HOUSE OF ASSEMBLY

Tuesday, 27 September 2016

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

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

Members

MEMBER FOR UNLEY, SUSPENSION

The SPEAKER (11:01): Before we hear from the Leader of Government Business, on the last day of sitting, after a call to order and two warnings, I removed the member for Unley. As the member for Unley left the chamber, in the gangway he continued to make remarks loudly to the Treasurer and I named him.

The Leader of Government Business moved that he be suspended from the service of the house for the remainder of the day, but I think if one looks at the Votes and Proceedings one will see that the intervention of the Clerk and I severed the specification of a sentence because there is mandatory minimum sentencing for naming, and so it turned out that the member for Unley had been named earlier in the session for calling another member a racist and refusing to withdraw, if my memory serves me correctly, and therefore the mandatory minimum sentence for a second naming is three days' suspension from the service of the house.

I have read the *Hansard* of the exchange, and there are certain remarks of the Treasurer which I did not hear at the time. I do not think they refer to the member for Unley, but nevertheless they are unparliamentary and I will take that up with the Treasurer when he is in the house, but I feel that three days' suspension from the house is disproportionate in the circumstances. Leader of Government Business.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (11:03): Mr Speaker, without notice, I move:

That standing and sessional orders be and remain so far suspended as to enable the member for Unley to immediately resume his part in the proceedings of the house.

The SPEAKER: There not being an absolute majority present, ring the bells.

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

The SPEAKER: Is the motion seconded?

Mr WILLIAMS: Is this a procedural motion, Mr Speaker?

The SPEAKER: Yes, it is a suspension of standing orders; perhaps the member for MacKillop wishes to debate it?

Mr WILLIAMS: I do not wish to debate it, but I have a question, Mr Speaker. The member having been suspended from the services of the house, and, as you said, we have a mandatory sentencing rule in our standing orders, the question in my mind arises: what happens if the member is named again? Is he then suspended automatically for three days or for 11 days?

The SPEAKER: What we are giving the member for Unley is what you might call remission for good behaviour over the weekend, so the naming is not set aside, but the mandatory minimum three-day penalty is set aside. The Treasurer is here. I will come to the Treasurer in a moment. I will put the motion.

Motion carried.

Members

MEMBER FOR UNLEY, SUSPENSION

The SPEAKER (11:06): The Treasurer will go to his place. In the course of reading the remarks which led to the member for Unley's outburst—and I do not condone turning a suspension under the sessional orders into a big day out by shouting in the gangway, and accordingly the member for Unley was named, and that naming stands—in reading *Hansard* I noticed something I had not heard at the time.

The Treasurer remarked, 'Who sends the bill, Botox boy?' I regard that as inflammatory, a breach of standing orders, and I require the Treasurer to withdraw and apologise to the house for that kind of behaviour.

The Hon. A. KOUTSANTONIS: Sir, I unreservedly apologise and withdraw for using the term 'Botox boy'.

The SPEAKER: And for that offence I call the Treasurer to order and I warn him.

Bills

CHILD SAFETY (PROHIBITED PERSONS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 September 2016.)

The Hon. P. CAICA (Colton) (11:09): I will not hold the house for very long. It is clear to me at least, and I think to others, that the South Australian government has worked very hard and consulted with the public on the issue of child protection and screening checks. We know that child protection is an extremely important issue and that we need to do whatever it is that we can possibly do to ensure that our children, and those most vulnerable, are properly protected.

This bill is a reflection of the work which has been done which aligns with the royal commission into child protection systems and the views of the public and stakeholders. By choosing to adopt the approach recommended by the commonwealth royal commission and adapt this to meet the recommendations of the South Australian royal commission, this bill is creating an agile environment which will support the protection of children from people who are deemed unsuitable for child-related work, including volunteering responsibilities.

Transition to the new screening regime will be closely monitored by the government so as to ensure that people currently working with children who have recently undertaken a check in line with the current requirements are not disadvantaged. That is a very important point, and that has been identified previously when it comes to screening, so I am very pleased that this is part of the bill. It is important for volunteers especially, who are the backbone of our local communities, that we ensure that we do not burden them unnecessarily

However, of course we need to balance the competing interests. The Nyland royal commission and the commonwealth royal commission differed in view when it came to whether a person ought to wait on the outcome of a check before working with children. For local community groups and sporting clubs, it is often difficult to recruit and retain volunteers. We understand that but, as you can imagine, ma'am, we also understand that a delay in receiving a screening check is not ideal. Ultimately, the government is determined to take the firmer approach and require people to wait until a check is received, and that is appropriate, I think. This is something for which we should not apologise. We are putting the safety of children above all else.

South Australia has not monitored the criminal history of a person who has been screened. The bill aims to change this by setting up a regime, as recommended by both royal commissions, whereby the DCSI Screening Unit can implement the continuous monitoring of screened applicants. This has been the result, as I said earlier, of a wideranging review of screening in this state, which has been coordinated by a dedicated and hardworking cabinet working group.

The bill has been the subject of extensive public consultation, including substantial support, engagement and consultation across the government. I think it is a very important bill and one that I certainly commend to all members of this house. The sooner it is in the better.

Ms SANDERSON (Adelaide) (11:12): I rise to support the Child Safety (Prohibited Persons) Bill 2016, and I indicate that I am lead speaker on this bill. The Child Safety (Prohibited Persons) Bill 2016 was introduced by the Minister for Child Protection Reform on 20 September. The working with children check will either provide a clearance to work with children for five years or bar against working with children—i.e., you would be declared a prohibited person. Cleared applicants will be subject to continuous monitoring, and relevant new records may lead to the clearance being revoked.

The working with children check will be fully portable so it can be used for any paid or unpaid child-related work in South Australia for as long as a worker remains cleared. It should be noted that the government has stated the bill enables progress to be made towards a nationally consistent scheme, which has been recommended also by the Nyland royal commission. This bill is part of a package of legislative reforms that the government states it will release to implement recommendations made by Commissioner Nyland.

The draft bill was released for public consultation, including through publication on the South Australian government YourSAy consultation portal on 23 August, and was closed for submissions on 13 September. Whilst there has been consultation, I would certainly not refer to that as extensive; three weeks is not really a very long time, and certainly there are a lot of people whose feedback on this bill I would like to get before approving it. However, understanding the importance of child protection reform, we will not be holding up the house regarding that issue.

I have not been able to receive a copy of any of the feedback that was sent through. I have requested that both verbally and in writing. I would love to be able to read through and get the thoughts of people who have been consulted before rushing this bill through parliament. Since the draft bill was released for consultation, anything difficult has been removed and will be decided in regulation, including the definition of 'close physical contact'.

The regulations will also include specified offences committed in specific circumstances that can be excluded from being prescribed offences. The regulations will also include a class of position, which can be prescribed, which means a person in that position works with children and, therefore, must undertake a working with children check. Also in the regulations, information or a class of information to be prescribed by regulation needs to be assessable information. The parental exemption provision has also been removed from the bill, to be dealt with by way of regulations, and is subject to further public consultation.

The problem with regulations is that, as an opposition, we have the choice of accepting all of the regulations, or disallowing all of the regulations. It means that there is no ability for scrutiny, for improvement, or for discussion about each individual regulation. It is certainly not a preferred way, and it is an indication of what is really a rushed process and, as I said, we do not want to hold this bill up. However, I am very keen to see what those regulations are, given that we are approving a bill without ever having seen the regulations.

