased to report that that collaborative work resulted in today's launch of the Riverland Trust Mark, a symbol to be used by Riverland businesses who have consistently demonstrated exceptional standards with regard to quality, origin and environment. I am delighted to confirm the inaugural foundation members of the Trust Mark, beginning with 919 Wines, Whistling Kite Wines and Mallee Estate Wines, for their outstanding achievement in the pursuit of quality, innovation and integrity in the field of Riverland regional fine wines.

Another is Wilkadene, that wonderful brewery just upstream from Renmark. I called in and saw Sarah and Tom the other night and I want to congratulate them. On the weekend, two of their products won first and second prize in the Arkaba beer and cider awards at the Arkaba. One was for Utopia hard lemonade. I'm not a big fan of these sort of drinks. It is a bit like the Two Dogs. Does everyone remember the old Two Dogs lemonade? If you are into that sort of drink, it is like that.

I will tell you that they brew 50,000 litres of beer each year and 80,000 litres of this hard lemonade, alcoholic lemonade. If that is the sort of drink you like, it is an award winner now and very, very popular right through all of Australia. Their Firehouse Coffee Stout, which is more my style, came second. Congratulations to Sarah and Tom for running not only a wonderful brewery but also an amazing tourism experience.

Arrosto Coffee has also been included in the Riverland Trust Mark, along with Kolophon Capers for their outstanding achievement in quality and innovation for their regional produce. Bella Lavender Estate is another. Mario and Lucy do a great job. I called in to see them the other day. They weren't there, but their son David was firing up the pizzas—

**Mr Williams:** They knew you were coming.

**The Hon. L.W.K. BIGNELL:** No, member for MacKillop, you got it wrong. Last time I was there, Mario gave me a massage. He's got these lavender products. I had a bit of a crook shoulder and he said, 'Whack the shirt off. I'm going to give you a little bit of a rub on your shoulder and make it better.' I can say that their lavender products are absolutely sensational.

**The Hon. A. Koutsantonis:** How was the pelt afterwards?

**The Hon. L.W.K. BIGNELL:** The pelt—gee, I smelt good on the way home. Other foundation members include Griffens Marina, who run fantastic houseboats, and The Frames. I must congratulate Cathy and Rick Edmonds for their investment in putting in luxury accommodation up in the Riverland. Finally, we have Banrock Station and the Loxton Hotel. I just want to talk about The Frames. They have put the first Tesla recharging station at any tourism accommodation anywhere in South Australia, so congratulations.

### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:09):** My question is to the Premier. Why didn't the Premier take urgent action to separate education and child protection in 2015, when Coroner Mark Johns stated, in response to the death of Chloe Valentine:

Nothing less than a massive overhaul of Families SA and its culture and training of its staff will be sufficient.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:09):** Well, he didn't recommend it. That's one thing and, secondly—

*Mr Marshall interjecting:*

**The Hon. J.W. WEATHERILL:** We hear lots of things from the opposition. We tend to rely upon, though, the experts after they have heard all of the arguments for and against. In fact, if you read the interim recommendations, you will see that there has been a range of perspectives about the question of where child protection should be located. Some people believe it should be located in the Department for Communities and Social Inclusion; others think it should remain in the Department for Education and Child Development, and others think that it should be a stand-alone child protection agency.

Weighing up all the arguments, the commissioner made a recommendation, so we acted on that recommendation, rather than choosing. We knew we had a royal commission on foot. It was sensible for these submissions and those issues to go to that royal commission, and so the Coroner's report became an input into the royal commission. We are now at this stage, where an interim recommendation has been made and we have acted on it immediately.

### SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION INTERNATIONAL PROGRAM

**Ms HILDYARD (Reynell) (15:11):** My question is to the Minister for Education and Child Development. Can the minister inform the house about her efforts to promote our SACE International program.

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:11):** I am delighted to report that I have just returned from a trip with the SACE Board to China, the second time I have been to China with the SACE Board, and also this time to Vietnam. The SACE certificate is, as people will have noticed as I have said it many times in this place, an outstanding qualification in South Australia for the completion of the last two years of high school.

It is outstanding in its most recent incarnation since 2011 because it has been able to combine both very high quality with a flexibility that recognises that students learn a variety of subjects and in a variety of ways. One of the features of its outstanding success that I am very proud of, on behalf of the people who created this new program, is the doubling of the number of Aboriginal students completing high school with a certificate in the period since 2011.

Not only is the SACE qualification of very high value to this state, it is also valued elsewhere, and it is valued because it provides the kind of flexible and broad education that pays attention to content in subjects and also pays attention to the lifelong skills required for students nowadays in this modern world of problem solving, creative thinking and collaboration with others.

Because it provides that breadth of quality of education, other countries are interested in having their students learn the SACE and qualify from high school with a SACE. SACE has been in Malaysia for many years and more recently has started to be taught in China. We are currently either teaching or about to teach in eight schools in China, and Vietnam has taken an interest. As I said, we had some early discussions early this week with Vietnam.

The trip that I have recently been on had some specific memoranda that were signed—for example, the Hunan Concord College of Sino-Canada (which they are I think in the process of changing the name of to be Sino-Plus because they don't want to be restricted to a relationship with Canada), which is in the city of Changsha in the Hunan Province. I signed a memorandum of understanding to offer the SACE International to their students, and I congratulate the board on its achievements.

The Guangzhou Country Garden School has now advanced past the initial agreement phase and starting to prepare to offer the first classes in September this year. I was able to be at an event with around 300 prospective students and their parents. By no means will that many students be undertaking the SACE. We do not anticipate very high numbers to start with, but I was pleased and proud to be part of the presentation to those parents and those students for them to consider taking up the SACE. I went to the Guangzhou School to be part of that but I also had the pleasure of witnessing the Port Adelaide Football Club signing an agreement with the school. Port Adelaide, as we know, has taken some leadership in engaging with China, and it is paying off particularly with some of the younger kids, who are absolutely fascinated by AFL.

One of the features that was pleasing to me in the discussions we had both in China and Vietnam was that the schools very clearly don't just see this as something about getting a good qualification from another country and therefore straightforward entree into universities. They were also interested in cultural exchange, and that's why the fact that we have a Chinese bilingual school starting up next year is so crucial. We have to be open to the world, and our schools are one of the ways we can do that. The idea of student exchanges across our countries can only augur well for our future.

### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:15):** My question is to the Premier. Does the Premier stand by the comments he made publicly today that, and I quote, 'I don't think anybody is talking about the Debelle inquiry anymore,' and can he guarantee that all the recommendations from the Debelle inquiry have been 100 per cent implemented?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:15):** My remarks were made in the context of the chief executive, who was the chief executive of the Department for Education in the context of his performance as chief executive of education. I made the remark that it's not a matter of current controversy, the question of the Debelle inquiry. There are still obviously incidents that occur from time to time, but they are now handled in accordance with the Debelle protocols.

So, there is not a contemporary issue of public controversy. If there was, those opposite would be asking questions about it on a daily basis; I am certain of that. That was the point that I was seeking to make. As for the recommendations, I am advised that they have been implemented. Whether every single one of them has been implemented in full, I will have to check on that, but I understand they have been substantially implemented.

### GRAPHITE INDUSTRY

**Mr PICTON (Kaurana) (15:16):** My question is to the Minister for Mineral Resources and Energy. Minister, what is the current state of South Australia's graphite industry?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:17):** I thank the member for this important question about the commodity that is emerging as a new growth resource for the South Australian minerals sector. In recent years, South Australia's mineral resources strength has been achieved through the production of commodities such as iron ore, copper, gold, mineral sands and uranium.

To ensure we can unlock the full potential of these major resources, the state government has announced a long-term comprehensive Copper Strategy and has embarked on the process of designing a magnetite strategy. Meanwhile, gold producers continue to push forward on a number of fronts, and our mineral sands production has dropped back in the expectation that prices will improve in the medium term. One emerging area that is generating lots of excitement is graphite. I notice the member for Flinders is very excited.

Renewable energy and breakthroughs in battery storage that will allow solar PV and wind generation to overcome intermittency issues are driving demand for graphite. China has produced a majority of the world's graphite, but as worldwide demand for this commodity begins to steadily grow, explorers are seeking alternative sources. That is good news for South Australia. This state is blessed with more than 60 recorded graphite occurrences, with most of those centred on Eyre Peninsula, which is good news for the member for Flinders and his engagement with local

landowners. I am sure he is very excited about all the community meetings he will be having very soon.

These are exciting times for this state as we continue to be a leader in renewable energy, and now we have the opportunity to contribute to the development of battery storage, which is very, very exciting, by providing the material that is required for rechargeable lithium batteries. These rechargeable cells are already being used in mobile phones, tablets and other electronics, but they can also be used in electric cars and microgrids to store energy generated from wind and, of course, the sun.

The battery industry is preparing for a surge in demand and they are scaling up their existing operations. These expanded factories will be looking for new and secure supplies in First World countries where the rule of law is applied and, of course, you have an open regime, like we do here in South Australia, which is the envy of all the states. Demand growth is expected to focus on the availability of larger and coarser flakes, and, luckily, here in this state, most of the recent discoveries have identified significant larger 'jumbo-size' flakes. These discoveries mean South Australia is poised to become one of those secure suppliers being sought by battery makers.

I recently approved the mineral lease for Lincoln Minerals to progress its Kookaburra Gully graphite project on Lower Eyre Peninsula. Lincoln Minerals is now required to prepare a program for environmental protection rehabilitation, which, once approved, will allow the project to move into the production stage. Should the PEPR be granted, Lincoln Minerals expects to invest \$40 million to construct a mine and its processing plant north of Port Lincoln.

This project has the potential to employ 60 people during construction and a further 30 people working on the mine and its processing facilities. Add to that the opportunities for suppliers and providers of transport logistics and other services, there's a great potential to generate regional economic activity on Lower Eyre Peninsula and to diversify Eyre Peninsula's economy. Kookaburra Gully is just one of the graphite projects in the pipeline in South Australia. Archer Exploration is also seeking approval for its lease in the Campoona graphite project, and it's also looking to develop Carapee Hill—both near Cowell, just south of Whyalla.

We remain a magnet for investment in the mineral resources industry and even at this point in the price cycle. It is because we, as a government, promote this industry and promote mining in our state to generate wealth.

### **SOCIAL WORKERS**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:21):** My question is to the Premier. Can the Premier assure the house that no student social worker, or graduate social worker with less than a year's experience, is involved with families without direct supervision by a senior social worker, as per the Coroner's recommendation 22.22 in the Chloe Valentine inquest?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:21):** That recommendation has been fulfilled. The important changes in the way in which student social workers are treated is that they are not involved in the initial investigation and assessment of households, which means that we have more senior social workers—experienced graduated and experienced social workers—undertaking that initial assessment to determine whether the family is likely to require a process that might lead to the removal of the child or not.

### **HOUSING STRESS**

**Ms BEDFORD (Florey) (15:22):** My question is to the Minister for Social Housing. What is the government doing to assist older women facing housing stress in our community?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (15:22):** I thank the member for this question and acknowledge her commitment to advocating for the needs of women, particularly older women, who need help in the housing market. We know that either renting or buying a house is our single biggest expense. Across my portfolio areas of social housing, youth, ageing

and the status for women, I meet many people for whom having access to safe, suitable and stable housing is a challenge.

Housing SA has been undertaking work on new housing options for specific groups with high and growing needs, including two 90-Day Projects, focused on vulnerable young adults and also the private rental market. Another group with high representation across my portfolio are single women in the older age demographic. Across Australia, 32 per cent of older women live on their own, compared to 17 per cent of older men, and South Australia is proportionally the oldest of any mainland state.

In the past, we had a different expectation. In fact, women often had to resign after marriage. My own mother had to resign after the birth of my brother, and many of our mothers didn't get superannuation or paid maternity leave. As a result, many older women have lower levels of workforce experience, income and assets. These issues are compounded even more when a person is single and even more so when a person unexpectedly becomes single later in life. Remaining in or re-entering the workforce later in life is another area we are looking at, as this can be an intimidating prospect for anyone.

We are actively working to ensure that there is greater recognition of the need for flexible employment and leave arrangements, which are particularly vital for older women who so often play a critical role in providing support and care to both older and younger family members. Recently, I met with the Chair of the South Australian Housing Trust and the chief executive of HomeStart Finance to consider these needs.

South Australia led the country when we established Australia's first housing authority 80 years ago, and that level of innovation continued when we founded HomeStart in 1989. When I speak to HomeStart, they tell me that many of the loans that they are providing are for people starting over, people who have maybe lost a partner or have had a divorce later in life. I am confident in the drive and creativity of these agencies. We need a mix of new options to deliver results for a diverse range of people. Significantly, the change is often for people living alone, who are running the expenses of a household on their own.

The Housing Trust, HomeStart and the Department for Communities and Social Inclusion will continue to work together on a new round of innovation. As minister, I will continue to push for new housing options not just for older women but for all those who need our assistance in obtaining a safe and affordable house to live in. I got my first housing loan from HomeStart. At that point, they had a product that was for graduates, so they looked at that part of the market and knew that they needed extra support. It was at a time when we had seen an increase in the cost of purchasing a first home. I am confident that we can work together on focusing on how we can support older women to enter the housing market.

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

**The SPEAKER:** The roué from Mawson is called to order. The leader.

#### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:23):** My question is to the Premier. Will the Premier confirm that all applications made pursuant to section 20 of the child protection act included drug testing in every case where a child is identified as being at risk as a result of abuse of an illicit drug by the parent, guardian or other person?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:26):** Families SA has now fully complied with the legislation and is indeed reporting the number of drug assessments. I can report the latest figures. Just as a point of comparison, in 2013-14 there were 185 drug assessments undertaken, and by the end of the third quarter of 2015-16 it was 620.

#### CHILD PROTECTION

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:27):** My question is to the Premier. Why does the Premier continue to refer to the removal of 20,000 children from their parents,

when the DECD 2015 annual report reports that 1,908 children were the subject of finalised substantive investigations?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:27):** Well, you see, I don't refer to the removal of 20,000 children.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, just so that those understand the remarks that I was making, it was the very point that I was seeking to make earlier, that we have a child protection system which is overwhelmed with notifications, and it's crucial that—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** That's right. We can't.

**Mr Marshall:** So where have you come up with that figure?

**The Hon. J.W. WEATHERILL:** Because there were 20,000 Child Abuse Report Line notifications up to this point this year, and I was seeking to make—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** See, this is the problem. If those opposite—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** I think those opposite are just demonstrating that they have nothing to offer in relation to this debate in relation to child protection. Because this is the real challenge of child protection—not just sitting back and reading *The Advertiser* and then deciding that they need to ask for me to resign. It's actually the hard policy work which requires dealing with probably one of the most complex areas of public policy that faces any government anywhere in the world, and we have applied ourselves assiduously to it. Have we failed in cases? Yes. Have we protected many children? Absolutely, yes, and we are determined to have a first-class child protection system.

#### *Parliamentary Procedure*

### **STANDING ORDERS SUSPENSION**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:29):** I move:

That standing and sessional orders be so far suspended as to enable me to move a motion without notice forthwith.

**The SPEAKER:** There being an absolute majority present, I accept the motion. Is it seconded?

**An honourable member:** Yes, sir.

**The SPEAKER:** It is seconded. I put the motion that standing orders be so far suspended.

Motion carried.

#### *No-confidence Motion*

### **PREMIER WEATHERILL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:30):** I move:

That this house has no confidence in the Premier in light of his failure to protect the most vulnerable South Australians.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:30):** I move:

That time allotted for debate be one hour.

Motion carried.



**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:30):** Nobody has ever said that child protection is an easy portfolio. It is not an easy portfolio in South Australia. It is not an easy portfolio in any other jurisdiction around Australia or anywhere else in the world, but let's be quite clear: when Margaret Nyland brought down her interim report yesterday, her recommendations did not say that this is a difficult portfolio being managed well. She said that the system in South Australia was in crisis. These are incredible words from the royal commissioner appointed by this Premier. He would have us believe this is a difficult portfolio but they are doing a good job, but nothing could be further from the truth, and the royal commissioner has made that clear in her interim findings presented to the Premier this week.

There is one person above all others in this parliament, and quite possibly above all others in this entire state, who has been inextricably linked to our child protection system and failures here in South Australia. The Premier was elected to this parliament in 2002 and he has had a seat at the cabinet table every day since. In 2004, he became the minister for child protection, and for the vast majority of his time in this parliament he has been the minister for child protection, the minister for education or the Premier of South Australia, so ultimately he must take responsibility for the very obvious failures which have now been uncovered and reported in the royal commission.

In 2011, when the Premier assumed this office, he announced his signature reform, which was to move the child protection agency into the education department. This raised eyebrows at the time. Nobody saw this coming because it was not a recommendation of the Layton report. It was not a recommendation of the Mullighan inquiry. There was no specific recommendation that the Premier should embark upon this. This was his own idea.

He went over to Oxfordshire, looked at their system and he thought, 'This is what I want here in South Australia,' and off his own bat he decided to make one of the most substantial changes to child protection that this state has ever seen, and now that decision has been shown to be manifestly inadequate, a major mistake, and has put the children of South Australia at risk. Yesterday, the royal commissioner made it clear: we are in crisis in South Australia in child protection.

South Australia has weathered other crises. They have had political crises. They have had financial crises, the most obvious amongst those, of course, was the State Bank crisis which hit South Australia, and I think it is useful to reflect on what happened in that situation. In that situation, the government of the day had multiple warnings from the opposition in South Australia and from many other commentators, and at every opportunity they dismissed those warning bells that had been given to the government.