Given that continuous monitoring is not expected to be ready for approximately one year, until July next year, I believe this is showing that the government wants to be seen to be doing something; however, it is actually not able to be effected for quite some time. So, there is no reason to rush through a bill that does not have the regulations written and to remove all of the difficult parts of the bill to put them into regulations.

I just hope this is not another EPAS, where we are waiting years and years and cost blowout after blowout before we can finally enable a bill that we have rushed through parliament, noting that in the royal commission it was discussed how Families SA already has about three to four computer systems and different programs that make it impossible for case management and reconciliation. For example, with drug tests, you cannot actually see results, they do not show up; a father or a mother who has multiple children are not collated together to be able to get a true picture.

So I do question how easily this so-called continuous monitoring will be. I also note that that was first recommended in the Mullighan royal commission in 2008, so it is eight years on and we still

do not have continuous monitoring despite, I believe, every other state in Australia already having continuous monitoring. The regulations will be drafted in consultation with relevant agencies such as the DCSI SU and the DECD. However, as I said, it is always preferred to have the information as part of the bill, so that it does stand up to parliamentary scrutiny and debate.

Changes from the current system include that clearances will now be valid for five years, as opposed to three years. The central assessment unit will issue an applicant with a unique identifier with which employers will then be able to identify potential employees. This will still be done through DCSI. Currently, in the Department for Education, I believe there are different ways that teachers are screened, as opposed to other people. This will ensure consistency in one place, which I certainly welcome. It will now also become a criminal offence to employ someone who has not received a clearance and there will no longer be the discretion to employ someone without a clearance.

Every employer needs to go onto the DCSI website in order to register. They will need the employee's full name, their unique identifier and their date of birth, and this will enable them to be notified if an employee registered with them commits an offence. Both the employee and the employer will be notified of when the renewal date is due, I hope—I know I was told that would be the case. There are still plenty of unknowns, including the guidelines on how things are done and the weightings to be considered in approving a clearance.

I believe they will be using the commonwealth definition of working with children, but there is still a lot of confusion over some jobs and how widely this will be applied, and that will also be dealt with in the regulations. There will be the ability to check a person who makes an application but then withdraws that application. Previously, a requesting officer was required to obtain a working with children check and now this can be self-requested. This should limit some of the delays and the jobs that were lost due to waiting times.

I note that even when I went to get my working with children check, being on the Governing Council of Adelaide High School—and, given my job, I thought it would be a good idea—my application was rejected because I did not have a requesting officer. I do not really know who is my actual employee to put on as a requesting officer, so I had to use one of my staff's names in order for the application to go through. It makes far more sense for job applicants to be able to apply for their working with children check and already have their unique identifier on their résumé so that, when they apply for jobs, they are work ready.

One example that was given to me by a large employer of people who work with children was that they had employed 30 people, they all then become the requesting officer, and then they apply for their screening checks, and for some of those 30 people who still did not have a working with children check approved after their three-month probationary period it put them in a very difficult position. For some of them who were not cleared, or when it was optional for the employer, under privacy laws they were not able to discuss why it was they would not employ them, yet they could not employ them, so it made it very difficult.

I guess this takes away that difficulty for the employer because it is a criminal offence, and they must already have got their clearance before they start work, and that will all hopefully sort itself out by people actually applying for their clearance before they go for job interviews. The legislation strengthens against employers employing individuals without a check, as I just mentioned, and spent convictions will be noted on the registry.

Appeals will be made to SACAT, and each individual will just have one number for the five-year period compared to the situation now when potentially an individual could have multiple unique identifier numbers for multiple different checks such as working with the aged and working with children. If an individual is prohibited interstate, they will automatically be prohibited in South Australia.

It is unclear if there is any way of checking a person who is coming from working overseas. I do not believe there is a database or a checking system available, but at least it is an improvement that we can now check them from interstate. Under the bill, a person would be banned from working with children if they are subject to a prohibition notice issued by the central assessment unit. They will also be banned from working with children if they have been prohibited from working with children under a law of the commonwealth or any other state or territory.

They will also be banned if they have been found guilty of a prescribed offence committed as an adult including, but not limited to, serious crimes such as murder of a child, rape or other sexual offences against a child. This bill will bring South Australia into line with the other states and territories that already have similar registration processes. The cost, I am told, will not increase from the current rate of $105 for an employer/employee or $55 for a volunteer.

I am concerned about the cost implications to the budget and the loss to the department, given that the $105 was for three years and now that would be for five years. As an accountant, I would have just divided it by three and multiplied it by five if I was just working out a rough estimate; however, it is up to the government to work out their figures.

Whilst I welcome any improvement to screening people who work with children or vulnerable people, let's not forget the whole reason for the royal commission which made 260 recommendations and brought us to this point—Shannon McCoole. These changes would not in any way have prevented Shannon McCoole from being employed. These changes would not have caused him to be fired, despite multiple complaints about him from other staff that were ignored. This has been introduced due to a massive failure by this Labor government, a failure to protect children in its care and under the guardianship of the minister, yet these reforms do not solve that problem at all.

This policy places another burden on struggling businesses and makes it a criminal offence to employ a person without a screening check. Whilst we always want to err on the side of caution, as a business owner I think, what about the businesses? I worked with children in business as an employee and as the owner of a business for over 20 years, working with thousands of children a year without incident. I employed adults to train the children. I had adults working in my office, and when it became more popular I requested that some of them have police checks. It was really only a couple of years ago that the working with children check became a more rigorous check.

There are many businesses that have been operating for many years without incident, and this really adds another level of bureaucracy and difficulty to making that work and notifying all the businesses. The government needs to make sure that it makes this process as easy as possible for small businesses which already struggle under the regime of BAS statements being due, their tax, WorkCover and superannuation payments, their leasing, photocopying and increased electricity bills—everything. This is just another thing that they are going to worry about and be concerned about. They could be committing a criminal offence if they fail to know that this has been enacted and if they fail to know what is the true definition of working with children.

I note the member for Torrens would understand, having come from a background in film and television, that we need some clear understanding. It is my understanding that adults who work with children on a film set, and who are employed as an actor in the same way as a child, are not working with children and would not need the screening. However, the best boy, the dolly grip, the producer and the lighting guys are working with children, so therefore they might need these screening checks. I think that is where there is going to be a lot of confusion.

There are different industries that work with lots of children. At times, I had almost 1,000 models and actors registered with me, and at times the adults would be with children at fashion parades, or TV commercials, or films. Does that mean they all need a clearance? Is that working with them? That is what is not described fully in this bill because it will be dealt with in regulation, which means we do not have the ability to have any say in that.

I hope the opposition is included in some of the consultation, given that we will not be able to debate it in the house. It could have terrible consequences if every single person registered with an acting agency, dancing agency, or modelling agency had to go through the working with children, because they will come across them, they will be working with them, and just depending on how tight a definition, or how broad a definition is, will determine it.

Worst of all, if you are the employer you are the one who is committing the criminal offence for having them there. You are relying on the definition, and it would be very cumbersome to have to go and find 500 people's unique identifiers and register all of that on a database and then be receiving that every day for a year. If there are 365 days in a year, and you have 500 people, potentially every single day you are going to be notified of somebody needing a new screening check which you then

have to follow up and make sure that they have got their new screening checks. So, I am concerned about the process.

I would be interested to know if there is a list that tells us how many people who have committed offences against children, and who were actually working without a clearance, would not have been eligible for a clearance. What ill are we fixing? This aims to stop an employer making the decision to employ someone without a clearance because in their mind they might think, 'Well, I'm always with that person. There are other adults in the room—although there are children on a TV set—therefore I'm not going to make them get a clearance.' That used to be a decision because you were there the whole time watching them, so in your mind there is, perhaps, no danger. Now you actually will be committing a criminal offence—you have no option to make that decision.

I just wonder how many people did commit offences against children, and it was only because they did not have a clearance, and if they had applied for the clearance, they would not have got it. How many employers have made a bad decision and employed someone and put children in danger, or offences have occurred? That is what this is really fixing: by making it a criminal offence for an employer to employ. There must be a reason behind it. Otherwise, we are forgetting the main point, and that is that Shannon McCoole, who was employed by the government, was able to be a sexual offender against seven preschool-aged children. He did not have a criminal record, so it would not have shown up. This screening would not detect him.

Whilst this is improving the system, we must not forget to be vigilant in protecting our children and listening to warning signs. When there are warnings, they must be followed up. When people ring the CARL (Child Abuse Report Line) they must be followed up because 84 per cent of notifications of tier 3 are not followed up in any way. This is part of what needs to be done, but there is a lot more to go. I commend the bill to the house and I look forward to being able to consult further when I see the regulations.

Mr PEDERICK (Hammond) (11:30): I rise to speak to the Child Safety (Prohibited Persons) Bill 2016. I note that this is:

> A Bill for an Act to minimise the risk to children posed by persons who work or volunteer with them; to provide for the screening of persons who want to work or volunteer with children; to provide for a system of accountability for persons working or volunteering with children; to prohibit those who pose an unacceptable risk to children from working or volunteering with children; to provide for a central assessment unit to undertake screening of persons who want to work or volunteer with children; and for other purposes.

I note that this bill was only introduced by the Attorney last week, on 20 September 2016. The working with children's check will either provide clearance to work with children for five years or be a bar against working with children, which obviously gets you the prohibited person status.

There will be continuous monitoring of cleared applicants and the relevant new records may lead to the clearance being revoked. The clearance will be fully portable, so it can be used for any paid or unpaid child-related work in South Australia for as long as the worker remains cleared. The government has stated that this bill 'enables progress to be made towards a nationally consistent scheme'. As has been stated by the shadow minister, the bill is part of a package of legislative reforms and this is part of the reaction to the recommendations that the government has made. These recommendations were made by Commissioner Nyland in her recent report.

The draft bill was released for a brief period for public consultation on 23 August and closed for submissions on 13 September. Since the draft was released, consultation around anything difficult has been removed and will be decided in regulation which, as has already been stated, we will not be able to debate here, but hopefully there will be some consultation along the way. Part of that regulatory framework will be around the definition of 'close physical contact'. The regulations will be drafted in consultation with all the relevant agencies, including the Department for Education and the Department for Communities and Social Inclusion.

In regard to some of the changes from the current system that are in place, the clearance will be valid for five years versus the current three years. The central assessment unit will issue an applicant with a unique identifier, so employers will then be able to identify potential employees. It will certainly become a criminal offence to employ someone who has not received a clearance. Certainly, there will not be any discretion to employ someone without a clearance.

Employers will need to go on the Department for Communities and Social Inclusion's website to register and this will then enable them to be notified if an employee registered with them commits an offence. Let's hope that level of technology works appropriately so that, if someone does commit an offence, that person can be identified readily and easily.

Both employee and employer will be notified of when renewals are due. There are a lot of unknowns yet, but I am sure we will have a bit of work through committee around some of those unknowns, including the guidelines on how things have progressed and the way things are to be considered in approving a clearance. The bill uses the commonwealth definition of working with children, but there is still a lot of confusion over some jobs and how widely this will be applied. I will talk about some of this a bit later on in my contribution. We are told that this will again be dealt with in the regulations.

Also under this bill we will be able to continue to check a person who makes but then withdraws an application for a check. Previous changes to screening delayed work for individuals; self-requests should limit this occurring. Previously, a requesting officer was required to obtain a working with children check, and now you can self-request. The shadow minister went through her own personal situation with that.

The legislation strengthens against employers employing individuals without a check, and spent convictions will be noted on the registry. Appeals will be made to SACAT, and each individual will have one number for the five-year period, compared with currently, when an individual can have multiple unique identifier numbers and multiple different checks. For example, you can have a working with children or the aged check. At least this is a sensible move in the direction to have a single identifier so that people can be identified far more quickly and, let's hope, take some level of overmanagement of these checks out of the system.

If an individual is prohibited interstate, they will automatically be prohibited in South Australia. I am not sure how this will be applied to internationals, and people on working visas will need to work through that. Under the bill, a person would be banned from working with children if they were the subject of a prohibition notice and they have been prohibited from working with children under a law of the commonwealth or of another state and territory because they have been found guilty of a prescribed offence committed as an adult. This includes, but is not limited to, serious crimes such as the murder of a child, or rape or other sexual offence against a child.

As has been already stated, this bill will bring South Australia into line with all other Australian states and territories which already have similar registration processes, and the cost will not increase from the current rates of $105 for people working under employers and $55 for volunteers. I believe things have sped up a little bit recently, but over the last couple of years there has been a long delay in any level of working with children or vulnerable people, especially in the taxi industry. I have certainly had issues raised with me by the two taxi companies in Murray Bridge about the time it took for people to get clearances. It is a ridiculous situation, really, because these are cost neutral proposals.

The government probably profits, actually, out of every application. It is just a matter of employing more people to make sure that you can process these applications to get them through. I believe that with this legislation there will be many more thousands—tens of thousands—of people who will need to be checked, and it needs to be done in a time-managed and convenient way for all concerned. In regard to some of the other matters in relation to the legislation, and referring to some of the comments made when the bill was introduced into the house, I quote from the speech that was made on the introduction:

> The bill adopts a number of recommendations of royal commissioner Nyland of the South Australian Child Protection Systems Royal Commission as well as recommendations made by the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse as set out in its final recommendations on working with children checks. The bill represents the adoption of recommendations 238(a) to (c) of the SA royal commission, being that a stand-alone legislative instrument is enacted to regulate the screening of individuals engaged in child-related work, which:
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> - declares that the paramount consideration in screening assessment must be the best interests of children, having regard to their safety and protection;

- invests powers in only one authorised government screening unit which is charged with maintaining a public register of all clearances and their expiration dates; and
- empowers the screening authority to take into account in its assessments criminal offence and child protection history, professional misconduct or disciplinary proceedings, and deregistration as a foster parent or other type of carer under the Family and Community Services Act 1972.

I note the recent advertisements that the government is running for more foster carers. I think the people who take up foster care do very noble work, but it does not come without its challenges. As I have indicated in my speech, the safety of children is absolutely paramount and must come first, but I struggle with some of the matters regarding foster carers that have come to my office. I know of some people who had to go through the legal system to clear their name of vexatious claims from a foster child, and it cost a lot of money.