Ultimately, when the royal commission came down and said that the government's failure to address the obvious issue had put South Australia in a very, very difficult catastrophic financial situation, what did the Premier of the day do? I will tell you what he did. He apologised to the people of South Australia. He took responsibility and he resigned as the Premier of this state.

South Australia suffered a significant financial loss as a direct result of the Labor government's maladministration during that period of time, as reflected in the royal commissioner's findings, but these were financial losses. Let's be quite serious about this. The only reason that this issue of child protection has been brought to the notice of the people of South Australia is that children have died. Children have died in South Australia because our systems have been in a state of failure for an extended period of time.

Let's not forget that in 2004 the minister of the day, none other than the Premier today, said that the system was in crisis but, do not worry, he was going to fix the leadership and fix the culture. Fast-forward 12 years down the track and we have exactly the same situation, and this Premier has been inadvertently involved every single step of the way. Here is the problem: the people of South Australia have lost complete and utter confidence in this government and this Premier's ability to sort out this most important of portfolios, and what has he done? He has done nothing whatsoever to build that confidence of the people in South Australia.

The Premier's responses to the recommendations handed down yesterday were nothing short of appalling. They were completely unacceptable. They were disingenuous. What we have had, ever since those recommendations were handed down, were merely-mouthed half apologies with a

whole pile of caveats that were added onto the end of those apologies, and this has angered the people of South Australia because they expect more.

They expect more of a government than to care more about their own political survival than they do about the most vulnerable people in our society. Sir, I put it to you that you can judge a government based upon how they treat the most vulnerable in our society and, sir, this is a bad government. This is a bad Premier who has put their own political survival ahead of the most vulnerable people in our society.

The Premier, calling and goading, if you like, the opposition to lay out the case before the parliament, says that we should have done this yesterday. Well, there was an obvious response by the government to the royal commissioner's recommendations yesterday, and they were outlined, but ever since then, at every single opportunity that has been provided to this Premier, he has not taken the opportunity to provide a full, unreserved apology and take responsibility.

His response has essentially been to say, 'This is a massive problem. It is a massive problem everywhere,' or, 'This is somebody else's fault. Somebody else killed these children. It was not my fault.' Yet every other independent inquiry said that there were major problems with the culture, major problems with the leadership and major problems with the systems here in South Australia—the resources and culture. As Dr McFetridge, the member for Morphett, says often to me, the buck stops with ministerial accountability, and the government now has an opportunity to set this right and for the Premier to take responsibility.

How has he spent his time in parliament today? You would think that, given the comments by the royal commissioner, he would come in and say, 'This was a grave and serious mistake. I made that mistake, and I am sorry to the people of South Australia.' Is that what he did today? Absolutely not. Let me tell you what he has done. For most of his time in question time today he has been advocating for the model which has been shown, independently, to be broken and to put the most vulnerable children in South Australia in danger. He has been in here telling us about people who advocate for it. He has been telling us about the virtues of the system which he put in place, which now has been found, unequivocally, to be broken.

We need to see some ministerial responsibility. We need to see somebody taking responsibility for the situation that we find ourselves in here in South Australia. We need somebody who is going to be able to take on the responsibility to restore the confidence that the people of South Australia need to have in their child protection system. There is just no way that this man can now be responsible for sorting out the mess, the absolute mess, the dangerous mess, which is this agency.

Let's not forget he has already told us on many occasions he has solved the problem. In 2004, he solved the problem. In 2011, he solved the problems. How many warning signs does this Premier need? When we know that the system is broken and we know that we have to move child protection from this agency, the Premier spends his time in the parliament today advocating why it was a good idea to have it in the education department. There is no way that this Premier can stay in this position and advocate for the solution. He is the problem.

It is not just the problem associated with where the agency is, it is not just the culture, it is not just the leadership, but we have the incredible situation presented to this parliament and the people of South Australia by this Premier to have two separate ministers responsible for the same portfolio which is in crisis. There is massive confusion as to who should be answering questions, there is massive confusion as to who should be taking responsibility in this state. This is a real problem presided over, again, by the architect of the flawed system, none other than our Premier here in South Australia.

If you need any more evidence as to why this Premier is completely and utterly unacceptable to continue in this role, take a look at his ducking and diving over the issue of the Commissioner for Children and Young People in this state. South Australia shamefully remains the only jurisdiction in the nation without this independent person to protect our most vulnerable. It was a recommendation of the 2003 Layton report. Following the Debelle inquiry report, I remember the minister of the day standing on the steps of parliament assuring the media, assuring the parliament that we would have

a commissioner for children and young people by the end of 2013. Well, here we are in 2016 and there has been little progress.

Can I just say that those on this side of the house have been working diligently on this. We have already sought the support of the crossbenchers in the Legislative Council and we have passed a bill which could be on for debate in this house this afternoon, yet this government says, 'We don't want to debate this until 2017.' They do not like our model which puts extra protection in for the most vulnerable people in South Australia. They want this toothless tiger that is going to be able to do little to protect our children here in South Australia. They want the delay tactic of establishing a royal commission to report years and years after the crimes have been committed rather than taking immediate action with a commissioner with real teeth.

There is no doubt in my mind that we have a very serious problem here in South Australia, and it is not just a problem with child protection. It is a problem with our democracy and it is a problem with this government failing at any single opportunity to take responsibility for the perilous situation that they have put the people of South Australia in. Today, we need the Premier to do the honourable thing. We need him to restore the dignity of the office of the Premier of South Australia. Do the right thing and resign.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:43):** The central question of the debate today is a question of character, and it is not just a question of the character of the Premier. It is a question of the character of the Leader of the Opposition as well.

*Members interjecting:*

**The SPEAKER:** The Leader of the Opposition was heard in silence.

**The Hon. J.J. SNELLING:** This question of character will be a critical issue at the next election, and I invite members of the opposition backbench to reflect—

*Mr van Holst Pellekaan interjecting:*

**The SPEAKER:** The member for Stuart is called to order.

**The Hon. J.J. SNELLING:** I invite members of the opposition backbench to reflect on the character of the Leader of the Opposition and the importance of the central question when it comes—

*Mr Pederick interjecting:*

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

**The Hon. J.J. SNELLING:** —to the 2018 election when the people of South Australia—

*Mr Knoll interjecting:*

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

**The Hon. J.J. SNELLING:** —will be making their own judgements on this issue. Let's start with—

**Mr Wingard:** Child protection.

**The Hon. J.J. SNELLING:** —the Premier.

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

**The Hon. J.J. SNELLING:** There is no doubt that government is challenging and nowhere more so than in the area of child protection. If there is anything I can agree with in what the Leader of the Opposition said today, we certainly agree on that. There is no area that is more fraught. You are talking about decisions that child protection workers have to make day in, day out—the heartbreaking decision of whether to remove a child from a family.

In the decision to remove a child from a family, there is no panacea. There is no great outcome. We know very well what happens to children who are removed from their families and the outcomes are not necessarily great. Making that terrible decision to remove a child from his or her family is not some sort of solution to a problem but, rather, the least worst outcome and these are

the difficult decisions these workers are having to make every day. These are difficult decisions and, of course, resources will always be limited, such will be the demand.

Last decade, the Premier in government has spent the best part of his political career grappling with these issues. When others would run a hundred miles away from these difficult issues and from grappling with these difficult issues, what are we seeing? The Premier has spent the best part of his political career dealing with these issues and tackling them head-on. There are plenty of others in political life who would not want to go near the child protection portfolio, but the Premier has been willing to deal with it and seek out reform to seek better outcomes for these children.

Let's just quickly go back to 1997 when I first came into parliament. Much has been made about child protection being put into the Department for Education and Children's Services and the Premier has well canvassed his thoughts and reasons for wanting to do that. I remember when I came into this place in 1997, child protection was not moved into the Department for Education where at least that was some policy rationale for doing that. No. It was moved into a mega department of human services, a much bigger department than the Department for Education. It was talked of as a mega department.

What was the rationale for doing that? The rationale was not that this was going to lead to better outcomes for children or better cross-agency cooperation. It was to appease the ego of an aggrieved Dean Brown. That was the only reason it was done. It was entirely a quick political fix because the then government, the Liberal Party—

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide is on two warnings.

*Mr van Holst Pellekaan interjecting:*

**The SPEAKER:** The member for Stuart is warned.

**The Hon. J.J. SNELLING:** The Liberal Party had been brought to the brink of losing government in only one term and Dean Brown needed to be appeased. An angry Dean Brown needed to be appeased so, instead of putting child protection into an agency where at least there was some rationale for it, it was done purely for political convenience. When this government came into office in 2002, that was a mess that we had to untangle. We had to untangle the mess that had been created by the previous government purely as a quick, political fix.

*Members interjecting:*

**The SPEAKER:** The member for Mitchell is warned.

**The Hon. J.J. SNELLING:** Let's just go through some of the things we did see and some of the things we have seen. One of the first things we did was the Layton review. We established the Layton review, the biggest review of child protection in the state's history, a root and branch review of what was going wrong in child protection under the previous government and how it could be improved. We more than doubled the number of positions in what was then called family and youth services, more than doubled the professional care and protection workforce of that particular agency. We almost trebled funding to Families SA, such that its budget now is \$325 million, an increase from \$90 million when we came to office.

We disentangled the mess that had been created as result of a political fix by the then government. We massively increased the size of the workforce and we massively increased the funding to that particular agency to deal with this fraught area. In any area of reform, when a government undertakes reform there are going to be times when things do not go as you would wish. The test of political character is your willingness to front up and take accountability when those things happen, and that is what we have seen from the Premier: a willingness to front up and be held accountable and, indeed, to admit when he has made a mistake. That is something that the Premier has done which has been sadly lacking from those opposite.

Instead, what do we see from the opposition? We see a pattern of behaviour that I think reflects an opposition that has resigned itself to never having to deal with the challenges of government, or certainly never having to deal with the challenges of government any time soon. What instead do we see from the opposition? We see an opposition that is happy to leap on any

human tragedy for base political purposes, an opposition lacking in any moral compass whatsoever that will simply leap on any human tragedy for cheap political points.

Let me give an example that is close to my heart because it does say a lot about the Leader of the Opposition. The Leader of the Opposition came into this chamber making allegations that an elderly lady had died in the Noarlunga Hospital emergency department waiting for a transfer.

*Members interjecting:*

**The Hon. J.J. SNELLING:** I know they don't like to hear it because the truth hurts. What happened in that particular case? The Coroner intervened and rang the family of that lady to say that they had to put their funeral arrangements on hold because the Leader of the Opposition, without bothering to check his facts, had raised this issue. It had now entered the political arena and the Coroner had to intervene. When the family rang up the Hon. Stephen Wade to remonstrate with him for raising this issue, what happened? He called the cops. Stephen Wade called the police on a grieving family who only wanted to remonstrate with him for not checking their facts.

I raise this issue not so much because of what it says about the Hon. Stephen Wade but because of what it says about the Leader of the Opposition. The Leader of the Opposition blundered into the chamber, having made such a grievous error, having made such a terrible mistake and brought further grief to an already grieving family. How long did it take the Leader of the Opposition to be held accountable for that mistake? It took about three days before he could be dragged kicking and screaming before the TV cameras and, to the best of my recollection, I do not even recall him bothering to say sorry to that grieving family for his error.

Certainly, he has not done anything to explain how he was provided with that false information so that appropriate action could be taken against the individual who had intruded on that family's privacy. The Leader of the Opposition was quite happy to let the Hon. Stephen Wade take all the flack for his error. It took days and days before he had the courage to front the television cameras and be held accountable for his decisions. What do we see with regard to child protection in terms of offering any sort of policy alternative or in terms of saying to the people of South Australia, 'We have an alternative vision. We have something different to offer'? Very, very little. Very little, indeed.

What do we see in their wonderful '2036' document, when they expect perhaps they might have some chance of going into government? Very, very little, indeed. There is a list of statements which no-one is going to disagree with. There is no actual policy alternative, no vision for the people of South Australia, none of the answers on how we deal with this incredibly difficult and vexed issue of child protection and nothing positive or constructive to add to the debate.

It is purely a willingness to jump on human tragedy for base political gain. As I said, there is a pattern of behaviour here, this jumping onto human tragedy without any interest in the welfare of those people who have been the victims of this tragedy. It is purely base political gain on human tragedy. It is some of the worst behaviour I have seen from an opposition in the 20 years I have been in this place. The house can draw its own conclusions about the morality or character of a man who delights in other people's misfortune and who exploits it with scant regard for the welfare of those people.

But it also has something telling to say about the opposition, an opposition who have been out of power for so long that they have not only forgotten what it is like actually to make the tough decisions you need to make when you are in government, but in fact they have lost all interest in what it is like to make the difficult decisions you need to make when you are in government. I implore the house to reject this ridiculous motion and the feigned and ridiculous anger of the Leader of the Opposition.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:55):** There were two things premier Rann did in his first year as Premier of South Australia; one was to prepare, call for and convene a drug summit in 2002, and the second was to prepare, call for and allocate the funding to progress with the appointment of Robyn Layton QC to fully investigate and review child protection in South Australia, both of which I personally applauded and which I think many in the government,

and particularly those of us who were new in the parliament, recognised needed to be done, and they were taken up by the new government.

Regrettably, the drug summit took place and we have not seen a lot since from it. However, I at least commend the premier for starting that process. When it came to child protection, I do not think South Australia could have been better served in having the appointment of Robyn Layton QC to undertake that investigation. In nine months, she comprehensively read, reviewed and identified the deficiencies of the child protection system in South Australia. She produced a massive report in March 2003 to help us as legislators, and the government in particular, to develop policies that were going to improve a very fractured system.

I think that is to her credit, and I think it was to South Australia's advantage that we had someone of such significance, academic competence and intellectual capacity to guide us. What she set out in those recommendations was visionary and much of it was confronting. Personally, I had spent about 20 years in the child protection system inadvertently, through legal work, so I had a bit of a colour of how ugly this situation was in the real world. But, to her credit, she laid it out for us in unemotive but very clear substantiated and supported recommendations how we might go about reform, as a parliament and as a government, in policy reform and allocation of funding. Good on her for doing that, and I again commend the premier for taking up that challenge.

The Hon. Steph Key, the member for Ashford, was the first minister I worked with in this parliament as the new government, and good on her. She, of course, progressed this investigation and this thorough, honest, free, bones clear, everything out there uncovering of what was the problem. Good on her, and frankly I wish for South Australia that she was still the minister taking responsibility for this. Anyway, that did not happen.

In 2004, when the government had considered the recommendations of the Layton report, they commenced to implement under a new minister, minister Weatherill, who was the then minister appointed, the restructure of the child protection systems in South Australia, to reconvene the governance of how we operate and, of course, to particularly change the culture, which had been repeatedly criticised. Reports before I got here, and perhaps, Mr Speaker, when you were here—select committee inquiries and so on—had undertaken these. I remember not long after coming here that the Hon. Caroline Schaefer in another place undertook a comprehensive review of Families SA and its particular functioning. It was found to be dysfunctional then. We are talking again back in the era when Mr Weatherill was minister.

I make the point that what was very clear at that time was that we already had children dying in South Australia. One of the most acute cases, and one which I will always remember, was what was colloquially known as the 'Victor Harbor baby case'. The member for Heysen will remember this case of a tiny child who was left in the care of his mother living in Victor Harbor. There had been multiple visits from the then department of families and communities and, sadly, some months later the baby was found dead.

Obviously, a number of questions had to be asked. Why was this little baby boy, totally vulnerable, totally at the behest of any kind of control or supervision by his mother, who clearly was unable to care for this child? The minister of the day consistently declined to provide any detail to this house about that case. He kept telling us, 'I'm going to restructure the system. I'm going to establish a number of bodies.'

The first one the minister identified in response to dealing with the Victor Harbor baby case was the Child Death and Serious Injury Review Committee. Later, it had funding and was established. Sadly, after three or four years, let me tell you that it still did not have money to deal with serious injury. It only had time and money resources to deal with the 100-odd deaths a year of children who die in the state. Some die of natural causes shortly after childbirth, in car accidents or as a result of suicide. Sadly, too many die as a result of the neglect or abuse of others, with many of those being a parent or guardian.

We know all that, and let me say that the response of the minister at the time was, 'We need to be able to have a proper independent assessment of what has happened in this case and make sure that this doesn't happen again.' Well, guess what? Here we are in 2016 and the assessment of why that little boy died has never been the subject of an inquiry in this state by the Child Death and

Serious Injury Review Committee. Why? Because they said, 'He died before our jurisdiction started.' Has there been a coronial inquiry? No. That little boy died, and to this day nobody understands what went wrong in the systematic failure for that little boy.

Secondly, the minister said, 'In my restructure, I can't trust independent residential facilities to have responsibility for the care of our children'. These are the children under the guardianship of the minister. 'I cannot trust them, and our government won't trust them, and we're going to bring it all back in-house.' One was operating in the southern region, and again the member for Heysen will remember this because she had particular responsibility to look at it at the time. We had presented to us a completely restructured, centrally controlled 'bring it all into the department' approach by this Premier, the then minister, in charge of the responsibility of care for children.

Today, we still have Child Death and Serious Injury Review Committee annual reports, and they still tell us that 100-odd children a year die, and they still tell us that 30 or so of those—it varies from year to year—are known to the department. They are either under the guardianship of the minister, or they are the subject of notifications and/or assessments that have been found. We still have the Guardian for Children, and that is another restructured responsibility.