I know of some who are in front of the Supreme Court, and I know of others who are waiting up to two years to have their say in court on some allegations and it troubles me. What troubles me the most is that these matters take so long to resolve. I fully understand the separation of powers and I explain this to the people I talk to. It is a troubling time. It is a troubling time when someone mentions the word 'suicide' to you on the phone because of these allegations, and I have taken the appropriate action at those times.

As I said, the safety of children is paramount but these things trouble me greatly. These things have to be settled in court but sometimes, as I have found out, certainly in one case that has been cleared up, vexatious arguments are made. I put on the record that I salute all foster carers for the work they do, but it is certainly a place in which I would not tread. I salute people like Monica Perrett and her husband, Nathan, and the work they did with young Finn. It took 19 months of negotiation to get Finn's Law up in this house and I appreciate the support I received in regard to that legislation, but it took a long time. I acknowledge their ongoing work to hopefully make things better for foster carers.

We have a real problem in this state. We have thousands of children who have to be put up in motels for a range of reasons. There are a lot of troubled children out there and I wonder sometimes whether we do not have the courage to take action earlier. I know that taking children away from their natural parents is not the first choice and I understand that, but the problem we have is that even if these children get to three years old and they are living in a very damaging environment, they are damaged basically for life.

From talking to school services offices (and my wife is one of them and she has been in this situation, but not where she is currently working—I put that on the record), I know that their job at times is just to look after one of these troubled children. It is noble work trying to get these children assimilated into the classroom, but these poor little kids are damaged. I know why governments do not have the courage—I am saying this in a bipartisan way from opposition—that is, because the next thing is that there is the potential to have a generation we would have to say sorry to, and I believe that that is probably why there is an unease about doing this. I certainly think that we need to show more courage in relation to how we manage these situations.

Instead of having a dozen staff turn up at a school to work through the process when an incident happens with a troubled child (and I do not believe it needs a dozen public servants to work through this), we need to be better than that. We need to stop these situations getting to the point where they need that amount of intervention. Yes, it is a difficult place to be. For well over a decade now, we have had multiple inquiries and we need to get the right answers, but we have a long, long way to go.

I note that the member for Port Adelaide previously indicated that there will be school exemptions for people working with children. We need to explore that in the debate. This could have far-reaching effects right across the state and, as indicated earlier, it could mean an influx of tens of thousands of people making applications. I hope the government is ready for that because the safety of children is paramount.

I know that on the weekend the member for Florey was at the Pedal Prix at Murray Bridge. It is a fantastic event, with over 200 teams and human-powered vehicles, and thousands of people attend, and what I like about it is that the kids are out there pedalling bikes instead of mucking around

with their phones. They all get into it, they go all night ,and it is a fantastic event supported by so many schools from not just across this state but across the country, including the Northern Territory, Western Australia, Victoria and probably others.

With an event like that, where thousands and thousands of people are camped on Sturt Reserve at Murray Bridge (which is the perfect location for the 24-hour race), does it mean that every one of those adults needs a working with children check? That is something we need to find out in the debate. I am not saying this flippantly. We need to know because we do not want to suddenly find out that thousands of people could be subject to criminal charges.

Other events—and I am not being flippant about this either—include the many Christmas pageants that will be coming up in the next couple of months right across the state. Who can believe that we are already talking about Christmas? The big one here used to be called the Johnnie's Christmas Pageant when it started years ago. Will everyone, whether a spectator or whether a volunteer, need to have a working with children check? We need to have that validated.

I think that the biggest issue in this debate is that we need to be absolutely certain who needs to go through this process and who does not. I have said several times during this contribution that in this whole debate the safety of children is paramount, but there are so many other issues that we have to deal with around this and the impacts on society as a whole. We certainly do not want to have situations develop that could have been constrained if everyone was aware of and educated on what their position had to be, moving ahead, in regard to this legislation.

I think it is certainly a major step in the right direction. It is interesting that we have had to have so many inquiries since the early 2000s in regard to child protection and that we have suddenly seen some fast action in introducing legislation. We certainly will not be standing in the way of that legislation going through the house, but we need to make sure that the legislation is appropriate, that it is workable, that the departments are funded to operate the legislation and that people can apply for these clearances and get them in the appropriate time frame for whatever work they are doing with children or whatever volunteering they are doing with children. I commend the bill.

Ms DIGANCE (Elder) (11:50): I rise to speak in support of the Child Safety (Prohibited Persons) Bill 2016, a bill that provides a framework for the prohibition of persons who pose an unacceptable risk to children from working or volunteering with children. The objective is stated in the bill—to minimise the risk to children posed by persons who work with them—and it sets out the principles. The bill has at its core the safety and protection of children.

It is very important, however unfortunate, that people are not lulled into a false sense of security. Sadly, there may always be children who are harmed by adults of a questionable moral compass. It is such a sad statement, but it is true. Governments, non-government organisations and right-minded people who want to protect children will never be able to eliminate the risk entirely, but certainly we work tirelessly to those ends. Therefore this bill, and the screening process, does not clear people to work with children; rather, it works to prohibit people from working with children.

A working with children check that does not result in a person being prohibited from working with children is not proof of good character. Similarly, a working with children check that does not result in a person being prohibited from working with children is not proof that the person does not pose a risk to children. The bill adopts a number of recommendations of the South Australian protection systems royal commission as well as recommendations made by the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse.

As the Attorney has made clear, there is one particular recommendation of the commonwealth royal commission that has not been adopted. The commonwealth royal commission supported a scheme whereby a person would commence working or volunteering with children whilst awaiting the outcome of their working with children check. This was not supported by the Nyland royal commission. The government has chosen to adopt the approach recommended by the Nyland royal commission whereby a person cannot commence working or volunteering with children until their working with children check has been undertaken and they have not been prohibited.

The government has taken this position because it makes no apologies that the safety of children must come first. I welcome this approach, having spent a great proportion of my professional

life working with families and children, particularly in the child protection space. It is important that we engage with children themselves as well, I would suggest, as sometimes in society we may look past the fact that children can actually speak for themselves. This myth and misunderstanding is something I believe that we must work through and recognise that children do not lack the competence, that they do not lack the knowledge and judgement and that involving them in decisions will not place too heavy a burden on them.

To put children central to the issue, and this particular bill supports that, means we must give them a voice because it is not possible for them to claim their rights without a voice. Children who are silenced cannot challenge violence and the abuse perpetrated against them. It is important that we have children central to this issue. That is what this bill has at its core—the safety and protection of children. With those few words, I commend the bill to members.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:54): I rise to speak on the Child Safety (Prohibited Persons) Bill 2016 and indicate that I will be consenting to the bill. Largely, this is a bill to remedy a working with children model which exists in South Australia but which has failed to be as robust as is necessary. The opposition agrees that it needs to be tightened. The measures to improve checks on people working with children are incorporated in this bill through a new model, that is, essentially to introduce a single working with children check which is portable and valid for five years and which, when the technology is ultimately developed, will hopefully be robust enough to be real-time effective in maintaining its accuracy and relevance.

It also creates a centralised assessment unit that will be the sole agency in South Australia responsible for conducting checks on individuals. As has been stated by others, the whole purpose of this regime is to minimise the risk to children posed by persons who work or volunteer with them, to provide the appropriate screening and now to introduce a regime of prohibition where the party who proposes to work or volunteer with a child poses an unacceptable risk to that child or children.

The matters I want to point out today relate to what this bill does, and other speakers have spoken at length on this. It is to be implemented by mid next year, and multiple regulatory provisions are to be introduced with it. We all know what it proposes to do. I think its implementation time, of course, is moving at a glacial pace. What it does not do is deal with the circumstances that arise such as those in the Shannon McCoole case. We all know how disgraceful that exposé was in mid-2014—to find that a person had been identified by the Danish police, I think (but from Europe), to be an operative in an international paedophile ring and that he was identified as someone who was an employee of Families SA.

More shattering was the exposure that there were a number of children—seven, I think—whom he ultimately admitted to directly assaulting, abusing or confronting in some clearly offensive manner. Reading case study No. 5 of Shannon McCoole in Commissioner Nyland's recent report is chilling. It can be said to be nothing less because of the repeated and layer upon layer of ineptitude of the screening alone of this man that allowed him to graduate from out-of-school-hours care employment to NannySA employment—an organisation supervised and regulated in its operation by government—and then to Families SA.

Thank goodness for the international police. The rate Mr McCoole was going, when one reads this report, he would probably be director of the department by now if they had not intervened. That is how obscene this circumstance and the failings exposed by Commissioner Nyland on this matter were. Can I just recount that, even though we have a situation of screening of checks, Mr McCoole was able—apart from lying in his curriculum vitae; apart from giving falsehoods about his experience, training and learning of educational training and the like; apart from getting through a panel of questions; and apart from the fact that people failed to actually check his history—to start to work unsupervised with children during a period of training.

Yet everyone else was out there, a working with children check process having been introduced some years ago that required that people be checked, that they be cleared, that they be trained and that they be screened. In every single way, Mr McCoole's advance in employment, and his graduating to higher office from one children's operation to Families SA, is scandalous. I am very concerned about what this bill does not do. It is fair to say that although it is proposing to strengthen the gatekeeping in respect of those who may have been found to have committed offences as

detailed in the legislation, that is only a tiny sample of those who are clearly out there causing harm to children and capable of causing further harm to children. Let us not forget that.

It is such a narrow area of protection for children against those who are in their space of work or volunteer activity, that against that background it is absolutely puzzling to me and quite stunning why we are here in September 2016 debating the improvement of the model of this check when this has been an issue that has been known to this government for years. They did not need Margaret Nyland's report in August 2016 to tell them that the current model was deficient. They only had to look around Australia and see the advances in other states and jurisdictions dealing in this area to know that the model we have had in South Australia for years now has been grossly inadequate.

It is still expensive, over $100 if you are an employee and something like $58 or $60 for a volunteer to do a check, but ours has been shown to be wanting for a long time. We did not even need the Shannon McCoole case to make it clear to this government that it needed to do something. However, having announced a royal commission and the Attorney-General having a representative sit on that royal commission for two years, they knew exactly what was going on; they had every opportunity to bring this legislation before the parliament and not leave our children exposed in these circumstances, narrow as they might be.

Our children are entitled to have a system that works, that is effective, that is time sensitive and that is up to the standard around the country and not wait two years before they do anything about it. As the Attorney-General pointed out to the parliament just recently on the public data sharing legislation before the house, they of course were trying to claim that this exchange of information between departments for policy advancement was also in response to the Nyland royal commission. When it was pointed out to him that he tabled that bill before the Nyland royal commission had been published he said, 'Yes, but we knew it was coming.'

How did he know it was coming? He said, 'Because we have had people in the commission and they of course have been reporting to us. I have had regular meetings with the commissioner.' So they knew exactly what was going on. There is no excuse that for two years our children out there who are in a circumstance of being at risk have been exposed and required to rely on a model which is defective and inadequate. There is no excuse for that.

Yes, this bill tightens some of the regime, centralises the operation, makes it a prohibition and, indeed, an offence to employ someone where you do not have the check and, furthermore, that they are not identified or excluded from being a prohibited person—that is fine. It is a narrow piece of work but it should have been done two years ago. It still does not do all of those other things which are very important, where the government is dragging the chain in amending or rewriting the Children's Protection Act, and so many of the other recommendations of Ms Nyland which need to be attended to.

They have utterly failed in dealing with the really hard stuff. They have looked at and said they are picking up, I think, 38 recommendations—well, there are over 200 in this report and they are in urgent need of attention. If we have to wait, as we did for two years, for somebody to get off their backside and actually draft a bill to tighten this, God help those children who are out there exposed in so many other ways. It is completely unacceptable that we have had to wait for two years to have this tightened.

For all of the time we have had to wait, we now have a situation where this bill is heavily laced with a failing to describe exactly what it is that is being prohibited and the parties that are to be affected by it. Prescribed offences are a long list: murder, manslaughter, all the usual felonies and the like; criminal code offences in the commonwealth, where the victim is on trial (multiple lists); significant sexual offences are listed; and we now have a new provision in there that says, 'but does not include an offence referred to in a preceding paragraph of a kind declared by the regulations to be excluded from the ambit of the definition'.

Rule number one in criminal law is that you make abundantly clear in the legislation the nature of the offence. The government here has lazily described a whole list of things and then added a clause that says, 'But we are going to exempt some things, which we have not told you about,

we're not going to tell you about in this debate at all, other than by regulation at some later date, what we are going to exempt.'

So, the person out there, the employer who may be at risk for not actually complying with this, is left with no clear indication about what the line of liability will be for them. I say that is lazy, and we should at the very least have had the regulations, if they were going to put it in a regulation, which I think is a sloppy approach, but nevertheless we should have at least had those draft regulations on our desk and not have the government's officers scrambling around in haste to try to bring a bill to this parliament that they should have dealt with two years ago.

This should be implemented now, and the people who are having to work on this project would have had the time to do it properly, see what is happening across the country, what works and what does not, and make sure we have an effective system in place. What happens? Now we are faced with an unclear determination about what is to be a prescribed offence.

As for working with children, what is the nature of the employment? We have a long list in clause 6, 'The meaning of child-related work and work with children,' what I call the usual things—education activities, and the like—but where are the children's clothing shops, where is the local store where lollies are sold? Obviously, there is a lot of other activity, in which there is a direct relationship where a service is provided for children, which I do not think is even captured here or, if it is, it is clumsy in its application for those who will not have any clue.

In a country town, what does the local general store owner do if they frequently receive children into his or her shop, the store that sells products for children or other products which might be picked up on an errand for mum or dad? Are they required to ensure that the packing boy up in the freezer room has taken a working with children test? Who knows? I read this bill and I am none the wiser.

I do not disagree that it is important to make sure we do not have inadvertent, unreasonable capture of people—what we call the McDonald's or Kentucky Fried Chicken checks. I can recall a girl of 16 years saying that she had to have a working with children check to take up a shift at Kentucky Fried Children because she was serving other children. How absolutely ridiculous! I do not doubt that we have to have this clear, but let us have it clear while we are debating it and not make it up on the run and in a hurry and expect those officers who have to do this work to do it hastily to avoid embarrassment for the government in its utter failing to deal with this.

We will support this bill because it has been a long time coming. Although it is narrow and still in a shabby, lazy, unclear form, I will support this bill, but I expect these regulations to be on the table quickly, and I expect that whoever is the technical person, the person who is supposed to be setting up the computer program in Families SA or the child protection agency, whatever it is going to be called in the new regime, administers and implements it quickly.