When they reviewed that, it is important to remember that Mr Mullighan recommended (and it was ultimately incorporated in the statutes) that her report was not allowed to be touched by a minister before it got into parliament. Can you believe that? It is the first time I have ever seen that—a minister prohibited, under statute, from interfering with the provision of a report to parliament. That tells you about what was going wrong in this situation. I urge members to read those reports each year that they come in here because they tell the same chilling, cold, unacceptable story about the protection of our children in South Australia.

Finally, there was the Council for the Care of Children. That was the third structure introduced by the then premier. He said that was going to be the replacement of Ms Layton's recommendation that we actually have a child protection board. She recommended that, and he said, 'I'm going to incorporate that into this Council for the Care of Children.' Members should have a look at that. Every year, that report comes into the parliament and every year it tells us of a scandalous, incompetent provision of protection and service to children in our state, particularly those who are the most vulnerable.

Even today, we have the Premier telling us on radio that 20,000 notifications just last year were made in respect of alleged abuse against children. He went on to tell listeners this morning not just that, which is a staggering statistic in itself, but he went on to say, 'With 20,000 child protection notifications, we can't take 20,000 kids off parents in South Australia.' Remember that this is in the context of, 'Well, what are you doing about it?'

I suggest that that was a complete cop-out. He knew full well that fewer than 2,000 finalised, confirmed notifications actually occur in this state. Sure, if it's even fewer than 2,000, 1,900 is a lot of people, a lot of children who need care. I do not in any way walk away from the fact that the government has that difficult task to undertake, as a leader has said, but it is not so massive that it cannot be dealt with. Sure, he oversaw the expansion of the definition of child neglect and child protection and what was abuse and what was to be captured. It is unsurprising to me, with just about everyone in South Australia on a mandatory notification list obligation, that of course we have tens of thousands of notifications a year.

But at the pointy end of the pencil, at the end where children are left in a situation of care with a parent or guardian who clearly is not capable of protecting them and the department knows about it, sadly every year we continue to receive that problem. Let me just highlight my concern that there has been no change made by this Premier. I do not know whether he has read the Department for Education and Child Development's 2015 annual report that was tabled a week or so ago in this parliament. On page 46, there was a reference to child protection and, in particular, drug testing.

We have spent months dealing with Coroner Mark Johns' recommendations to the parliament to try to tidy up objects, visions, provisions, enforcement of applications made for assessment under sections 21 and 22 of the Children's Protection Act and how there had been a scandalous failure on the part of the government under this Premier's watch not to provide reporting in its annual report of the occasions when applications have been made, when drug testing had

followed it, when there had been an assurance that we sought in the parliament and the Premier gave an undertaking on 1 December 2005 in this house.

The member for Heysen again remembers that we had negotiated to ensure that all this information had to be put in an annual report. When he was challenged about it some years later and asked, 'Why hasn't this happened?' he said, 'There were officers in the department sitting here in the parliament. They should have known what to do.' That is the level of lack of responsibility of actually dealing with this. What did we do? Last year and early this year, we debated the Coroner's recommendations, and we finalised it by putting in a new section 8E.

I hope the minister is listening to this because in this annual report under statute a number of things have to be listed. Let me tell you that I have read that report and, when she reads page 46, they are not in there. In my view, that is a blatant breach of the statutory provision. It is totally inconsistent with this Premier's promise to this parliament as an undertaking about what would be detailed. She should read that because she repeated some of the ineffective and inconsistent statistics in question time today in an attempt to say, 'My department's doing what it's supposed to be doing.' It is not doing what it is supposed to be doing; we all know that.

In just this small thing to help people understand, to help restore confidence to South Australians that these children in these circumstances are now under the protection of this government and they can have some confidence in it, they fail again. It is a simple task. You have to ask yourself why this information is being concealed. Why did the minister or the Premier not stand up today and say, 'I will say to the people of South Australia that every child who is living in a household in which there is a drug-affected parent or guardian—they will have a drug test'? It is a very simple law, but they did not say that today.

We read some weeks ago of the shocking murder of Adeline Yvette Rigney-Wilson and her two little children. I am not here to defend whoever might have been responsible for that. There are other matters that will be dealt with and in other forums that will be dealt with, but three people are dead. Two little children are dead. These are the ones that this government is supposed to be responsible for under this Premier's watch.

Has the Premier, the child reform minister or the minister for child protection—any one of them—come into this house and said, 'Look, we have looked at this matter and we want to reassure the house that a drug assessment had been undertaken of the parents or parties who were in that household. We knew about it and we were dealing with it and this is how we managed it'? No, they said, 'Margaret Nyland is going to deal with this. We are sending it off for her to have a look at.' She said, of course, 'Well, actually, I have finished my report and I am going to be giving my report to the parliament.'

What is their response? Still nothing, still absolute silence. The people of South Australia want to know why those two little children died in a situation where they were not going to school, where their mother clearly had a problem and maybe others in the household did. They were living in public housing. We had a litany of opportunities for all these ministers to have taken responsibility for those children and none of them will. Now we have two little children cold in those caskets because you have not done your job. You have not done your job.

I have said to repeated ministers, and there have been plenty along here, not just the present one, 'You are not responsible for the disgusting things that people do to their children,' and I have always said that, 'but you are responsible if any one of you knows that there is a problem and you have got statutory obligations to fulfil and you don't do either and those children end up dead'. That is totally unacceptable. I will not tolerate it and none of the people sitting behind you should tolerate it

These are children who die in their electorates, not just mine or ours on this side of the house. These are children who have no-one else to protect them and you have an obligation to fix it up. I say to the parliament that this Premier has been absolutely inadequate in his protection of children and I want him to go. This government has another 20 months or so. They could pick someone out of what is left there who can do the job because he has failed these children.

*Members interjecting:*



**The SPEAKER:** The deputy leader was heard in silence. I expect the same for the Minister for Education and children's services.

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (16:12):** I have been in this role since about February last year and I have had the opportunity to understand the full scope and difficulty of the child protection portfolio. This child protection matter, this portfolio in South Australia, is under severe pressure. It is easy to say that and it is easy to point fingers, but let's just get the dimensions of what is happening for the people who are working in that portfolio and for the families who they are trying to deal with.

We have had a massive increase in the number of notifications that we are receiving. We have gone from 2013-14, 39,000, up to, in the first three-quarters of 2015-16, 36,000. So, if we are on track, 48,000 people coming to the CARL line saying that there is a problem. We know that—

**An honourable member:** Because you changed the criteria.

**The Hon. S.E. CLOSE:** So you do not want to hear it? That is the thing, just change the criteria. Do not hear it. Do not understand what is going on out there. We know from Adelaide University that 19 per cent—

*Members interjecting:*

**The SPEAKER:** If the leader makes another utterance outside standing orders, I will not remove him under the sessional order, I will name him. The minister.

**The Hon. S.E. CLOSE:** We know from Adelaide University research that 19 per cent of children from nought to 10 in South Australia will have at least one notification that is screened in. That is not just someone ringing up and saying there might be something that turns out to be nothing. That is 19 per cent screened in in South Australia, but only 1.8 per cent of those children come into out-of-home care.

What we have is a system that is geared to deal with the 1.8 per cent that is trying to deal with 19 per cent. Removals are escalating. Removals of children from their biological families are escalating. In March 2015, 2,838 children were under my guardianship. In March 2016, it is just over 3,100 under my guardianship and not able to be with their families. We have seen increases in foster care and kinship care in that time. We have seen a dramatic increase in the proportion of kinship carers since 2002, something like a 700 per cent increase. That is families stepping up and helping out, but neither have increased sufficiently.

So, what we have now are children in residential facilities and in emergency care. This is the kind of care I do not want to see any child living in, but they cannot be with their families, and there are no other families who are currently taking them. We have problems with our staffing levels. We have vacancies in our department that we are struggling to fill, and part of that is because we have an attrition rate of something like 8 per cent. So, as much as we bring people on, we lose people. We need not only good workers, we need experienced child protection workers, and we are struggling to keep them. This system is under pressure. I will never deny that to anybody, and I will never try to be defensive about it. This is not how I want to see children in South Australia being taken care of, but it is not going to be solved by blaming the social workers or blaming the structures.

I utterly support Margaret Nyland's move to recommend that we take child protection out of DECD. I am grateful for her consideration of the situation we are in now and what mechanisms might be used to change the dynamic, but I can tell you one element that does not assist this dynamic is the politicisation of this issue. It is hard to draw a line—I appreciate that. People want to ask questions, and they want accountability—I understand that—but when stories are told that are misleading about what is happening in order to gain political advantage, then we are going to be worse off in how we are able to respond to this problem.

The one that is really annoying me is the commissioner for children because, when I came in here in February of last year as the new minister, I said, 'Okay, it is stuck in the upper house. We have a version that is entirely consistent with what Robyn Layton had recommended. The opposition and some crossbenchers are interested in something slightly different. Let's see what we can work

out.' I had a meeting with the Hon. Stephen Wade, and I had a meeting with several crossbenchers. I said to the Hon. Stephen Wade, 'Do you think, now that we have a royal commission on the entire structure, we should perhaps ask the commissioner what her view is on this?' 'Good idea.'

So, I went off and asked the commissioner. What did she do? She wrote back to me, and she said, 'The matters of the structure of the child protection system, including the council, including the guardian, including the Child Death and Serious Injury Review Committee, are matters that I am looking at, and I am looking at a structure that will inevitably have an impact on the rules, the powers and the position of a commissioner for children. I am concerned that you will need to change what you are proposing, once I have had an opportunity to describe the shape of child protection.'

So, I spoke to the Hon. Stephen Wade, and I said, 'I am going to do a press release to explain that I think we should put this on hold, to wait for Margaret Nyland to create the structure so that we are not messing people around, and so that we are not going off in this direction while Margaret Nyland thinks we should go in that direction, while the role of the guardian, the council and CDSIRC are able to be taken into account.'

In the spirit of bipartisanship, I showed the Hon. Stephen Wade my press release, in draft form, and he made a suggestion for one part of the change, so I am so disappointed that this matter, which I have answered for in this parliament, and answered for in estimates, is being used to again try to find blame somewhere. This is not about trying to find blame: this is about doing better for the children. I say to you that I have every faith that this Premier is the person with the moral courage not only to do things but to ask the difficult questions—Is this what we should be doing? Have we gone in the right direction?—

*Mr Goldsworthy interjecting:*

**The SPEAKER:** The member for Kavel is very close to being named.

**The Hon. S.E. CLOSE:** —similar to my preparedness to ask Margaret Nyland not to back in the version that we had come to, not to even endorse what Robyn Layton had done, but to say, 'Do you want to have a view on this?' This Premier has shown that kind of courage, from implementing the Layton report, through Justice Mullighan's reports, and now by initiating Nyland. I think that the children of South Australia would be better served if we all showed some respect for those institutions and did not try to play games with them.

In the very brief time I have left, I would like to touch on the importance of universal services. With 19 per cent of kids getting at least one screened in notification and less than 2 per cent being taken away, what do we do with that gap? While I am absolutely happy to support Margaret Nyland's recommendation on removing what is currently called Families SA and forming a child protection agency, my education department will not be taking a step backwards in supporting these children. These children need every bit of help they can get from every service in government, and that includes education, from the universal home visits initiated by this government to identifying what supports parents might need through to preschool, which we offer from the age of three for children of Aboriginal background and children under my guardianship, through to funding schools for disadvantage because this is about children who start off behind and finished behind and never get to catch up.

The education department is utterly dedicated to putting its resources to levelling that playing field, to remediating those disadvantages, so that they can become productive members of society. The 60 wellbeing practitioners that Margaret Nyland encouraged us to put into our budget that we are going to be putting in schools, that is still going to happen irrespective of the move of Families SA out of the department. There is a universal response role here, and that is what the Premier identified, and I thank him for it.

**Ms SANDERSON (Adelaide) (16:20):** This government continues to hide behind endless inquiries, reports and royal commissions that cost millions of dollars that could have been spent employing the staff required to make changes to the system. This government is not only lacking in ideas, it is failing to use the legislation available to it to protect children and it is failing to implement its own policies.

How many children have died under this Labor government due to legislation and policies not being implemented such as section 20(2) relating to drug testing, which was brought in many years ago when Nick Xenophon was a member of this parliament, and what are the consequences? I have asked in parliament with no answer. Yes, you might now be testing people for drugs but what are you doing? Are they being rehabilitated? Do you have drug facilities for them to go to? Are you giving help to the children? What are the consequences?

The cumulative harm that came in after the Chloe Valentine case, why was that not used in the Rigney-Wilson case? What about the background checks of adults living with children at risk like in baby Ebony's case who died from multiple fractures to that small body? What about income management that was brought in over a year ago? Why is that not being used by drug users to make sure that children are being fed, that they are given their formula, that they do have nappies? What about the family conferencing that should be used at the beginning to keep families together that is being used only as a last resort right before they are taken to the Youth Court to have their children removed?

What about the truancy laws that your own deputy says are there and are strong enough and are not being used? Jarrad Delroy Roberts died, and truancy was one of the major factors. As your deputy mentioned on the radio today, the one common factor that all the children who have died had in common was that they failed to go to school for long periods of time. We are missing the opportunity to pick up the children who are at risk. We are not even implementing your own truancy laws that Jane Lomax-Smith announced for tougher penalties in 2009 after Jarrad Delroy Roberts died, a local in my area, and they are not even being implemented.

Why were the Rigney-Wilson children home on a school day? Why was that not followed up? Why were they there? If a CEO was the architect of such a failed restructure that led to mass exodus of staff, the lowest morale of all time, ministers leaving, Portolesi being fired, Rankine resigning, Waterford resigning, Tony Harrison getting moved, they would be fired. They would not be there. The Premier must resign to bring back the dignity to this position. You cannot remain the Premier with this massive failure to protect our children hanging over your head. The so-called Independent members for Frome and Waite have the opportunity to prove they are truly independent when we vote on this motion.

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (16:24):** The member for Adelaide will not have to wait for long. In urging members to reject this motion, I commend the comments and contributions of my honourable friends the Minister for Health and the Minister for Education, and I hope that the house has listened carefully to their remarks. I also commend Commissioner Margaret Nyland for her interim report and say that I am looking forward to seeing the detail of her full report.

These moments, this issue and these conversations are most difficult to bear. In the 18 years I have been here, this subject has been the one that has troubled me the most. All of us who are parents have had our hearts broken by these events. My family had a very long history of involvement in child care. I can tell you firsthand what it is like to deal with hundreds of families going through these turmoils. I can tell you what it is like to deal with the childcare workers who have to deal with the parents and who have to help to repair the children—and those are the children who are within the reach of the childcare system and the education system, not the ones who are beyond it.

To pretend in this motion that any one minister, any one premier or any one government has all the answers to solve this problem, to wave a magic wand and make all these problems go away, is fanciful and irresponsible. The problems of family breakdown in our community—and every lower house member knows it as they doorknock—the problems of drugs and alcohol, from Ceduna to the South-East, from the north of Adelaide to the west and to the south, right across our community, are extraordinary. The problems of abuse and family violence are wreaking havoc in every single electorate we represent, and the victims of this damage are the little children.

This motion pretends that this house should hold one person or one minister or a series of ministers responsible for what is a far broader problem involving us all—every family, every corner, every township. It is easy to say there is a problem, and this is true for the media as much as for

members of parliament. It is very easy to become a commentator. It is very easy after a disaster to beat it up, to talk about it. It is the easiest thing in the world to be a commentator, but of course there are some very serious problems here that need answers and the problem for politicians is that you have to try to find them.

What is the role of government and what is the role of family in protecting the children? To what extent does the long arm of government reach into the family home and start to tell parents what to do? When do you raise the flag and say, 'That parent is no good.'? When do you make these decisions? What is the role of non-government organisations? To what extent should churches and other NGOs be involved? Would they do a better job than government officials or government offices? How do you find childcare workers? How do you find people to work in this area? How do you vet them? How do you make sure that no-one slips through the net? When do you choose to intervene and when do you choose not to intervene?

No-one in this house and no-one listening to this debate has the answers to those questions. They are difficult issues of public policy. It is fine for those opposite to commentate and criticise after the event when something has gone wrong and to say what should have been done. I have seen plenty of that in my respective careers. I have seen people die and afterwards someone comes along with a court of inquiry, goes over all the details and tries to hang people out to dry over it. Yet, the near mistake that occurred on a hundred previous occasions went unreported.

Politicians have to find the answers. Politicians have to lead. Politicians have to talk about solutions. This government, like every government before it, like every other state government, like every federal government, has done its best. We have proposed solutions. Some of them have worked and some of them have not, and the Premier was the first to get up and say, 'We tried this. It didn't work. We need to listen to Commissioner Nyland. We need to change what we're doing.' I think that is honourable—very honourable indeed.

Let's take the party politics out of it. I simply say to every politician in this house: what is your solution? If you were the minister for child protection, what would you do? If you have a view on that, I would like to have heard it during this debate. I want to make a simple point. I know the members on the other side of the chamber very well.

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Yes, I do—every single one of you. I know members on this side of the chamber equally well, warts and all. I certainly know the Leader of the Opposition very well and I know the Premier very well. I think the people of South Australia are presently very well served indeed because I recall the Leader of the Opposition getting up at the last election saying he did not come into politics for the social issues. I cannot think of any more important social issue than the one we are dealing with.