That is so that when Ms Cathy Taylor arrives here at the end of October to take over the new department—it is operational and she has a new sign on the door—we will have a unit that is going to be effective and works and does not leave so many people out there confused about what their obligations will be under the current regime and at risk of prosecution if they are not clear, and it will not leave employers, employees and volunteers in an environment of exclusion from being able to get on to work because we have such a hopeless system at present. Get on with it, government, and stop wasting time.

Ms COOK (Fisher) (12:10): I am going to speak on the Child Safety (Prohibited Persons) Bill 2016. While it would be lovely to live in a society where the need to screen volunteers and workers who are in contact with our vulnerable adults and children does not exist, unfortunately this is not so. The opposition would have you believe that this culture that fails our children is unique to South Australia, but in fact this is not a unique culture to South Australia and nor is it to Australia. It is a culture which sickens me and one which we as a parliament must do all we can to combat in a way which is inclusive and restorative.

We must show leadership and instil confidence in our community so that we show that we can truly change the outcomes for our most vulnerable. I have spent all my working life in the healthcare sector, combining this more recently with work in the community sector, including executive and strategic roles, working hands-on with these screening processes. It was during this

time that the need for screening was identified as a way of reducing the risk of exposure to predators of our children and then vulnerable adults.

The number of people requiring this screening has increased exponentially, not just year after year but day after day, with the system created to protect our community itself showing some vulnerability and actually buckling under the sheer weight of numbers. This bill brings to life a number of recommendations out of the South Australian Child Protection Systems Royal Commission as well as the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse.

We will see a central assessment unit and the key terms of the bill, which will provide future flexibility across states and territories as we work towards negotiating a consistent approach to working with children checks across jurisdictions, as recommended by the commonwealth royal commission. The state government is taking significant steps towards making this happen and is leading the way in reforming the safety of children.

One of the aims of the bill is to make it an offence for individuals or organisations to fail to comply with the provisions of the legislation, including engagement in or for child-related work without a clearance and dishonesty in the application process. It will further permit appeals from decisions of the screening authority to the South Australian Civil and Administrative Tribunal or another independent body. It also declares that the outcome of the screening assessment will be limited to either a clearance or a refusal and that all applications, even withdrawn, will be assessed.

Individuals are required to seek and maintain a personal clearance themselves, which will be valid for a period of up to five years, through a unique electronic identifier system which has portability across roles and organisations in the state, and individuals are required to notify the screening authority of relevant changes in their offence, conduct or child protection circumstances. The bill further requires employers to ensure that all relevant personnel in their organisation at all times hold clearances. This works towards having a nationally consistent scheme which puts adequate responsibility on both the employer and employee ensuring a fair and rigorous scheme.

All children are vulnerable, and some are more vulnerable than others depending on their circumstances. It is crucial that children in this state are cared for, taught and influenced by the best people we can find, people who will nurture, encourage and empower young people in South Australia. By implementing this bill, we are taking a step in this direction. I look forward to seeing the necessary bipartisan support as this vital piece of work continues, and I commend the bill to members.

Mr BELL (Mount Gambier) (12:14): I rise to support the Child Safety (Prohibited Persons) Bill 2016. I would like to take a slightly different tack from the one most people have taken and talk about the 99.9 per cent of people who do the right thing and who are fantastic advocates and contribute enormously to the wellbeing and growth of young people in our community.

It is often said that it takes a village to raise a child. My concern has always been around barriers or processes which exclude great people from wanting to be involved with young people in our communities. I am talking about, predominantly, grandparents or those who are retired and can talk about personal examples where the feeling of being under intense scrutiny and going through a police check, working with children checks, etc., etc., gets to a point where those people shy away from being involved with young people. I find that an absolute tragedy.

I am pleased to see that this bill is making some progress towards a nationally-consistent scheme. My own personal opinion is that this issue is so big that it is needing commonwealth oversight so that perpetrators of crime, or under suspicion even, cannot go from one jurisdiction to another, or one state to another and escape that scrutiny, which I have had examples of in my time in the education department. I was an attendance officer for a couple of years, and it just astounded me that, when help was put around certain families and, perhaps, some expectations made in return, they simply moved from South Australia to Victoria where there was no process to hand on paperwork and documents, and yet young children were involved.

I am pleased to see that the clearance is valid from five years, as opposed to its current system of three years. I say that because I think that we should do everything we can to make it easier for people to be working with young children. Of course, we have got to have the checks, and

I will not argue against that, but I will come back to the point that, by far and away, most people, 99.9 per cent of people, do the right thing, are fantastic supporters and support networks for young people going forward.

I would like to see it go forward, and it is nothing new, let's be honest. Queensland has a system called a blue card system. I have spoken in this place about that system, where it enables live monitoring, where the person who holds the card has a unique identifier so that employers can check that number against any issues that are coming up, or pending, or have been discovered over the period of that time. So, I am pleased to see an extension out to five years. I am also very pleased to see that there will be a central assessment unit, where an applicant will be issued with a unique identifier, with which employers will then be able to identify potential employees.

I am supportive of the fact that it is no longer up to the discretion of the employer to employ someone without clearance, and I will be supporting the fact that it will be a criminal offence to employ someone who has not yet received a clearance. I am very supportive of all those things. There are some other things that I would like to see in the bill, and this comes down to cost. I would like to see, for those of a pension age or retirement age, that there is a cost reduction. So, from the current rate of $105, or $55 for volunteers, I would love to get to a point where it would be free so we encourage more people to be working with young people, whether it is reading at school, on school trips, or volunteering in different areas.

The more people we have with eyes on the ground understanding what is going on, the greater the chance we have of catching the 0.1 per cent, those evil people who seek to get involved with young children to commit horrendous crimes or intent. The more people we have on the ground who can report or have suspicion of activity, the safer our young people will be. We have had a system where we have made it harder for people to get on the ground and work with young people, therefore taking fewer eyes off certain situations.

I am firm in my belief that we should do everything we can to encourage more people to be involved, and if that is a cost reduction, if that is one of the prohibitive factors for those who may be on a limited income, maybe on a pension, then I think we should do everything we can to encourage them to be involved in working with children. I am fully supportive of the intent. I think we need to go to a national system where information is shared. We should do everything we can to encourage more people to be involved. I commend the bill to the house.

Mr GEE (Napier) (12:21): I rise to speak on the Child Safety (Prohibited Persons) Bill 2016. Since coming to this place in 2014, my awareness of our child protection system has been highlighted on many occasions by the devastating and tragic events that have occurred during that time. One of the most disappointing circumstances of these events is seeing some of those members opposite seeking to make political advantage of these awful events. I have never heard mention from those opposite any of the positive events that have occurred over these last four years.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr GEE: The only highlights we see are those events driven by those opposite in the media.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr GEE: On 5 August 2016, Margaret Nyland handed to His Excellency the Governor the report of the Royal Commission into Child Protection Systems. This report sets out 260 recommendations for the improvement of the child protection system in South Australia. Importantly, the commissioner made it clear that no child protection system is perfect. In fact, she made it clear that child protection systems around the world all face their own issues. South Australia is no different.