I at least commend him for having discovered it because in my dealings with the Premier when I was Leader of the Opposition, a shadow minister and now a minister in his government, I have found a man with nothing but compassion for the most vulnerable in our community. I know there are many opposite who share that view. I also know, because there are some extremely decent people opposite, that a lot of you would have concerns about the way this has been managed today, but the senior group within the opposition have brought this to us.

I want to remind the house of what I think were stronger days for the opposition. I refer to the debate in this house in June 2008 when we, in a bipartisan way, apologised for the damage done to children in state care. I was the opposition leader at the time sitting right there and I remember it very well. I know the position which was recommended in the party room and which was agreed to by the honourable members opposite, and that was that, rather than to wreak havoc, rather than to criticise and rather than to seize a political advantage, we would, in a bipartisan way, agree with the premier of the day and jointly share an apology because we understood that these problems of abuse of children, whether in care or not, go back decades. No government is innocent. No government is perfect.

The honourable members opposite on that day agreed with that position. I refer members to the *Hansard* because at one point in the *Hansard* I made the point, on behalf of those opposite, that what Ted Mullighan had endured during his inquiry was frightening. Mullighan said:

Nothing prepared me for the foul undercurrent of society revealed in evidence to the inquiry. Not my life in the community or my work in the law, as a practitioner and a judge.

I want to remind members of what I said on their behalf about that remark.

*Ms Chapman interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** These are important issues, deputy leader, just listen. This is what I said:

The challenge before us is to put in place the protective mechanisms to reduce the possibility that there will be hurting victims.

*Members interjecting:*

**The SPEAKER:** It was heard in silence.

**The Hon. M.L.J. HAMILTON-SMITH:** I continue:

We need to do more than prosecute offenders. We need to provide a society where fewer parents face the family stress that causes them to lose their children. We need to provide a society where parents can send their children to state-run programs confident in the knowledge that they are safe. We need to be alert to those who would prey on children they see as vulnerable. This is a whole-of-government, whole-of-society responsibility. It includes policing and prosecution. It includes emergency social intervention and care. It includes the encouragement of stronger and happy families. This will take time.

We must work together and we can do better. If you are looking for a reason why people are disenchanted with partisan politics, today has provided an example. I just say to the house: how things have changed. Honourable friends, we can do better. This motion should be rejected by the house.

The house divided on the motion:

Ayes ..... 19  
Noes ..... 23  
Majority ..... 4

#### AYES

Bell, T.S.  
Gardner, J.A.W.  
Knoll, S.K.  
Pengilly, M.R.  
Sanderson, R.  
Treloar, P.A. (teller)  
Wingard, C.

Chapman, V.A.  
Goldsworthy, R.M.  
Marshall, S.S.  
Pisoni, D.G.  
Speirs, D.  
van Holst Pellekaan, D.C.

Duluk, S.  
Griffiths, S.P.  
Pederick, A.S.  
Redmond, I.M.  
Tarzia, V.A.  
Whetstone, T.J.

#### NOES

Bedford, F.E.  
Brock, G.G.  
Cook, N.F.  
Hamilton-Smith, M.L.J.  
Kenyon, T.R. (teller)  
Mullighan, S.C.  
Picton, C.J.  
Vlahos, L.A.

Bettison, Z.L.  
Caica, P.  
Digance, A.F.C.  
Hildyard, K.  
Key, S.W.  
Odenwalder, L.K.  
Rau, J.R.  
Weatherill, J.W.

Bignell, L.W.K.  
Close, S.E.  
Gee, J.P.  
Hughes, E.J.  
Koutsantonis, A.  
Piccolo, A.  
Snelling, J.J.

#### PAIRS

McFetridge, D.  
Wortley, D.

Rankine, J.M.

Williams, M.R.

Motion thus negatived.

*Bills*

**INTERVENTION ORDERS (PREVENTION OF ABUSE) (RECOGNITION OF NATIONAL DOMESTIC VIOLENCE ORDERS) 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:40):** Obtained leave and introduced a bill for an act to amend the Intervention Orders (Prevention of Abuse) Act 2009. 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:41):** I move:

That this bill be now read a second time.

The government is pleased to introduce the Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Bill 2016. Too often, victims of domestic violence are forced to flee their homes and conceal their whereabouts in another state in attempts to escape situations of abuse. It is vital that these people are able to access protection from abuse, regardless of where they are in Australia.

This bill represents South Australia's commitment, together with that of all jurisdictions at the Council of Australian Governments, to develop a national domestic violence order scheme to provide for the automatic recognition and enforcement of domestic and family violence orders in any state or territory of Australia.

The commitment to the prevention of domestic violence is one that the South Australian government takes very seriously. Domestic violence is a multifaceted issue that affects a significant number of people from all sections of the community. It is a serious crime that will not be tolerated. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The Government has enacted a number of laws and programs that seek to deter domestic violence offending, improve the safety of victims and hold perpetrators to account.

For example, the Women's Domestic Violence Court Assistance Service, which commenced in 2015, provides a greater level of support for women who are victims of domestic violence in navigating the court process and increasing their access to justice. The service is State-wide and offers free and confidential support and advocacy on behalf of women who may have difficulty applying for an intervention order or reporting a breach of an intervention order.

The *Residential Tenancies Act 1995* was also recently amended to protect victims of domestic violence who are renting their homes. These reforms, which commenced on 10 December 2015, assist people living in rental properties with their abusive partner to terminate the rental agreement without facing further financial penalties.

Further, all State Government departments have committed to White Ribbon Accreditation. This builds upon the implementation of domestic violence policies that are already in place across departments.

The use of protection orders is a vital tool in the prevention of domestic violence and the protection of domestic violence victims. In South Australia, the laws for the restraint of domestic and personal violence are contained in the *Intervention Orders (Prevention of Abuse) Act 2009* ('the Intervention Orders Act'). The Intervention Orders Act reformed the previous system of domestic and personal restraining orders by creating a new type of order, called an 'intervention order', and broadening the range of people that can be protected by these orders.

An intervention order is a civil order that can be issued by a police officer or the Magistrates Court if it is reasonable to suspect that the defendant will, without intervention, commit an act of abuse against a person and the issuing of the order is appropriate in the circumstances. The Act provides protection not only from physical forms of violence, but also emotional or psychological harm and an unreasonable and non-consensual denial of financial, social

or personal autonomy. The terms of an intervention order can include any form of restraint that is needed to protect the victim from abuse. For example, the order may prohibit the defendant from being on, or within, premises at which the protected person works or resides. It may also prohibit the defendant from damaging specified property and may even require the defendant to return property or take part in an appropriate intervention program.

All jurisdictions have similar legislation that allow for the issue of an order to protect victims of domestic violence ('a DVO'). At present, each jurisdiction's legislation also has a provision that allows DVOs issued by a court in one jurisdiction to be registered and enforced in another jurisdiction. Once registered, the DVO is recognised and enforceable in that jurisdiction as if it had been made there. This is largely an administrative process, however, it is recognised that, for victims, this is an additional process that can be stressful as it involves some contact with the court system.

Legislation to support the automatic recognition of DVOs across Australia was developed by the National Domestic Violence Order Scheme Working Group, which comprised representatives from police services, Attorneys'-General Departments and courts from each State and Territory.

The *Domestic Violence Orders (National Recognition) Model Provisions Bill* ('the Model Provisions') was endorsed by Ministers at the Law Crime and Community Safety Council meeting in November 2015 and by COAG at its meeting of 11 December 2015. The Model Provisions reflect the following agreed policy principles:

1. A DVO made anywhere in Australia, or a New Zealand DVO registered anywhere in Australia, is nationally recognised and enforceable.
2. A DVO that is nationally recognised can be amended in any jurisdiction, but only by a court.
3. If a DVO made in one jurisdiction is in force, a new order can (if necessary) be made in another jurisdiction, but only by a court.
4. The latest order in time prevails.

The Bill before the House is substantially in the form of the Model Provisions. It inserts a new Part 3A into, and makes a number of consequential amendments to, the Intervention Orders Act to enable the automatic recognition and enforcement of interstate DVOs in South Australia.

Clause 5 of the Bill inserts a new section 15A into the Intervention Orders Act to ensure any intervention order issued after the commencement of this legislation includes a declaration that the order addresses a domestic violence concern. This provision is important because the national domestic violence order scheme is to only apply to DVOs, and an intervention order in South Australia can be issued for acts of domestic violence as well as for acts of personal violence.

Relevant definitions and other preliminary matters are set out in Division 1 of new Part 3A. Division 2 contains provisions for the national recognition of DVOs.

Subdivision 1 provides that a DVO is enforceable under the new provisions if it is a 'recognised DVO'. A recognised DVO is defined in proposed section 29D as a local DVO, an interstate DVO and a registered foreign order. In South Australia, a local DVO includes a final intervention order and an interim intervention order (including an interim intervention order issued by police). A DVO becomes a recognised DVO when it is made.

Proposed section 29E deals with variations of DVOs based on the principle that a variation to a recognised DVO can be done by a court in any jurisdiction. Similarly, proposed section 29F provides for the revocation of recognised DVOs by a court in any participating jurisdiction. For example, a variation to, or a revocation of, an intervention order will be a recognised and enforceable variation in South Australia and all other jurisdictions regardless of whether the variation or revocation is done under the Intervention Orders Act in South Australia or in a participating jurisdiction by a court under a corresponding law.

Proposed section 29G implements the agreed policy principle that the latest order in time prevails. Under this section, a new recognised DVO that is enforceable against a defendant will supersede any comparable recognised DVO or local DVO made earlier than the new DVO. However, this is qualified by sub-section (7), which provides that a police issued DVO cannot override a comparable DVO made by a court (i.e. where the DVO relates to the same defendant and protected person).

The Bill also provides, in proposed section 29H, that a court may make a new local DVO even though there is a recognised DVO in force that applies to the same defendant. However, police in South Australia will only be able to issue a police interim intervention order if they are unaware that there is already a court issued recognised DVO that is enforceable against the defendant which applies to the same defendant and protected person and was made by a court of any jurisdiction.

Subdivision 2 of Division 2 deals with the enforcement of recognised DVOs. These provisions make it clear that a recognised DVO, or a recognised variation of a DVO, will be enforceable against the defendant in any participating jurisdiction provided the defendant has been properly notified of the making of the order.

Currently in South Australia, a defendant is properly notified of the making of an intervention order if a copy of the order is served on the defendant personally or in some other manner authorised by the Court. The Bill contains

consequential amendments to the Intervention Orders Act to provide that service is also effected if the intervention order is made by the Court and the defendant is present in Court when the order is made. Proposed section 29J also provides, in sub-section (2), that the making of an interstate order is properly notified under the corresponding law of the jurisdiction in which it is made in the circumstances provided for by the corresponding law.

Sub-division 3 sets out provisions relating to the enforcement of non-local DVOs in South Australia. Pursuant to proposed section 29L, a non-local DVO that is a recognised DVO will be treated the same as an intervention order in South Australia. This means that any prohibition, restriction or condition imposed by a non-local DVO will be recognised in South Australia for the purposes of enforcement. Therefore, a breach of a non-local DVO that is a recognised DVO in South Australia will be prosecuted as if it were a breach of a South Australian intervention order.

Proposed section 29N also provides for the recognition of any conditions restricting the grant of a particular permit or licence, such as a firearms licence. For example, if a recognised non-local DVO disqualifies a person from holding a non-local firearms licence, the person is also disqualified from holding a local firearms licence.

Division 3 deals with the variation and revocation of recognised non-local DVOs. Under these provisions, the Magistrates Court in South Australia will have the power to vary or revoke a recognised DVO that has been issued in another jurisdiction as if it were a local DVO. Any variation or revocation made by the Court under these provisions will be recognised and enforceable in any participating jurisdiction.

Proposed section 26R provides safeguards against 'forum shopping' by providing the Court the power to decline to hear an application for a variation or revocation of a recognised non-local DVO. The Court may decline to hear an application if satisfied there has been no material change in the circumstances that gave rise to the order and that the application is in the nature of appeal against the order. Sub-section (2) also sets out a list of matters the Court may consider in determining whether or not to hear an application. For example, the Court may consider where the parties reside or work, whether there is sufficient information available to the Court in relation to the DVO and the basis on which it was made, whether there are proceedings underway for a breach of the DVO and the impact of the application on children.

Sub-section (5) also makes it clear that the Court must refuse to hear an application for a variation or revocation made by the defendant if the defendant would not be entitled to make such an application in the issuing jurisdiction. This provision is particularly important in the context of South Australian intervention orders and any application by a defendant to vary or revoke that order in an interstate court as, under the Intervention Orders Act, a defendant may not apply for a revocation or variation of an intervention order within the first 12 months.

Divisions 4 and 5 of the Bill contain provisions regarding the exchange of information between jurisdictions for the purpose of enforcing DVOs and the use of evidentiary certificates to certify that the making of a local DVO has been properly notified or that a variation to a DVO that was made in this jurisdiction has been properly notified under the Intervention Orders Act.

The transitional provisions are contained in Division 6 of the Bill. Under proposed section 29Z, the Bill will apply to any local DVO or foreign DVO that is made in this jurisdiction on or after the commencement date. This gives the Bill prospective application, which is necessary to ensure that any DVO captured by the scheme can be nationally enforced.

In respect of intervention orders issued before the commencement date of this legislation, or interstate orders that are not recognised DVOs, the transitional provisions provide a process for bringing these orders within the scope of the national scheme. Under Subdivision 4, the Court may, by order, declare any DVO made in any jurisdiction to be a recognised DVO in this jurisdiction. A person who wishes to have their order recognised under the national scheme can apply to the Court for a declaration that the DVO is a recognised DVO.

The success of the national scheme relies upon a national information sharing system that police and courts will be able to use for evidentiary and enforcement purposes. Although COAG has agreed to develop a national information sharing system that will allow access to information in real-time and ensure a high standard of data integrity, the implementation of this system is still a number of years away.

In the short-term, COAG has agreed to an interim technical solution that will provide police and courts with access to information on all DVOs that have been issued. The interim information system will provide basic data about DVOs. Courts and police in South Australia will still have to confirm information about DVOs made in other jurisdictions with the relevant jurisdiction.

The Bill will therefore commence on proclamation to allow time for the implementation of the interim information system.

I commend the Bill to Members.

#### Explanation of Clauses

#### Part 1—Preliminary

##### 1—Short title

##### 2—Commencement



### 3—Amendment provisions

These clauses are formal. The primary purpose of this Bill is to give effect to the South Australian component of a national recognition scheme for domestic violence orders. Proposed Part 3A incorporates model provisions that were approved by the Council of Australian Governments on 11 December 2015.

### Part 2—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

#### 4—Amendment of section 3—Interpretation

The proposed amendments are consequential on the insertion of new Part 3A.

#### 5—Insertion of section 15A

New section 15A is necessary to be inserted because intervention orders issued under the South Australian Act may be issued for a variety of reasons, including domestic abuse. Only those intervention orders that relate to domestic abuse or a domestic violence concern are part of the scheme for national recognition.

##### 15A—Declaration that intervention order addresses domestic violence concern

New section 15A provides that, whenever an issuing authority issues an intervention order, the issuing authority must decide whether the order addresses a domestic violence concern and, if so, must declare the order to be an order that addresses a domestic violence concern. The declaration must be included in the order. An intervention order will be taken to address a domestic violence concern for the purposes of proposed Part 3A if the order is made because the defendant has committed, or because it is feared the defendant will commit, an act of domestic abuse.

#### 6—Amendment of section 21—Preliminary hearing and issue of interim intervention order

#### 7—Amendment of section 23—Determination of application for intervention order

#### 8—Amendment of section 24—Problem gambling order

#### 9—Amendment of section 26—Intervention orders

The amendments proposed to sections 21, 23, 24 and 26 are all similar and provide that, for the purposes of each of the relevant sections, an order is served on the defendant if—

- the order is served on the defendant personally; or
- the order is served on the defendant in some other manner authorised by the Court; or
- the defendant is present in the Court when the order is made.

These proposed amendments will bring the principal Act into line with the proposed new Part 3A.

#### 10—Insertion of Part 3A

##### Part 3A—National recognition of domestic violence orders

##### Division 1—Preliminary

##### 29A—Interpretation

Proposed section 29A sets out definitions for the purposes of the proposed Part.

##### 29B—Registered foreign orders

This proposed section makes provision for registered foreign orders. A registered foreign order means a foreign order made under a corresponding law of other States and Territories. A registered foreign order is taken to be made in the jurisdiction in which it is registered and is taken to have been made when it is so registered. If the registration of the order is varied or revoked, then the order is varied or revoked.

##### 29C—Domestic violence concern

Western Australia (like South Australia) does not have a distinct category of domestic violence orders. Therefore, to distinguish domestic violence orders from other orders for the protection of persons in those States, the definition of *interstate DVO* (when referring to orders from those States) is limited to orders that address domestic violence concerns. The section sets out when an order will be taken to address a domestic violence concern in a participating jurisdiction (and see new section 15A for South Australian purposes).

##### Division 2—National recognition of DVOs

##### Subdivision 1—General principles

##### 29D—Recognition of DVOs

Proposed section 29D sets out that a recognised DVO means a local DVO, an interstate DVO made in a participating jurisdiction (being South Australia or another jurisdiction that has enacted provisions that correspond with proposed Part 3A (a corresponding law)) or a foreign order that is a registered foreign order in any participating jurisdiction.