The key to improving the child protection system in this state, in my view, is early intervention and, like most issues, prevention is far better than cure. The Child Safety (Prohibited Persons) Bill 2016 seeks to establish a regime by which a central assessment unit provides a consistent approach to working with children checks. Working with children checks do not clear people to work with

children. If someone receives a good report on a working with children check, it does not mean that the person is approved for working with children in this state.

Rather, it is when a person receives a negative screening check that they are prohibited from working with children. The government is not able—and no government is able—to approve people to work with children or guarantee that no child will be harmed. As unfortunate as it is, no government can ever make that guarantee. Instead, we will do all that we can to make this process as efficient, flexible and effective as possible. The government is currently working on further responses to the Nyland royal commission, and I look forward to seeing progress in the coming weeks and months. I commend this bill to the house.

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) (12:24): I thank all the speakers for their contributions on this important measure. It is a measure that we need to get on with implementing, and we need to get on with it immediately. I wanted to answer in general terms a few questions which were asked during the course of the debate.

Essentially, and unpredictably in some respects, the questions were around the regulations which will be made under the act. One makes the regulations once the act has been passed, and not before. If you make the regulations before, you might find that the provisions that you are making the regulations about do not survive the parliament. The regulations will be settled once the bill is settled.

I think it is fairly clear, in general terms, what the regulations are going to be directed towards. Of course, we will be consulting on the regulations and, indeed, the parliament is capable of disallowing regulations with which it does not agree. Whilst to some degree I understand that there may be questions about the regulations, it is also the case that to get on with doing the work of the regulations we need the primary structure of the act settled. Then we move into the phase of consulting on the regulations, which do add some additional colour and flavour to the legislation.

This is an important platform, a plank of the improvements we wish to make in the child protection space, and we wish to get on with it as quickly as possible. Between this place and the other place, if there are particular matters that members wish to discuss that is fine, and I am happy to do that. I am happy to provide further briefings on any matters that might be of lingering concern. However, I am mindful that the other place requires things to be there for a certain period of time before they will entertain them, so the sooner this gets there the better.

As I said, I am happy to have conversations between here and there, and I am happy to discuss or provide further briefing to members of either chamber between here and there about matters that might be of lingering concern. As I said, I thank all members for their contributions.

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) (12:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PUBLIC INTEREST DISCLOSURE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 July 2016.)

Mr TARZIA (Hartley) (12:29): I rise today to speak to the Public Interest Disclosure Bill 2016. I also note that I will not be the lead speaker. I anticipate that that would be the member for Bragg.

Obviously, this is a bill that aims to encourage and facilitate the disclosure of much material in the public interest by making sure that there are certain procedures in place not only for making but for also dealing with these kinds of disclosures, and also by providing protection for people who make such disclosures. It also makes related amendments to several acts, such as the Local Government Act 1999 and the Public Sector Act 2009, and repeals the Whistleblowers Protection Act 1993.

This is an area of the law that the opposition has certainly been vocal about for an extended period of time. It is a very important area. A short time ago, on this side of the chamber we sought to have this kind of legislation implemented. We have wanted for some time to look at the offence of victimisation and also at the disclosure rules that concern journalists as well. We were advised recently that it was likely that the government would progress its own bill in this area, and here we are with the Public Interest Disclosure Bill 2016, which has been introduced by the Attorney.

From what we can see, the bill the Attorney has put forward incorporates several recommendations of Commissioner Lander's 2014 report. However, it does not appear to include, as we would have liked, the right to disclose a matter in the public interest to a journalist if there has been failure to investigate it within a certain period of time. So, I anticipate that, whilst the bill may be supported, we may look to move an amendment down the track, but otherwise I support the bill.

Ms REDMOND (Heysen) (12:32): I rise to make a couple of brief comments in relation to the Public Interest Disclosure Bill, which is one of those bills that gets complicated by the fact that it does something that I really do not like; that is, it uses, for definition purposes within the bill, definitions that are simply related to another act of parliament.

For instance, when you go to clause 6 of the bill and you are talking about disclosures made to members of parliament—and of course that would be something of great interest to everyone in this place—there is a discussion about what is appropriate disclosure, and so on, and what is a public officer. If you then go to the definitions clause, public officer is simply defined as 'having the same meaning as in the Independent Commissioner Against Corruption Act 2012'.

It really annoys me in drafting—with no offence to the parliamentary counsel who were involved, as I am sure they are doing it because they are told to do it—that when one is trying to read an act you then have to consult another piece of legislation in order to find out what is meant by the thing being said. Of course, when you go to the Independent Commissioner Against Corruption Act, public officer is then defined as everyone listed in schedule 1, and you go around in a circle because, in fact, schedule 1 includes members of the Legislative Council and members of the House of Assembly.

However, apart from that drafting annoyance I have with this bill, the main point I want to discuss very briefly is the idea of appropriate disclosure and the nature of what is in the public interest. In my experience, in the just over 3½ years I spent as leader I had considerable experience in many dealings with the media on an almost daily basis for that entire time. I think the media these days too often confuse what is of interest to the public with what is in the public interest. There is a level of voyeurism that has become entrenched in the media.

The day I stood down, I was up in Port Pirie. By the time I got back to my home, my house was staked out, and it remained staked out for the next 48 hours. To say that that annoyed me would be an understatement, especially since my very brief statement when I resigned indicated in the last line that I would be making no further statement, but my house remained staked out for the next 48 hours. I have a great concern about the intentions of the media to use the concepts of what they would define as public interest to protect them and allow them to do things like staking out the houses of people who have done nothing wrong and use that concept of public interest, as they define it, to interfere with people's reasonable right to privacy.

You would be aware that I currently have before this house a private member's bill in relation to drones. My concern with drones is only to control the bit of air space around people's private homes so that it will be unlawful for media or anyone else to fly a drone up to the window of your

house with a camera attached and film into the house. I remember on the day the federal election was going to be called earlier this year the media were camped outside the Prime Minister's house and had their cameras trained on the kitchen window and, when he went to the kitchen and pulled up the blind, the media cameras were there.

It is just nonsensical. They would call it news, but in fact I would submit that there is no public interest in that. I think we need to be very careful about the way we contemplate the provisions of this bill but, more particularly, I think we need to be very careful about the way the interpretation of that particular concept is dealt with henceforth. Presumably, it will be maybe by regulation, maybe by interpretation in courts, but I just want to emphasise that there needs to be a very clear distinction made between what is in the public interest and what may be of interest to the public.

There are many things which people might find interesting. I do not happen to read them very often, but occasionally in doctors' surgeries, dentists' surgeries, and so on, I will read a magazine that seems to be full of nothing but gossip that is supposedly being published in the public interest. I would submit that in that case most of the content of those magazines is nothing but stuff that some people might find interesting, but does not, I think, meet the test of actually being in the public interest.

I think that there should be a test, and perhaps between the houses we can think about putting a test into this legislation to indicate that what is of interest to members of the public is not necessarily in the public interest and that there must be some overriding benefit to the public at large in allowing the accessibility and subsequent publication of information, particularly on the part of the media. That is really the only thing I wanted to cover in relation to this particular piece of legislation. I do not object to the rest of it.