#### 29E—Variations to DVOs

#### 29F—Revocation of recognised DVO

Proposed sections 29E and 29F set out the circumstances in which a variation to, or revocation of, a recognised DVO is recognised in this State. In the case of a local DVO, the variation or revocation is recognised if it is done in accordance with the principal Act or it is done by a court in a participating jurisdiction under a corresponding law. In the case of an interstate DVO or foreign order, the variation or revocation is recognised if it is done in the issuing jurisdiction under the law of that jurisdiction or it is done in a participating jurisdiction under a corresponding law. A variation to a DVO that is recognised in this State is a recognised variation.

#### 29G—Recognised DVO prevails over earlier comparable DVOs

Proposed section 29G provides that a recognised DVO that is newer than an earlier comparable recognised DVO supersedes the earlier recognised DVO. A DVO is comparable if it is made against the same defendant and it is made for the protection of 1 or more of the same protected persons.

#### 29H—Making of new orders

Proposed section 29H provides that proposed Part 3A does not prevent the making of a local DVO even if a recognised DVO is in force that applies to the same defendant. However, a police officer is not to make a local DVO if the police officer is aware that there is already a recognised DVO that is enforceable against the defendant which applies to the same defendant and protected person and was made by a court of any jurisdiction.

#### Subdivision 2—Enforcement of recognised DVOs

#### 29I—Recognised DVOs and variations are enforceable against defendant

Proposed section 29I provides that both a recognised DVO and a recognised variation to a recognised DVO are enforceable in this State.

#### 29J—Properly notified—meaning

Proposed section 29J sets out the circumstances in which a defendant is taken to be properly notified about the making of a local DVO or an interstate DVO, or about the variation of a recognised DVO.

#### 29K—Contravention of enforceable recognised DVO

Proposed section 29K provides that a non-local DVO (being an interstate DVO or a foreign DVO) that is a recognised DVO and (under proposed section 29I) is enforceable in this State may be enforced as if it were a local DVO and as if the defendant had been properly notified in this State about the making of the DVO. It also provides for the circumstances in which a variation may be enforced in this State.

#### Subdivision 3—Enforcement of non-local DVOs

#### 29L—Non-local DVO to be treated as local DVO

Proposed section 29L provides that a recognised DVO that is a non-local DVO has the same effect in South Australia as a local DVO.

#### 29M—Licences, permits and other authorisations

Proposed section 29M provides that any law of South Australia that limits a person's ability to hold an authorisation (such as a licence or permit) because the person is subject to a local DVO extends in the same way to a person who is subject to a recognised non-local DVO.

#### 29N—Recognition of disqualification to hold firearms licence

Proposed section 29N provides that if a person is disqualified from holding a non-local firearms licence, or type of non-local firearms licence, the person is also disqualified from holding a local firearms licence or permit of the same type (as the case requires) under South Australian law.

#### 29O—Orders for costs

Proposed section 29O provides that non-local DVO, to the extent that it requires the payment of money, cannot be enforced in South Australia and that the recognition of a DVO in this State does not permit a South Australian court to award costs in respect of proceedings occurring in another jurisdiction.

#### Division 3—Variation and revocation of recognised non-local DVOs

#### 29P—Power of Court to vary or revoke recognised non-local DVOs

Proposed section 29P sets out when the Court can vary or revoke a recognised non-local DVO.

#### 29Q—Application for variation or revocation of recognised non-local DVO

Proposed section 29Q sets out the circumstances in which an application can be made to the Court for the variation or revocation of a recognised non-local DVO.

#### 26R—Decision about hearing of application

Proposed section 26R provides the Court with a discretion to hear or decline to hear an application for the variation or revocation of a recognised non-local DVO. However, the Court must refuse to hear the application if made by the defendant during any period in which the defendant is not entitled to apply for the variation or revocation of the DVO in the jurisdiction in which the DVO was issued.

#### Division 4—Exchange of information

##### 29S—Issuing authorities may obtain DVO information

Proposed section 29S permits a South Australian issuing authority to obtain and use information from an issuing authority of another jurisdiction, or from a State or interstate law enforcement agency.

##### 29T—Issuing authorities must provide DVO information

Proposed section 29T requires a South Australian issuing authority to provide, on request, information about the DVO to a court in a participating jurisdiction for the purposes of a corresponding law or to a State or interstate law enforcement agency for the purposes of its law enforcement functions.

##### 29U—Law enforcement agencies may obtain DVO information

Proposed section 29U permits South Australia Police to obtain information about a DVO from an issuing authority (in this State or another jurisdiction) or interstate law enforcement agency and to use the information for the purposes of its law enforcement functions.

##### 29V—Information to be provided to law enforcement agencies

Proposed section 29V requires South Australia Police to provide, on request, information about a DVO to an interstate law enforcement agency for the purpose of exercising its law enforcement functions.

#### Division 5—Miscellaneous

##### 29W—Certificate evidence—notification

Proposed section 29W permits certificates to be issued stating that the making of, or variation to, a DVO has been properly notified in this State or another jurisdiction. The certificate is admissible in evidence in proceedings.

#### Division 6—Transitional provisions

##### Subdivision 1—Preliminary

##### 29X—Interpretation

Proposed section 29X inserts a definition of commencement date for the purposes of the proposed Division. The commencement date is the day on which proposed Part 3A commences.

##### 29Y—Enforcement of DVOs under other provisions

Proposed section 29Y provides that proposed Part 3A does not affect the enforceability in this jurisdiction of a local DVO made before the commencement date or of any interstate DVO or foreign order registered under Part 4 of the principal Act before the commencement date except as otherwise provided under the proposed Part.

##### Subdivision 2—DVOs to which scheme applies

##### 29Z—DVOs made in this jurisdiction

##### 29ZA—DVOs made in other jurisdictions

Proposed sections 29Z and 29ZA provide that Division 2 (National recognition of DVOs) of proposed Part 3A will apply to all local DVOs and foreign orders made in South Australia on or after the commencement date and to all DVOs made in other participating jurisdictions that are recognised DVOs under that jurisdiction's corresponding law.

##### Subdivision 3—Extension of scheme to older DVOs

##### 29ZB—DVOs declared to be recognised DVOs

Proposed section 29ZB provides that recognised DVOs include any DVO that has been declared by the Court, or a registrar of a court of another participating jurisdiction, to be a recognised DVO.

29ZC—DVOs declared to be recognised in other jurisdictions before commencement date

Proposed section 29ZC states that the DVO is still recognised even if the relevant declaration was made before the commencement date.

Subdivision 4—Power to declare DVO to be recognised

29ZD—Power to declare DVO to be recognised

Proposed section 29ZD permits the Court to declare that a DVO made in any jurisdiction is a recognised DVO in this jurisdiction.

29ZE—Application for order

Proposed section 29ZE provides that an application for a declaration may be made by any person who would be able to make an application for variation of the DVO if the DVO were a recognised DVO.

29ZF—Declarations relating to general violence orders

Proposed section 29ZF provides that a declaration that a general violence order is a recognised DVO may be made as if the order were a DVO.

Debate adjourned on motion of Ms Digance.

## **SUMMARY OFFENCES (DECLARED PUBLIC PRECINCTS) 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:42):** Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. 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 Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:43):** I move:

That this bill be now read a second time.

As part of its commitment to providing safe communities and creating a vibrant city, the government is introducing the Summary Offences (Declared Public Precincts) Amendment Bill. The bill provides for the declaration of a public precincts for a specified time, where there is a reasonable likelihood of conduct occurring in the area that would pose a risk to public health and safety. For example, in areas such as Hindley Street, on Friday and Saturday nights, the combination of alcohol, large groups of people and a high concentration of licensed premises create situations that can very quickly escalate into violence.

A declaration can be made by the Attorney-General on his or her own motion, or on the recommendation of the police commissioner. The declaration would be gazetted and would operate for a specified period, which must be no longer than 12 hours within a 24-hour period on both a recurring basis—for example, Hindley Street or Rundle Street on Friday and Saturday nights—and on an as-needs basis, for example, Gouger Street during the Chinese new year.

A declaration will mean that police will have enhanced powers within the declared public precinct to effectively manage inappropriate behaviour, as it happens. I seek leave to insert the remainder of the second reading explanation into *Hansard* without reading it.

Leave granted.

Under proposed new section 66O, police will have the power to order a person or a group of persons to leave a declared public precinct if the officer believes or apprehends on reasonable grounds that an offence of a kind that may pose a risk to public order and safety has been, or is about to be committed, or the presence of the person or group of persons, poses a risk to public order and safety. A person who remains within the precinct, or re-enters or

attempts to re-enter, the precinct during the declared public precinct period can be charged with an offence and faces a maximum fine of \$1,250 if found guilty.

Similar powers to those used to bar a person from licensed premises will also apply to a declared public precinct so that police can bar a person from a precinct for the period that it is declared public precinct. Proposed new section 66T provides that a police officer may bar a person from entering or remaining within the declared public precinct if the person commits an offence of a kind that may pose a risk to public order and safety or behaves in an offensive or disorderly manner. The police officer may also choose to bar the person from entering or remaining within any other declared public precinct specified in the order for a period specified in the order. However, the barring order may only operate during the declared public precinct period for that precinct and it may not extend beyond 24 hours after the time of the order. The maximum penalty for an offence under this section is a \$2,500 fine.

Proposed new section 66P of the Bill allows police to serve an expiation notice on a person within a declared public precinct if the person is behaving in an offensive or disorderly manner. As is the case with the similar offence in section 117A of the *Liquor Licensing Act 1997*, because the offence is expiable, it will not apply to any behaviour involving violence or a threat of violence. Offences of a violent, or potentially violent, nature should be dealt with under existing offence provisions in the *Summary Offences Act 1935* and should not be expiable.

The Bill also makes it an offence to carry an offensive weapon or dangerous article in a declared public precinct without lawful excuse. Currently, section 21C(3) imposes higher penalties for carrying an offensive weapon or a dangerous article without lawful excuse if the offensive weapon or dangerous article is carried at night while in, or apparently attempting to enter or leave licensed premises or the car park of licensed premises. The maximum penalty for such an offence is \$10,000 or imprisonment for 2 years.

The aggravated offence was introduced a number of years ago because there is a higher than usual risk of violence and anti-social behaviour in and around licensed premises at night time. As similar concerns arise in relation to public precincts, particularly those with a high proportion of licensed premises on Friday and Saturday nights, the aggravated offence has been extended to apply to declared public precincts.

Police powers to carry out metal detectors searches and to carry out general drug detection under section 52A of the *Controlled Substances Act* have also been extended to a declared public precinct. A police officer will be authorised, for the purposes of detecting the commission of an offence under Part 3A of the *Summary Offences Act* or new section 66Q, to carry out a search of a person, and any property in the possession of the person, if the person is in a declared public precinct. If the metal detector search indicates the presence of metal, the officer may require the person to produce the items detected by the metal detector and, if the person refuses or fails to produce any such item, the officer may proceed to conduct a search of the person for the purpose of identifying the item. Such a search may be conducted as if it were a search of a person who is reasonably suspected of having, on or about his or her person an object possession of which constitutes an offence. An officer will also be able to undertake general drug detection which includes the use of drug detection dogs.

Finally, the Bill gives police the power to remove children from declared public precincts, utilising the powers of removal under section 16 of the *Children's Protection Act 1993* if the child is, in the opinion of the police officer, in a situation of serious danger. A child is in a situation of serious danger if the child is: in danger of being physically harmed or injured; or in danger of abuse (including assault and sexual assault, ill treatment and exposure to behaviour that may cause psychological harm to the child); or behaving in an offensive or disorderly manner or is otherwise committing or about to commit an offence.

The proposed amendments are intended to give police more flexibility to deal proactively deal with anti-social behaviour and public disorder, particularly alcohol related disorder, before more serious offending occurs, without unnecessary intrusion on personal rights. This will enhance the vibrancy of entertainment precincts like Hindley Street by attracting more law-abiding patrons, and reducing the number of patrons charged with public order offences, which in turn reduces the strain on the criminal justice system.

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 *Summary Offences Act 1953*

4—Amendment of section 4—Interpretation

This clause provides definitions of *declared public precinct* and *declared public precinct period* for the purposes of the measure.

## 5—Insertion of Part 14B

This clause inserts a new Part 14B into the *Summary Offences Act 1953* as follows:

## Part 14B—Declared public precincts

## Division 1—Declared public precincts

## 66L—Limitation on action

This clause provides that the powers granted in the Part must not be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest, dissent or industrial action.

## 66M—Public order and safety

This clause provides an inclusive definition of *public order and safety* for the purposes of the measure.

## 66N—Declaration of public precinct

This clause provides that the Attorney-General may, by notice in the Gazette, declare a defined area comprised of 1 or more public places to be a declared public precinct for a period, or periods, specified in the declaration. A declaration may be made if the Attorney-General is satisfied that there is, during the period or periods specified in the declaration, a reasonable likelihood of conduct in the area posing a risk to public order and safety and that the declaration is reasonable having regard to the risk. An area may not be a declared public precinct for more than 12 hours in any 24 hour period unless the Attorney-General is satisfied that special circumstances exist in the particular case

## Division 2—Maintaining public order and safety in declared public precinct

## 66O—Request to leave declared public precinct

This clause gives a police officer power to order that a person or persons leave a declared public precinct if the police officer believes or apprehends on reasonable grounds that an offence of a kind that may pose a risk to public order and safety has been, or is about to be, committed by that person or by one or more of the persons in the group or the presence of that person, or of the group of persons, poses a risk to public order and safety.

It will be an offence for a person, having been ordered to leave a declared public precinct, to remain in the precinct or re-enter or attempt to re-enter the precinct.

## 66P—Offensive or disorderly conduct

This clause provides that a person must not behave in an offensive or disorderly manner within a declared public precinct. A maximum penalty of \$1,250 will apply with an expiation fee of \$250.

## 66Q—Offensive weapons and dangerous articles

This clause provides that a person must not, without lawful excuse, carry an offensive weapon or dangerous article within a declared public precinct. A maximum penalty of \$10,000 or imprisonment for 2 years is fixed.

## 66R—Power to conduct metal detector searches etc

This clause provides for police, for the purpose of detecting the commission of an offence under clause 66Q or Part 3A of the *Summary Offences Act 1953*, to carry out a search in relation to a person within a declared public precinct (and their property). Such a search must be a metal detector search in the first instance which, if that search indicates the presence or likely presence of metal, will lead to the requirement to produce the metal items or a search of the person if no metal items are produced by the person.

## 66S—Power to carry out general drug detection

This clause provides that a police officer may carry out general drug detection under the *Controlled Substances Act 1984* in relation to any person present within a declared public precinct.

## 66T—Declared public precinct barring order

This clause provides that a police officer may bar a person from entering or remaining within the declared public precinct for a period specified in the order and may also bar the person from entering or remaining within any other declared public precinct specified in the order for a period specified in the order if the person commits an offence of a kind that may pose a risk to public order and safety, or behaves in an offensive or disorderly manner, within a declared public precinct.

A person who enters or remains within a declared public precinct from which he or she is barred under this section will be guilty of an offence with a maximum penalty of \$2,500 fixed.

## 66U—Hindering police

This clause provides an offence of hindering or obstructing a police officer in the exercise of the powers conferred by clause 66R or clause 66S and also of refusing or failing to comply with a requirement made of the person, or a direction given to the person, pursuant to clause 66R or clause 66S.

Division 3—Power to remove children from dangerous situations

66V—Power to remove children from dangerous situations

This clause provides that a minor who is in a declared public precinct will be taken, for the purposes of section 16 of the *Children's Protection Act 1993*, to be in a situation of serious danger if the minor is, in the opinion of a police officer in danger of being physically harmed or injured, in danger of abuse or behaving in an offensive or disorderly manner or otherwise committing or about to commit an offence.

Debate adjourned on motion of Mr Treloar.

## **CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL**

### *Conference*

The Legislative Council agreed to grant a conference as requested by the House of Assembly. The Legislative Council named the hour if 9.45am on Thursday 23 June 2016 to receive the managers on behalf of the House of Assembly at the Plaza Room on the first floor of the Legislative Council.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:45):** I move:

That a message be sent to the Legislative Council agreeing to the time and place appointed by the council.

Motion carried.

### *Motions*

## **LGBTIQ COMMUNITY**

**Ms HILDYARD (Reynell) (16:47):** I move:

That this house—

- (a) expresses its heartfelt condolences to the families and friends of the victims of the recent horrific mass shooting in Orlando, Florida; and
- (b) stands together with the LGBTIQ community around the world to condemn such a senseless act of violence and denounce all forms of discrimination that may contribute to such hatred.

I rise to briefly add my contribution to this important motion. Like many of us in this house, I was deeply shocked and upset to wake up to the horrifying news that a gunman had shot and killed 49 people and injured 53 others in an Orlando gay nightclub. This tragic act of violence is an affront to us here in Australia for whom such widescale acts of violence are thankfully few and far between. This act was indeed an affront to humanity across the world. This incident serves as an acute reminder that the world is not always a safe place and particularly not so for our LGBTIQ brothers and sisters. President Obama, in his remarks about the event, reminded us:

The shooter targeted a nightclub where people came together to be with friends, to dance and to sing, and to live. The place where they were attacked is more than a nightclub—it is a place of solidarity and empowerment where people have come together to raise awareness, to speak their minds, and to advocate for their civil rights.

These words resonate for us here in Adelaide too. Places like the Mars Bar and so many others are not just places to have fun, a good night out, and to engage in some questionable dance moves. They are symbols of an unwillingness to hide in the shadows, a place to present a proud and an unapologetic face to the world, a place to be oneself. They present an opportunity for a declaration that it is absolutely okay to be and to embrace who you are and that your rights are and should always be the same as the rights of others.

I know many of us in this parliament feel the burden of just how far we have to go on these issues and how much work there is to do to ensure full equality. This year, as we pass legislation following the SA Law Reform Institute report, we take big steps towards eliminating formal

discrimination against members of our LGBTIQ community and we seek to ensure that no-one is treated differently and/or negatively on the basis of their sexuality or gender. It is incredibly important work that I am so happy to be a part of. It is work that is at the heart of what we must achieve in this place.

We also, however, have a responsibility as leaders in our communities to work with others to embrace, promote and make change beyond legislative change. Events like those in Orlando are an absolutely tragic reminder of just how far we have to go in our journey of acceptance of all people. We still have so much to do to change culture, to act with love in all we do, to promote acceptance of all and to utterly reject hate for and intolerance of those who are different from what is perceived by mainstream culture as the norm.

As the victims of this atrocity are remembered and mourned by their friends, families, loved ones and communities they have become tragic and important symbols for our queer community and our community more generally. They have become champions for the mantra that love conquers hate. The hatred and the violence inherent in the Orlando tragedy has spurred acts of defiance and acts of love and solidarity across the world. Vigils occurred in every corner of the globe and even in places where it is legally not safe to be queer or a supporter of queer people.

I am proud that our state has held not one but two vigils to mark this global tragedy and to mourn together with our beautiful Adelaide Oval and even our footbridge lit up in rainbow colours in commemoration of the victims. Sometimes in these darkest of moments we are able to remember that there is more that unites us than divides us. The outpouring of grief from across the world helps us to see this more clearly, and the championing of a culture of love through this tragedy rather than hate gives us some hope that eventually our unity and our combined desire for a world that is truly accepting of all will prevail.

**Mr KNOLL (Schubert) (16:52):** I rise to add my voice and that of the South Australian Liberal Party in offering our condolences to the families and friends of the victims of the Orlando nightclub shooting and, in doing so, obviously support this motion. Forty-nine are dead and a further 53 were injured, mostly gay young Americans with Hispanic heritage in the deadliest terrorist attack in the US since 9/11. Among the dead was Brenda Lee Marquez McCool, aged 49, who, in the ultimate expression of maternal instinct, put her son's life before her own. I am reading here from a CNN media report that says:

As gunshots rang at the Pulse nightclub, McCool flung herself over her son, shielding him from the two bullets that would put an end to her life.

It was at her funeral on Monday that Isaiah Henderson, 21, broke down as he paid a touching tribute to his mother—the two-time survivor of cancer and a true fighter.

Standing in the First United Methodist Church of Orlando, at a pulpit adorned with McCool's portrait, Henderson delivers a powerful eulogy that characterizes both the tragic loss and eternal gratitude he feels:

'I just want to say my mom was the best mom out there,' he begins, choking on emotion. 'I never thought her life would be ended right in front of my eyes,' he says as he collapses into tears.

'She was the mom everyone wanted,' he added. 'She loved everyone deeply no matter what.'

The reaction of solidarity and humanity that occurred after the event was inspiring and says to all that we can come together as a community even after such tragic circumstances. For me, what characterised the best of humanity most were the huge lines of people who waited hours to give blood. Very soon after the shooting occurred in the early hours of that morning the call went out from the Red Cross that blood was needed and as much of it as possible. In response, the people of Orlando came out in droves, lining up for hours and hours on end to donate. This outpouring of practical support should give us hope that our society can react positively and find a way past this senseless act.

Others, though, have used this heinous attack as a political act to push their various agendas. It was rightly labelled as a terrorist attack and a hate crime. The perpetrator, it has been revealed, had a history of homophobic tendencies and, during the shooting, he called 911 and pledged his allegiance to ISIS. The perpetrator's use of a semiautomatic rifle and a semiautomatic pistol has again reignited the gun control debate with proponents calling for tighter control whilst others say



that more guns would have helped limit the casualties. Others have talked of this being a terrorist act by an Islamic actor, and others, rightly, of it being an act of extreme homophobia.

Here in Australia, prior to 1996, we had 13 mass shootings in 18 years. Following the tragic Port Arthur massacre, then prime minister John Howard pushed for tighter gun control and, since that time, we have not had one mass shooting here in Australia. These facts have been often repeated in the days before and post the Orlando shooting and show that, as Australians, I think we have come together, post a tragic event such as Port Arthur was, and found a way to improve our society while being respectful of the fact that everything we did had the victims of the Port Arthur tragedy very much first and foremost in our minds.

This tragedy, it seems, has pushed people into their various corners, using this tragedy to justify their already pre-existing views. Can I say in closing that, for the people of the US and the people of the world more broadly, I would hope that we could use this event to bring people together, to bring people out from their entrenched positions so that we can actually deal with the issues respectfully and in a consensus-driven, moderated way.

We need to build a better world and improve our humanity in a way that strengthens our society. In working towards that better society, we must ensure that the victims and the senseless loss of life remain at the centre of our thoughts and deeds. To the people of Orlando, to the people of the US, to the families and friends of the victims, we offer our condolences on behalf of the South Australian Liberal Party. Hopefully, we, as a collective human race, can find ways to work together to ensure that things like this never happen again.

**Ms COOK (Fisher) (16:57):** I rise in strong support of this motion today. On Saturday 11 June, Omar Mateen, a 29-year-old American of Afghani descent, walked into the Pulse nightclub in Orlando at around 2am. Within a few hours, he had killed 49 people and left a further 53 people injured. The Pulse nightclub is a popular gay bar, and Omar Marteen went there specifically to kill LGBTIQ people. Our thoughts and prayers are with the victims, their families and friends, as well as the LGBTIQ community in Orlando and around the world whose members are left in shock at the hateful and violent nature of this act. As Chad Griffin, the head of Human Rights Campaign, said:

The maniac who did this was somehow conditioned to believe that LGBT people deserve to be massacred. And he wasn't just hearing these messages from ISIL. He was hearing it from politicians and radical anti-LGBT extremists here in our own country.

It is a disturbing reminder of the terrible consequences of hatred and how it is voiced. The fact is that hate is taught. Our children are not born to hate. It is a wake-up call to people in countries like Australia not to become complacent because of the advancements we have made. Homophobia is still very real. It remains against the law to be gay in 73 countries, incurring prison sentences of up to life in prison and, in 10 of these, homosexual activity carries the death penalty still.

Closer to home, Brunei recently announced that it would reintroduce stoning to death as the penalty for a range of crimes, including sodomy. This is not just a problem in the developing world or of fundamental religious values. In mid-2013, the European Union Agency for Fundamental Rights (FRA) released the findings of Europe's largest-ever survey of LGBTI people. Of the 93,000 respondents, over a quarter of LGBTI people reported having been violently attacked or threatened in the last five years, and the vast majority of these attacks went unreported because victims had so little faith that the system would treat them equally.

Similar stories are being heard here in Australia. The *Star Observer*, a leading online LGBTIQ news outlet, reported on 16 June 2016 that multiple homophobic assaults in Sydney and Melbourne occurred in the 24 hours following the Orlando massacre. It is just terrible. One victim, Thomas Grainger, was on a train in Sydney when he was assaulted. He did not report the assault because he was not sure if the police would even take him seriously. He was worried he would be blamed for catching the train dressed in drag. Now, in light of the horrors that played out in Orlando, it is easy to view such incidents as comparatively insignificant. That would be a mistake. As the CEO of Stonewall, Ruth Hunt, wrote in *The Telegraph*:

We must never be complacent about those, write them off as banter or 'one offs' or shy away from calling something out for fear of being labelled overly sensitive. It is paramount that we recognise the fact that these instances

are linked and, while not putting ourselves in direct danger, do what we can to intervene and prevent discrimination taking place around us.

This is exactly why I oppose a plebiscite on marriage equality. It sends so many messages that I find abhorrent such as that same-sex relationships are somehow less worthy than others, that marriage equality is not a fundamental human right but an issue to be decided through a non-binding popular vote; and, most disturbingly, it sends an open invitation to hate preachers to vilify the LGBTIQ community. A perfect example of this is a shameful tweet written by Family First Senate candidate, Peter Madden, following the shooting. He said:

Though Orlando is abhorrent, it doesn't change the real & present dangers of the gay marriage agenda to Aus children.

To have the lack of sensitivity to write such a thing in the midst of this terrible grief simply highlights the dangers of this plebiscite. We have seen too many times that hatred, when taught, tends to perpetuate and grow unless it is locally and vehemently challenged.

It is time we put a stop to this once and for all. South Australians have stood in solidarity with the people of Orlando, especially the LGBTI community so scarred by this terrible event at what should have been a time of celebration. We share their grief. We offer our condolences on the deaths of so many and the terrible impact on those they leave behind. Last week, Adelaide Oval was lit up in rainbow colours and hundreds, including our Premier, braved a cold winter night to attend a vigil in Elder Park to remember the victims. Adelaide's LGBT nightclub, the Mars Bar, had people laying tributes to the Orlando victims at its door.

I feel deeply for the people affected by Orlando. I know this pain, the feeling of helplessness of what they are going through. Their hearts are heavy and the burden is so great that even walking and basic functioning become almost impossible. I wish strength and peace to the families, friends and victims of this abhorrent act, and I commend the motion to the house.

**Mr PENGILLY (Finniss) (17:02):** When I heard of what happened in the US, my mind immediately swung back to Port Arthur. That was something that impacted deeply on Australia and on me. For my own reasons, I have a flagpole on our drive and I have an American flag, so my way of expressing my deep sadness, etc. was to take the American flag up and I flew it up there for seven days at half-mast. That was my act to show my compassion and feeling for the American people.

We are very close to the American people. We are very closely allied to them. My connection with the United States goes back a long time, some 45 years, I am afraid to say, to when my sister had 12 months in the United States as a Rotary exchange student and I travelled across the United States during the Vietnam War. I never forgot the kindness of the people, and I think that is something that we need to reflect on while we discuss this motion. Obviously we will vote for this motion.

We need to think of the American people. The American people are very good people, they are very polite people, and it is fair to say that they are horrified by what happens from time to time. Remember that that nation is some 15 times the population of ours. Remember that it has a completely different system of government and remember that their constitution brings everything into some sort of order, for me. If they have failed, and failed dismally, it is on the issue of being paralysed over gun control or, more particularly, over the weapons that are pretty freely available.

I am not being political about this, but John Howard moved very promptly after Port Arthur to act on semiautomatic weapons and that went through and was accepted. Some people did not like it; some people still do not like it. However, that action was undertaken and I suspect there was a very bipartisan view of that across Australia by most people. The people of the United States will be questioning their society and they will be trying to work out how on earth this keeps on happening.

It was an appalling thing. I care deeply about the people, but I do not care what their practice or anything is. That is not it for me. They are humans. They are people on this planet with us. They are no different from us, and that is what gets to me. As a matter of fact, the member for Ashford and I were fortunate enough to go last year to North America for a CPA conference and, after that, my wife and I travelled down through Seattle to San Francisco.

I spent a lot of time wandering around and I actually felt safer walking around Seattle and San Francisco, both daytime and night-time, than I feel walking around in Adelaide. I felt much safer.

It was quite amazing to me. I would walk out singly and not be at all worried over there, whereas I feel uncomfortable walking around some parts of Adelaide at night. I feel uncomfortable and, quite frankly, I avoid it.

I do have deep compassion for the families in Orlando for what happened. I think it is an appalling thing. I think this parliament having a few words to say is a useful exercise and it allows us to put some things on the record. However we feel is irrelevant to me. We are all on the same page, quite frankly. The United States is a marvellous country. We would not be here, if it were not for the United States, in the form we are now. We would not be here, so we do continually support them.

President Obama has significantly failed on the issue of gun control, you would have to say. I do not know whether the next president or the president after that will be successful because it is such a big issue and it is just something that happens over there. You can shake your heads, but I believe he has failed on it. I am very happy to support the motion and have those few words to say but, for me, it is a very deeply personal thing. I will resume my place.

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (17:07):** The Orlando massacre is a stark reminder of where homophobia and transphobia can lead and illustrates the need to stamp out prejudice and discrimination based on sexual orientation or gender identity. It is a reminder of why we strive to achieve equality of opportunity for all, and why we emphasise the importance of fostering social inclusion, respect and equality in our community.

This government continues to strive for equality for all South Australians. In 2014, I launched the South Australian Strategy for the Inclusion of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer People, which was a significant milestone in addressing the discrimination and inequality experienced by these communities. It was the first time the South Australian government attempted to look at LGBTIQ inclusion from a whole-of-government perspective.

This strategy requires my department (Department for Communities and Social Inclusion) to work across government and influence all service providers to ensure they engage with LGBTIQ citizens and deliver their services in ways that are accessible and inclusive. Since launching this strategy, the department has undertaken a number of projects, including presentations to government departments about the evidence behind the strategy and the importance of access and inclusion.

We developed a one-off grant program which provided over \$50,000 for projects to increase inclusion and wellbeing and to increase the capacity and resilience of these communities. We provided effective community engagement with the communities through forums, representing the state government in pride marches and attending events organised by LGBTIQ community groups. The department has also led the way by organising a community breakfast in 2014 and 2015 to acknowledge International Day Against Homophobia and Transphobia, arguably one of the most important dates in the calendar.

The department has worked collaboratively with the Department of the Premier and Cabinet on a series of projects aimed at increasing the understanding of the barriers faced by LGBTIQ people when seeking services and developing a more inclusive workplace culture, including a recent production of a five-minute video highlighting the importance of inclusive workplaces and services and the development of an online training package. The launch of the South Australian Strategy for the Inclusion of LGBTIQ People 2014 was a landmark event, as is the current work being carried out by this government on legal reform—work that aims to eliminate unnecessary and unfair discriminations toward LGBTIQ people in our legal system.

We know we have a way to go, but as a government we are committed to eliminating the discrimination faced by many people on a daily basis. I know that all of us in the chamber will join me in paying our deepest condolences to the families and friends of all those who died, and we pray that all those injured and present on that night are able to recover as best they can. I say to the LGBTIQ South Australians that, while most of us will never experience the hatred expressed in Orlando, we have your back. We support you and we grieve with you.

**Mr GARDNER (Morialta) (17:12):** It is with resignation and sadness that I rise to talk on this motion. We, as a house, and I think each of the members in it on behalf of our communities, share in expressing our heartfelt condolences to the families and friends of the victims of the recent horrific mass shooting in Orlando, Florida, and, the second part of the motion, that we stand together with the LGBTIQ community around the world to condemn such a senseless act of violence, and denounce all forms of discrimination that may contribute to such hatred.

I stand because I feel, as a representative of my community and one of the members of the opposition who is able to do so today, a burden of responsibility to share my grief and my lack of understanding of what can go through the mind of somebody who dehumanises people to such an extent that when they walk into a room they want to take away their life and their humanity altogether. All evil begins with the removal in your own eyes of somebody else's humanity or with failure to accept that that person is human or your failure to accept that they have any purpose being here.

I think that when we try to comprehend the incomprehensible and we try to imagine the drivers of evil, it really is important for us as community leaders to contemplate how we can lead our communities in a way that will ensure that all of us are constantly encouraging us to see the humanity in the eyes of the people we stand with, to never forget their humanity and to never forget their God-given place on this earth that we share for but a moment.

I do not want to talk about political day-to-day issues on the Australian landscape today. I do not want to argue about the political histories of whose party is responsible for this or whose party is responsible for that. My party stands proud with forerunners like Murray Hill, Steele Hall and David Tonkin, who were at the forefront of rights for gay and lesbian South Australians decades ago. We stand here as a parliament united—united in our condemnation of hatred and united in our condemnation of evil.

Inasmuch as there is a raging debate going on in the United States—and in the last couple of days Congress has been considering changes to gun laws—in this country, many of us do not understand the decisions that are necessarily being made, but those elected representatives serve their communities in the way they see fit, and that is their sovereign right. I do make the very brief point that an atrocity such as this is hard to imagine possible in this country because the availability of weapons that are capable of committing such an atrocity is not here.

It is important, when we contemplate our role as lawmakers, that we look to current events and to history. As the member for Finnis identified, that is why it is important to note matters such as these in the parliament for a brief hour. On behalf of my community, on behalf of my party and on behalf of this parliament, I am sure everyone will share my words. We grieve for those who have been slain and we share nothing but deep sorrow and the heaviest of condolences with their families. We wish that we may not have motions like this in the future. We may wish in vain, but we still wish it.

**The Hon. S.W. KEY (Ashford) (17:16):** First of all, I would like to thank the minister on behalf of the Labor caucus for introducing the motion:

That this house—

- (a) expresses its heartfelt condolences to the families and friends of the victims of the recent horrific mass shooting in Orlando, Florida; and
- (b) stands together with the LGBTIQ community around the world to condemn such a senseless act of violence and denounce all forms of discrimination that may contribute to such hatred.

In a shocking way, we are reminded of the need for more education and discussion in the community with regard to diversity. It is my view that the Governor's speech at the start of parliament set out an important agenda for legislative change, assisted by the work of the SA Law Reform Institute and many organisations and members in this place. As a member of Rainbow Labor, and along with many others in our community, I believe it is important to acknowledge what has happened and send my condolences to the families and people who have been affected by this terrible event.

**The Hon. A. PICCOLO (Light) (17:17):** I would like to add my support for this motion and also endorse the comments made by earlier speakers, particularly the member for Morialta because I think he in many ways covered the issues I would like to mention. I think it is very important because

at the heart of all evil acts is the person's lack of empathy towards others. It does not matter what causes the lack of empathy: it is that lack of empathy. It also reflects a lack of respect for the human being. It attacks their inherent human dignity.

Whether you are a member of the LGBTIQ community or an ethnic community, like me, whether it is a gender issue or whatever our difference is, what these acts towards others have in common is that they do not accept the inherent dignity of the individual. I think it is at that level that we should maintain this discussion and debate because if we try to just isolate an issue of one particular community, I think we miss the point. The point is that each individual has an inherent dignity, and we have to respect that. We have to respect our differences.

On the one hand, we cannot sit or stand here and argue about accepting differences and then just condemn others for different views. The challenge for us is to change those views. The challenge for us is in this place is not to lecture others we disagree with. Whether it is from the pulpit or whether we stand here, lecturing gets us nowhere. All it does is reinforce people's prejudices and lack of understanding. What we need to do is make sure that we walk alongside those people we disagree with, not to agree with them, not to endorse their views, but to actually deal with them, to understand them and to change their views, or else we fail.

These sorts of events will happen again and again in our world if we do not change those people's views. As the member for Morialta said, if we do not change those people they dehumanise others. In times of war, unfortunately that is a deliberate strategy. It is a deliberate strategy to dehumanise the enemy so that you can do what you like with them and not feel any remorse. To some extent, that is what happens in our society in between wars. That is why I do not particularly like the shock jocks, and that is why I do not particularly like some of the commentators in this country and overseas because they dehumanise people. They make them an 'us' and 'other', which makes it easier for 'us' to do to the 'other'.

I have no doubt that the person in America who committed this horrible crime, one which is very hard to put into perspective, a crime that would kill so many people, hurt so many families and attacked such a community. What is it that gave him permission to do that? What is it in that society that gave him permission to think it is appropriate behaviour? We can speculate what that may have been, but the point is that in a society we all contribute to that, and we need to understand that.

We also need to understand that laws can only go so far in changing human behaviour. I accept that laws do help. Laws that are passed by this place do make a contribution, but if we walk away from this place thinking that if we have changed the law we have done our bit, then we are misguided. We really are misguided because law is only part of the formal part of our society, and most behaviour acts out in a formal basis.

In fact, I would say that most people act morally and appropriately irrespective of the law because it is what they believe in. Sometimes, we think the law can change things, but I think that we are not acting appropriately. We should be in our communities interacting with people—and interacting with people with whom we do not agree. More importantly, we should be interacting with people with whom we do agree. We tend to always go to those people with whom we agree. It is very simple to do that, and political parties probably do it better than others.

We need to act with people with whom we do not agree. We need to change that. As the member for Morialta said, the root of all evil is when we actually believe that another person is not human and we can do what we like to them, and that has happened over time. We need to change that. It would be fair to say that we are better off, in some sense, in this country than in other countries and that we have a much more tolerant society. In other words, even though we may not agree with somebody, we may not accept what they say, we will tolerate them in the sense that we accept that they have a right to be in this community with us.

My message today would be that we need to also stop dealing with the issues in a binary way. We need to stop saying, 'It is either this or that.' The reality of the human condition, the reality of our human existence, is much more complex. That is not to say we should not act. It just means that if you do not believe in one thing, it does not mean you are opposed to it. It means that you may think there is a different, alternative strategy to achieve something.

In the 10 years that I have been here, I have heard around this chamber quite a bit of binary discussion, where if you are not for it you must be against it, which is just a nonsense. If you are the person against it, that gives you the right to do something else, or if you were for it. We need to move beyond that. We need to understand the complexity of our human existence, and we need to understand the complexity of our behaviour. In the end, though, if we really want things to change, sometimes we need to change ourselves as well. We really need to change ourselves as well and the way in which we approach things.

With those few comments, I certainly offer my condolences to that community and to those families who have suffered loss. Having said that, there is nothing I can say to make it right. What we can do is perhaps learn from that experience and make sure that we change people's behaviour so that it does not happen again.

**The Hon. T.R. KENYON (Newland) (17:23):** I also rise to add my condolences to the family and to the community in Orlando. I can only agree with the member for Morialta, the member for Light and others who have made the point about dehumanising others, or seeing them as not fully human or as not having some valid role to play in our society, which is clearly a cause of not only great distress but, obviously in this case, great evil.

Many people have suggested that in the same way that darkness is the absence of light, so evil is also the absence of good, which is why it is our duty, as individuals, to always try to add some good into our communities and into our societies. This motion, from a parliament so far away, is a small piece of good, but it is important that we speak up in support of these people and that we say that this behaviour is obviously completely unacceptable.

Obviously, I am preaching from the other side of the Pacific and from a long way away, but those people in the United States who share our position as legislators seriously need to look at their firearms laws. I am a shooter, a firearm owner, but there is absolutely no need for people to have semiautomatic assault weapons that are designed to kill people. The easy access to these weapons makes what happened in Orlando easier. It is not the sole cause, it is not even any part of the cause, but it facilitated it, and it made the circumstances so much worse than they otherwise would have been with other laws.

The two parts of my contribution are to pass on my heartfelt condolences to those families who have lost loved ones and to those families who are suffering through the recovery process of the injured and also to urge from afar legislators in the United States to review and change their firearms laws.

**Ms HILDYARD (Reynell) (17:26):** I again offer my condolences, and I also express my gratitude and thanks for the way in which we have been unified in our expression of those condolences in this house. Certainly, in relation to the member for Newland's comments just a few moments ago, it is by working together in a bipartisan way that we can help US legislators address issues in relation to firearms laws. Together, as a unified parliament, we can address all discrimination against LGBTIQ people in our community. I thank all of the contributors to this debate.

Motion carried.

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

*A quorum having been formed:*

**COX, MS H.J. MP**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (17:29):** I move:

That this house—

1. Expresses its deep sorrow at the senseless death of Jo Cox MP and places on record—
  - (a) its condolences to her family and constituency; and
  - (b) its recognition of her service and her passion for fairness, inclusivity and compassion in all aspects of her community.
2. Expresses its sorrow that parliamentarians and others dedicated to public service around the world, who are committed to progressing ideas, can be subject to violence and hate.

**Ms HILDYARD (Reynell) (17:29):** I rise in sadness to give my contribution to this important motion. I am shocked and dismayed by the senseless death of Jo Cox. Jo Cox was brutally murdered in the north-east of England for what reason or purpose? She was murdered by someone who was unwell, yes, but she was murdered by somebody who was fuelled and enraged by a permissible culture of hate. This is a culture that we must stop now and a culture that we can only stop together.

When we allow good people to be shouted down by hate and division, we provide the space for acts of violence to be conceived, to be considered possible and to be committed. We must stand up to those voices and we must stand up against a culture that permits them. To those people who seek to divide, who see us only as self-interested individuals and not as belonging to our communities and to a society that cares for its most vulnerable members we must say, 'Enough!'

I did not have the pleasure of knowing Jo Cox personally, but through her tragic death, like others across the globe, I have got to know more about her. I believe she saw the world much as I do: that it is community and togetherness that defines us. In her maiden speech to parliament, as we have all heard, she said:

While we celebrate our diversity, what surprises me time and time again as I travel around the constituency is that we are far more united and have far more in common with each other than things that divide us.

These are the words of a woman who devoted herself to public service, to working with and for community members, whether it was as a parliamentarian and a proud product of Yorkshire or as a devoted worker at Oxfam doing everything she could for some of the world's most disadvantaged peoples.

She was a woman of remarkable principle who was driven by her principles, which were deeply steeped in ensuring the wellbeing, dignity and unity of all people. She was a woman who was tireless in standing up for those principles. Up until the day before she was killed she was proudly and forcefully advocating with her husband and two children for Britain to remain in the EU, that Britain should not succumb to those voices of division that use hate and fearmongering as a currency.

Jo Cox was courageous and relentless. She was a democrat, a feminist and a voice for those who are all too often voiceless. As a sister and as someone from a sister party, it was a great privilege and honour to make sure that those on this side of the house had the opportunity to put their names to the call for parliamentarians from around the world to 'join a global show of support for the idea that tolerance will trump hatred and extremism'. To date, over 1,500 parliamentarians have signed this call. I was proud to do so.

Today would have been Jo Cox's birthday. She would have been 42. She leaves behind her husband, Brendan, and her two beautiful young children. I place on record my deepest sympathy to her immediate family and to her community family who loved her and who were enriched and brought together through her constant speaking and acting through love rather than hate. To mark her birthday, let us unite and show the world through our words, through our actions, through our media and throughout our communities that we have far more in common than that which divides us. Vale, Jo Cox. You will be remembered well and your legacy will be to inspire people across the world to act together and to act always with love.

**The ACTING SPEAKER (Hon. T.R. Kenyon):** The member for Flinders.

**Mr TRELOAR (Flinders) (17:33):** Thank you, Mr Acting Speaker. You sit well in that chair, sir.

**Ms Bedford:** Ease up.

**Mr TRELOAR:** The member for Florey obviously wants to make a contribution, so it is good to see her in her seat. I rise today to support this motion. The motion is:

That this house—

1. Expresses its deep sorrow at the senseless death of Jo Cox MP and places on record—
  - (a) its condolences to her family and constituency; and
  - (b) its recognition of her service and her passion for fairness, inclusivity and compassion in all aspects of her community.

2. Expresses its sorrow that parliamentarians and others dedicated to public service around the world, who are committed to progressing ideas, can be subject to violence and hate.

I, like everybody else in this place and people in public life around the world, I would suggest, was horrified to wake up and hear the news that came out of Yorkshire in the UK of the death of a member of the UK Labour Party, a member of the parliament at Westminster, who had been murdered at the hands of a man who shot and then stabbed Ms Cox, which was quite extraordinary. She was going about her business. She was doing exactly what we all do here. She was in her constituency of Batley and Spen in Yorkshire. She was a girl who was born and grew up there. She knew her people well. She represented the people she lived with and the people she grew up with.

Of course, for us, even though this incident occurred on the other side of the world, because we are politicians, because we are members of parliament, because we are in public life, it was in fact incredibly close to home. I feel very sad, really, that somebody going about their business, somebody who was obviously as dedicated and as loving as Ms Cox was, should meet such an end. I am going to quote from two of the tributes that were made in the Palace of Westminster: one by the Labour leader and one by the Prime Minister, the Conservative leader. Firstly, my words come from Jeremy Corbyn, who is, of course, the leader of the Labour Party in the UK:

[Jo had] spent her life serving and campaigning for other people—whether as a worker for Oxfam or for the anti-slavery charity the Freedom Fund, as a political activist and as a feminist...

Her integrity and talent were known to everyone and by the community of Batley and Spen, which she proudly represented but only for the past year. She had only been an MP for a little over a year, I think. Of course, it was the great debate, I guess, about Brexit that contributed in some way to the depth of feeling that is occurring for some people at least. She appears to have been the victim of an act of extreme political violence.

Mr Corbyn went on to say that Jo would have been 42 this Wednesday, which of course is today. She would have been 42 today. For those in the UK, it is the summer solstice. Apparently, Jo would always have a birthday party celebrating not just her birthday but the summer solstice, which is a pretty big occasion in the UK.

**The ACTING SPEAKER (Hon. T.R. Kenyon):** It is the only day of summer.

**Mr TRELOAR:** 'It is the only day of summer,' says the Acting Speaker. I do not know what the weather is like there today. It is probably 19 hours of cloud and one hour of sunshine. Mr Corbyn went on to say that Jo had much more to give and much more that she would have achieved. I know, throughout the UK and even in other parts of the commonwealth, there have been vigils for Jo. Our own member for Adelaide, I understand, attended a vigil here at St Peter's Cathedral just the other night and lit a candle for Jo. This is a quote from her husband, Brendan:

Jo believed in a better world and she fought for it every day of her life with an energy and a zest for life that would exhaust most people.

The Prime Minister, David Cameron, went on to say:

...we grieve her loss, and we hold in our hearts and prayers her husband Brendan, her parents and sister, and [particularly] her two children who are just three and five-years-old.

Sadly, given their age, her children are unlikely to remember much at all about their mother as the years go on. As I have said earlier, she was serving her constituents and meeting with her constituents on the streets of Birstall. Jo always brought people together. She saw the best in people and she brought the best out in them.

In his closing remarks, the Prime Minister of the UK quoted a colleague of his who had said, 'If you lost your way for a moment in the cut and thrust of political life, meeting Jo would remind you why you went into politics in the first place.' Obviously, she was a very passionate member of parliament, a grassroots campaigner and somebody who felt very strongly about the issues that mattered to her.

I did not know Jo, but I have met on occasions some UK politicians. In 2013, I was fortunate enough to be the representative from this parliament to attend a workshop in Westminster in the House of Commons. It was the 62<sup>nd</sup> Westminster Seminar on Parliamentary Practice and Procedure. It was run by the CPA. As I said, I was very fortunate and felt very privileged to be nominated by this



parliament to attend that workshop in the UK. A lot of it was based not just in the Palace of Westminster but in the offices nearby in the Attlee Suite. All the MPs have offices over the road at Portcullis House.

I was flicking back through the program from that workshop in 2013 and the thing that really struck me was how available the British MPs were to us during that week-long period that we were there. In every breakout period we had, there was an MP in attendance, if not two or three or four from all sides of politics, and what struck me was their availability. Jo, I am sure, had that same approach. In fact, I know that the members here are always available to their constituents, always available to the people of South Australia.

One session was entitled, 'What is the role of an MP in his or her constituency?' That was something we debated that particular day. Jo obviously saw her role as being out amongst her people. In session 10, we discussed a number of issues but what was highlighted in my notes at my dot point 6 was that politicians do not cease to be people. Of course, I think we have all been at the wrong end of vitriol. I think it is far easier for constituents to unleash and lash out at their elected representatives these days than it ever was before. It is so easy with social media and email. It is just a click away. As a result, we are all open to that criticism. We sign up for it. When we stand for public office, we understand fully what we are in for and what could happen.

**The ACTING SPEAKER (Hon. T.R. Kenyon):** No, we don't.

**Mr TRELOAR:** Well, up to a point, Mr Acting Speaker. However, my point is this: Jo got far more than is ever expected, demanded or committed to. The seven principles of public life were discussed: selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and from all the research I have done on Jo, she fulfilled all those principles of public life.

She was a passionate woman. Women in parliament was session 21. I note at that time—and I do not suppose it has changed yet because there has not been an election since—just 22 per cent of the members in Westminster were women. It was suggested during that session 21 that 33 per cent (one-third) would be an ideal number. There you go. I am not quite sure how they came to that, but certainly both major parties in the UK are looking to increase the number of women they have as members representing their ideals in parliament.

With those few words, as I said, it was on the other side of the world but so close to home. Certainly the opposition, the Liberal Party here in South Australia, and the parliament as a whole, send our commiserations to the other side of the world, to the family of Jo, to her husband, Brendan, and those two young children, and her constituents in the constituency of Batley and Spen which she loved so dearly in Yorkshire. Vale, Jo Cox.

**Ms BEDFORD (Florey) (17:44):** The death of Jo Cox has shocked the world and left a mark on everyone, activists everywhere and especially those in public life, working to make their communities and the world a better place. Through links and friendships made in my work with the Muriel Matters Society—Muriel herself was an activist—I have, along with the member for Ashford, met many great women in England and in London and, although I did not know Jo myself, I do know that many of these women did know her well.

One of our dear friends, a generous and great champion for women, is expat Australian V. Irene Cockcroft. As she says, any words are poor recompense for any life prematurely extinguished, let alone a brilliant one. Irene has advised me of the gathering in Trafalgar Square supported by the Lord Mayor of London planned for 4pm on Wednesday the 22<sup>nd</sup>, which would of course have been Jo's 42<sup>nd</sup> birthday. Concurrent events have been planned in Batley and Birstall (with, hopefully, a live feed to London) and also in Brussels, New York and Washington, all cities of significance to Jo. I hope some of us here might gather on the steps tonight in Jo's honour when the house rises.

Irene has sent me a number of tributes. This one is from a woman called Sophie of the Women's Equality Party, in which Sophie acknowledges that Jo dedicated her life to human rights and justice and worked tirelessly to make the world a more equal place. Sophie is new to politics and found the murder terrifying and senseless and went on to say that the loss of such a dynamic person is great and feels even greater each day.

As Jo's husband, Brendan, said this morning, at this very difficult time, we all may ask what kind of country we live in. Just as the US presidential campaign and, to a lesser extent, the federal campaign here in Australia have done, the EU referendum debate has divided people, scared and sometimes enraged people. Intolerance of other cultures and other views now seems to be part of everyday political and social discourse, but there is absolutely no place for violence.

Irene will be in Trafalgar Square representing us and carrying a bag that she received on her last visit here to Australia, and another person using her influence to make sure the event is a fitting tribute is Helen Pankhurst. She leads a band of women lovingly known as The Suffys, who I am sure will be there in their customary white dresses carrying purple and white flowers as they did for the Emily Davison funeral centenary observances. Helen says Jo was very involved and passionate about women's rights.

They were friends for a long time and she loved working closely with Jo when she was so instrumental in making the huge gains for maternal health during her time at the White Ribbon Alliance before going into parliament. Jo was also critical in setting up Equals for the women's day centenary a few years ago. She chaired the Labour Women's Network and had been one of the biggest champions in supporting more women to stand for elected public positions. Jo was really so genuine and a real star, Helen says. Gemma Mortensen from change.org said:

Jo's life was one of service. Not lip-service, but true service. She was a humanitarian who campaigned for human rights...and a strategist who rethought child protection, world trade and education.

Jo brought out the best in everyone, even when she was being tough. She was quick to put people at ease, whether recruiting people to climb her beloved Scottish mountains (turning walkers into mountain-climbers by sheer force of her enthusiasm) or reaching across the aisle in Parliament, where she was admired by politicians of every hue. She could read the same humanity in the eyes of a Darfuri child, a Syrian refugee or a lonely octogenarian.

Jo spoke out against hatred and extremism in all its forms. She championed inclusion as she did in her oft-quoted maiden speech to the House of Commons. She would want us now to channel her love for others, no matter their race, creed or ideology.

As we pause here today, we think of every person who has been injured or killed in the service of others and I, for one, will refocus my efforts on making sure everyone feels included in the important work we undertake to make the world a better place for everyone. A dear Aboriginal friend of mine, Katrina Power, contacted me especially to make sure that Kurna people had a voice in this motion today. Katrina said:

Violence against a woman anywhere is violence against women everywhere. As a Kurna woman, mother and grandmother, on behalf of my community, I send condolences to Jo's family. As a peace-loving people, Kurna people remember Jo Cox.

To Brendan, Lejla and Cuillin, Jo's family and legion of friends and admirers, we send our heartfelt condolences. Jo was obviously a remarkable woman in so very many ways, and her work is her legacy, which will always be remembered.

**An honourable member:** Hear, hear!

**Mr PENGILLY (Finniss) (17:49):** I will not keep the house long, but I consider it very appropriate that the house moves and, ultimately, passes this motion. As a fellow Westminster parliamentarian in that system, it is something that is critically important to us, and those of us who operate under the Westminster system around the world are deeply shocked and saddened. We hear of these political assassinations in other places, but it strikes home pretty closely when it is the mother parliament.

I am giving a fair bit about my age away here, but one of the first impacts on politics I had was as a young child when Arthur Calwell was shot so many years ago. There are probably people in this chamber who have never heard of Arthur Calwell, but some have. At the time, it was a horrendous attack on Arthur Calwell, and I think it brought the danger home to Australian politicians.

Jo Cox MP paid the supreme sacrifice for merely working for her constituency and for the people of Great Britain. It is a tragic loss. It is just such a terrible thing that happened to her. I cannot remember who it was, but one member on the other side talked about the fact that the alleged shooter had mental health issues. That is quite often the case. I never fear for my safety in my political role. I never have. I have been in public life now for getting close to 30 years. We have had a few ups and

downs, but when I heard this it brought it all back to me. I guess that is best expressed in this motion where it:

...expresses its sorrow that parliamentarians and others dedicated to public service around the world, who are committed to progressing ideas, can be subject to violence and hate.

It is simply not fair that this young woman with a young family and a husband was savagely slaughtered in such a violent manner by whomever it was. It is just a terrible thing. When I say that I have never feared—and members may be aware that last week the oil and gas industry was the subject of quite a bit of debate within some aspects of our society—last week, in Kingscote my office was plastered with anti-oil and gas material, including corflutes. I was in a meeting, but I was made aware of it. I knew who it was because prior to that the particular person had come into the hotel where I was having lunch with someone and abused us, particularly me, in the hotel.

It does not worry me. I am not fussed about it, but when I went back I decided that I would leave the material on the wall and get the police to deal with it instead of me. It was not appropriate for me to deal with it. The particular person came down the road and tried to get into the car by opening the door to get to me. I was thinking that this was not going well. I have never had that sort of thing happen before. I managed to shut the door, but she was not content with that. She raced up the road as I slowly drove off and opened it again.

We are all vulnerable. We are indeed vulnerable. It is part of public life that you witness this sort of thing, but I felt incredibly sad when I heard about what had happened to Jo Cox MP, who was going about her business like we all do out and about in our constituencies, talking to people and moving around. For that to happen, I thought was a tragedy, particularly for her wider family and whatnot, but it was also a tragedy for Great Britain that it occurred, and it really brings the dangers home to you. We have our moments in here. Today, we had several, but at the end of the day we are all basically respectful of one another, despite what happens in the parliament.

I offer my deep condolences to Jo Cox's family. Ultimately, they will move on but, as has also been pointed out in the chamber, her children will barely remember her. That is just the way of the world. Without further ado, I support the motion.

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (17:54):** I rise to support the motion. When I awoke in the morning, I happened to turn on the TV and saw that a young female MP in the UK had been murdered. As the story unravelled and we heard more information about Jo Cox, who was newly into her career, we heard about why this person had decided to take this act.

One of the key things about our system that is very important to me is that we have accessibility, as we are in this house only because the public have supported us. We represent a geographical area and we do that to the best of our abilities. If a constituent wants to speak with you, they can make an appointment, they can call up or they can come in, but we also go out there. This coming weekend, I have several street corner meetings, and I will be out there talking to constituents at different locations, letting them know that I will be there and that they can talk to me about anything they want. This is important for democracy. This is important because we only exist because people support us and support our political system.

I heard Kate Ellis, the federal member for Adelaide, speak about her reaction to this news. She said that it put a shiver down her spine because women are still a minority here. So, it is not just the violent reaction; it is this violence against a woman. In my first speech to the parliament, I encouraged more women to be involved in politics. I believe we should be reflective of our population, and that reflection would be 50 per cent of members here in the parliament. There are many barriers to women putting up their hands for politics, and when we see something like this it makes us even more fearful of that exposure of putting ourselves out there. I will always support and encourage women to be involved in politics.

I thank Jo Cox that she was bold and brave and committed to causes that were important to her. That will be her legacy. She was a similar age to me and she was also a mum of young children; I am the mum of a child. You do it because it is important to you and you want to make a difference. I thank her for putting her hand up and I thank her for putting out what was important to her and

fighting for that. Unfortunately, she paid the ultimate sacrifice. What we want to do here is thank her for the work she did and resolve that our access, our part of democracy, will not change.

*Sitting extended beyond 18:00 on motion of Hon. Z.L. Bettison.*

*Parliamentary Procedure*

**VISITORS**

**The DEPUTY SPEAKER:** Before I call the next speaker, I would like to draw attention to an esteemed friend in the gallery. I might not get these in the right order, but you are the Rev. Hon. Dr Lynn Arnold. We thank you for being here with us tonight and welcome you to parliament.

*Motions*

**COX, MS H.J. MP**

Debate resumed.

**Mr GARDNER (Morialta) (17:58):** Again, as earlier, I am very sad to be rising on a motion such as this. I certainly echo the comments just made by the Minister for Multicultural Affairs, and I will come back to those in a moment. Today, we are as a house expressing our deep sorrow at the senseless death of Jo Cox MP and expressing our condolences to her family and constituency and recognising her service. Indeed, the second part of the motion is very important:

Expresses its sorrow that parliamentarians and others dedicated to public service around the world, who are committed to progressing ideas, can be subject to violence and hate.

I did not know Jo Cox, and I first became aware of her service after her cruel murder, but what she stood for was a set of values that she put forcefully, coherently and articulately to her community, and they entrusted her in turn with their confidence to represent them in the Westminster parliament. When she was murdered, it was not just a cruel attack on her. It is not just her family's loss, significant as that loss is, but it is an attack on the free expression of the political will and interests of all those people who voted for her, who put their confidence in her to represent them in the parliament. It is an act of terrorism when something like that happens, and it is a most heinous crime indeed.

I noticed that today Jo Cox's husband, Brendan, spoke publicly about his loss and said that she had 'very strong political views, and I believe she was killed because of those views'. He said that his wife was very worried that the language was 'coarsening', that people were being driven to take more extreme positions and that, if I can paraphrase, the polarisation of the political debate had a role in her death. That is deeply troubling.

What the minister said that I thoroughly agreed with was that in Australia, and I think to perhaps to a lesser extent, but certainly to an extent in England, we are very proud of the accessibility of our politicians and the fact that it is an expectation of all of us that we will have to doorknock, that we will have to hold the street corner meetings, that we will be available to those constituents who want to come in and see us when they have a grievance to express. Even if that grievance is personally directed at us, I would suggest that we are some of the most accessible politicians in the world, and the English system is also more accessible than most.

I know that this is something that most of us in this chamber are a part of, and we are all proud of, and our community expects no less. It is very important that in the years to come they continue to expect no less and that we continue to offer them no less. When New South Wales Labor MP John Newman was murdered in 1994, the Australian people continued to expect that openness from their politicians, and the Australian community has continued to have that expectation.

However, when a murder like this happens, when an assassination or an act of terrorism like this happens, it is a reminder to us all that we need to redouble our efforts in supporting free speech. It gives us pause to think that when we have coarsening of behaviour, as clearly has been attributed to her death by her husband, we must give thought to the fact that politicians are human beings and that we act in a role as representatives of our communities. That is a role and that is a job, but in doing so we try to be the personification and the expression of their interests.

I hope that her death will have some meaning in some positive way. It is very hard to see how that could be. I hope that it is not just a precursor to a restriction on the freedom of expression

and the freedom of people in England to have confidence in their system. I know that is not what she would have wanted, but the cruel atrocity that has been visited upon her family and her community by this murderer is despicable. We hope that justice can be done, but we know that her husband and her family will grieve for the rest of their lives. It is therefore appropriate that this house expresses its condolences to that family and to that community and that it recognises her service and her passion.

**The Hon. S.W. KEY (Ashford) (18:04):** As other members in this place have said, this is a very sad motion. I thank the Premier for bringing it to the house. I also thank the member for Reynell for introducing this motion about the senseless death of Jo Cox MP. The more I found out about Jo Cox and her political agenda and work the more solidarity I felt with her and with the campaigns she has been involved in.

As the member for Florey said, through the Muriel Matters Society we have had an amazing opportunity to get to know some of the progressive members of parliament under the Westminster system and also some of the activists, who are feminist, who are people fighting against discrimination and for equal opportunity. As much as I in South Australia have not been involved in the antislavery movement, it is very interesting that it is one of the things Muriel Matters campaigned on all that time ago. It is still obviously a very big issue in many places in the world. I commend the work she is reported to have done with their family at Oxfam and with all the other progressive organisations she was involved in.

Living in an activist family, I can only think about what it must be like for her husband and children, family and friends. She obviously lived in that circle of people who believe that their actions are really important. Just looking at what has been reported about her, she obviously was a most impressive activist and a fantastic local member who made herself available to constituents. When I listened to the TV news last night, I was very impressed with what both David Cameron and Jeremy Corbyn had to say. I felt very sad but also very proud of the solidarity they showed in the acknowledgements that they gave to their late fellow member of parliament. It did give me some hope that there is enough that we all share that means that we can all go forward to try to campaign on those progressive issues.

Interestingly, many female and male constituents have rung me or come into the electorate office to talk to me about this particular issue. They are very shocked and upset about what has happened. I know that I certainly reflect the concerns and condolences of a number of Ashford residents as well as friends and fellow activists who are a part of my life. In saying that, I would like to acknowledge that my extended family tell me that they will be at the vigil—which will be happening, because London time is behind us, in eight hours' time—along with friends who have also been involved in progressive campaigning, Ben Waters and David Lee, along with the Muriel Matters chapter of South Australia in London. To all those activists, this is a very sad day, but hopefully it will make us even more determined to campaign for those issues that we believe in.

**Ms COOK (Fisher) (18:08):** I rise in strong support of this motion. Jo Cox was a community campaigner, an advocate, a voice for the voiceless, a friend, a daughter, a sister, a wife and a mum to young children. Today should have been one of the happiest days of the year for this family, in particular for her children. I understand that as we speak today they are waking up on a day when Jo would have turned 42. It is very difficult for all of us to speak, particularly those of us with small children.

I imagine her children would have run to her with gifts, giggles, kisses and a hug. Instead, they will feel nothing but sadness today. She had much more to give and much more to achieve as a mother and as a politician. Unbelievably, Jo was murdered in the course of her duties, serving her constituents in need, as so many of us do on a daily basis while doorknocking, holding street corner meetings and other community listening posts. She has lost her life.

Of course, I did not know her, but I have read so much about her in the last few days. Jo Cox fought for all she had met and for the many whom she had not—victims of poverty, discrimination, injustice—and she would have fought very hard for the very person who took her life. Like many of us here in this place, she championed the most vulnerable and marginalised and worked very hard for an equitable and peaceful community full of love and tolerance. It is almost beyond belief that somebody working towards those ends can be cut down with such hatred and violence.

I urge other people in this place as well as those with a broad voice in the community, such as in the media, to think about how they portray themselves and also the language they use when talking about others who stand up to represent their communities. I urge those who are moderating the online communities to consider the language being used in discussing people who stand up to represent. It is not that those on the receiving end, such as us here in this place, of such commentary or language are precious or thin skinned. It is that others, silent participants, are easily incited by such language.

This act was committed by a person who lacked the empathy or the capacity to moderate their actions. They were seemingly very unwell. It would take very little to incite such a person to violence. Commentators, shock jocks and attention seekers, please consider the language you are using. Moderators, please moderate the comments and the language being used. Many silent participants are vulnerable and fragile. We may never know what incited this act, but we will always know the consequences, which have been devastating.

I did not know Jo Cox, but I do not believe that she would want this despicable and unspeakable act to change the open and accessible relationship we all enjoy in our own communities. Today, we remember that compassion and her passion to create a much better world. We should continue with our work, as we do, accessibly, honestly and openly, and recommit ourselves to that task. Commending this motion from across the miles, vale, Jo Cox.

**The Hon. A. PICCOLO (Light) (18:11):** I stand to support this motion. I will not repeat what has already been said by other members, but I would like to add that what I am about to say is certainly true of what I know of Jo Cox, her family and her community. I would also like to extend my comments to all those MPs and community leaders who have actually given up their lives in the course of their work across the world. I think anybody who puts themselves forward is worthy of this motion as well. In particular, I would like to speak to the second part of this motion.

One important thing I would like to pick up on, which the member for Fisher did really well, is the use of language. Language can be a very powerful thing both as a positive but also as a negative. We need to be mindful that the language we use does not seek to exclude people, even those people with whom we disagree. Often people will use freedom of speech or the right of free speech as an excuse either to harm others or to exclude others.

I will come back to that point because I think it is a key element of this debate because this discussion we are having right now is very similar to the one we had a bit earlier when we were talking about Orlando. Some of the motivations and issues involved are very similar. It was a different circumstance and clearly a different event, but some of the background issues are the same. The murder of Jo Cox is a tragedy on so many levels. Obviously, at a personal level it was a life unnecessarily and prematurely cut short. It was an unimaginable loss to her family, friends and community. This is where we come in. If her death is not to be in vain, we must learn the lessons that this horrific event teaches us.

If we are to maintain a civil and democratic society, we all have a duty, an obligation and a responsibility to discuss and debate our different views in a manner which can still be powerful but at the same time respectful and civil, not to incite others and certainly not to incite hatred. I think we have lost that in the public square, which I think is the terminology that was used. Whether it is here in Australia, in England and certainly in America, we use the excuse of freedom of speech, but with freedoms come responsibilities.

As in the UK, as the member for Morialta said, our members of parliament are quite rightly very accessible and very visible in our community. I think we need to value and protect this accessibility because that is an essential element of our democratic and civil society. I certainly value my accessibility to my community. My community may not think so, but that is an issue we will discuss another day. Certainly, I value my ability to walk freely through my community and meet with people and, hopefully, I do it in a way that is respectful of people whose views differ from mine. We need to maintain that because I think that loss would be a loss to society. I believe that the greatest honour we can pay Jo, her family, friends and the community is to maintain that accessibility and not give in to hatred or to behaviour that is clearly designed to hurt.

I think this motion is an important symbol of the tragedy not only for Jo but also in some way for all those people in public life. We have a responsibility to make sure that we carry ourselves in public life in a way that does not give licence to people who want to do the wrong thing. I offer my condolences to Jo's family.

**Ms HILDYARD (Reynell) (18:16):** In closing, I want to say thank you very much to all the members who have contributed for their deeply thoughtful and heartfelt words. Given what we have been discussing today, I also thank all the members for their deep commitment to being accessible and open in all our communities and also for striving to speak up for all people in the communities we represent.

Also in closing, thank you and vale, Jo Cox—an absolute champion of compassion, inclusivity and diversity. As I said in my remarks, I am sure that her work and her passion to make a difference will inspire generations of parliamentarians and other community activists for a very, very long time. Finally, as you mentioned before, Madam Deputy Speaker, I invite all members to gather in silence for just one minute on the steps of Parliament House in memory and commemoration of Jo Cox's life.

Motion carried.

At 18:17 the house adjourned until Thursday 23 June 2016 at 10:30.

*Answers to Questions***FUNDING COURTS PRECINCT**

**202 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (31 May 2016). What funding will be provided in the state budget to upgrade the depleted and outdated courts precinct?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide):**

The state budget will be handed down on Thursday 7th July 2016. I will not pre-empt what might or might not be in the state budget prior to that date.

**APPOINTMENTS OF JUDGES IN THE DISTRICT COURT**

**203 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (31 May 2016). What funding will be provided in the state budget for the outstanding appointments of judges in the District Court.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide):**

The state budget will be handed down on Thursday 7th July 2016. I will not pre-empt what might or might not be in the state budget prior to that date.