I am always most concerned to ensure, as I was with the Independent Commissioner Against Corruption Act, that the ability of members of parliament to listen to anything that people wish to tell us without them feeling that they are in some way jeopardising themselves is maintained intact. The privilege of this parliament is something I think is particularly important. I have already dealt with that in relation to the ICAC Act and, although I do not like the cumbersome way it is dealt with, the fact that the definition is repeated in this act I suspect gives me sufficient comfort in that regard.

However, I do have this issue about wanting to make sure that we distinguish very clearly between something which is in the public interest and something which may be of interest to the public. The only exceptions that should be able to be given the benefit of the Public Interest Disclosure Bill should be the things that are in the public interest and not simply things that are or may be of interest to the public.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:40): I rise to speak on the Public Interest Disclosure Bill 2016, introduced by the government subsequent to the opposition giving notice of its Whistleblowers Protection (Miscellaneous) Amendment Bill 2016, and I indicate that we will be supporting the bill. As I have previously indicated, we will move an amendment consistent with the provisions of the protection to journalists in the disclosure of material in the public interest in circumstances I will detail shortly—that being an amendment consistent with the recommendations of the report of Mr Lander QC, the ICAC commissioner, and with two previous bills which we have presented to the parliament and which the government has rejected.

Secondly, I indicate that, with the passage of this bill through the parliament, in the circumstances I will be withdrawing from further consideration our whistleblowers protection bill. Let me outline to members the history of this matter but, before I do, I thank the member for Heysen for raising a perfectly valid point about the difference between something that is in the public interest and something the public are interested in.

I do not imagine that anyone would compare the Attorney-General with Brad Pitt or his activities, but quite clearly the current state of the demise of and the distress involved in the marriage of Brad Pitt and Angelina Jolie is something which the public have an almost insatiable appetite for information about. I think it is a bit sad in a circumstance where people are in public life that they have to live under such scrutiny in these situations, but I suppose that if their whole life is built around public exposure it is unsurprising that when things go tragically wrong they are in the public light and that the public wishes to race towards every snippet of information, however accurate or however repetitive it might be.

On the other hand, what is in the public interest in respect of matters of maladministration or waste in the public sector, or corrupt or illegal conduct generally, may be less salacious in detail or not have anywhere near the same attention of the public, but it is absolutely critical and fundamental that where circumstances of malpractice or illegal conduct occur they be exposed and dealt with. The Whistleblowers Protection Act 1993 currently provides for and facilitates the disclosure in the public interest of maladministration and waste in the public sector, and of corruption and illegal conduct generally, that would otherwise be undermined.

We have a structure of legislation at present which, although not perhaps as interesting to the public, is absolutely critical for the protection of the public. The current act provides this protective membrane for the public by providing a means by which disclosures may be made by, frequently, public servants or by providing appropriate protections for those who make such disclosures.

In an effort to ensure that this conduct is rooted out, exposed and dealt with, we need to make sure that within the inner sanctum—as is frequently the case with maladministration or corruption; difficult to prove otherwise—we have an insider spill the circumstances that lead to it. So, we have the Whistleblowers Protection Act to make sure that when they do—and it is in the public interest, so there are certain thresholds that they have to comply with and it is to the appropriate authority—they will be protected. That is the theory.

It is legislation that has been around for more than 20 years, but has it worked? It appears, however, that the application of it, the implementation, or those seeking recourse to its protection, has been quite rare. One might say, well that is because there has not been any problem with this type of conduct in the public sector. Others would say that it is because people are too scared to speak up, even with the umbrella of protection under the act. In March 2013, the Attorney-General requested Commissioner Lander to review the legislation. After extensive consultation, he prepared a report and tabled it in this parliament on 30 October 2014.

There were 30 recommendations that Mr Lander made supporting a rewrite of the law in this area. The first thing to note is that we are two years down the track before the government has acted to implement any of these recommendations. That is concerning in itself. I had wondered whether the Attorney had thought, 'Well, we might not win the 2014 election. It will be safe enough for me to give these terms of reference, or request the new commissioner—relatively newly appointed—to conduct some inquiries on a number of things. This is one of them. If it needs a review after 20 years, we probably won't be in office, so what's the harm?'

I have to say that when that crossed my mind, the fact that the government then took two years to actually do anything about implementing these reforms, having won the election, I think I was probably on the money. Perhaps the most disturbing thing that I read from Mr Lander's annual report of 2015 was that he detailed a survey of 7,000 public servants, revealing that one in four was reluctant to report corruption, misconduct or maladministration, the most common concern being the personal repercussions for their jobs.

Meanwhile, the State Ombudsman of the day conducted a review of the freedom of information laws, and his report was tabled in parliament in June 2014. Both of these reports, in late 2014, revealed that there was a need for very significant reform, and in the Ombudsman's report, highlighted particularly was the need for protection of freedom of information officers against ministerial interference.

We have a culture of concealment, a fear of the public sector to speak up, and a need by two senior integrity officers, that is, the ICAC Commissioner and the Ombudsman, to say that we need to have legislative statutory protection for people who work in public office. I think that is shameful enough, that we would actually have a situation where two senior people would say that this is what is needed, but that there is also a publication of a report in 2015 that in detail exposes the fear of these public servants to speak up. This is a very sad situation.

Contemporaneous with this whole process is the tawdry story of the investigation surrounding the Gillman land sale by the Auditor-General, his recommendations that there be major tightening on unsolicited bids and proposals put to government, and then the staggering revelations in the ICAC commissioner's report when he conducted an inquiry under the Ombudsman Act powers in respect of the Gillman deal. He found two senior public officers—that is, the head of Renewal SA

and a senior person in Renewal SA—to have been guilty of maladministration, and he had some very unsavoury things to say about the then minister for housing and urban development, who is now our Treasurer, God forbid.

In any event, all this is going on and still the government does nothing. Having recommended that there be very substantial reform, the government did nothing. The only thing that the government was motivated to action after the election in 2014, after the disgraceful revelations in respect of the Shannon McCoole case, was to call for a royal commission into the child protection systems that operated in South Australia. Everything else appeared to be completely ignored. The report that was subsequently brought in on 5 August 2016 by Commissioner Nyland, and kept concealed for three days and ultimately published and made available to the public on 8 August, is another exposé of unbelievably poor conduct of the management in this case of the child protection agencies in our state.

Let me go now to this bill in particular. Of Mr Lander's recommendations, there are two areas of reform that need urgent attention; one is the protection against victimisation when someone speaks up, including having a responsible person in each department like we have, similarly, in respect of having independent freedom of information officers, and the need to impose penalties via an offence for victimisation. The second area which needs urgent attention, and which the government has absolutely ignored and continues to ignore, is the right to disclose a matter in the public interest to an MP who is not a minister and to the media if there has been a failure to investigate within a reasonable time.

As I said earlier, the opposition has consistently argued and repeatedly presented bills for approval of this parliament for the right of a person who complains about conduct that is inappropriate in public life to be able to have the protection to go to persons other than the relevant authorities. It is quite reasonable. Let's just have this on the record: it is quite reasonable for a public servant, if they feel that there has been some inappropriate behaviour or management, or lack thereof, within a department, to go to their superior; if there is no action, to go to the chief executive officer; and if there is no action again, to go even to the minister.

They do not need to rush off to the media straightaway. They need to be able to safely expose misconduct and let the relevant authorities up the line refer it to the police, to the Director of Public Prosecutions, to the Office for Public Integrity, or to such other agency which needs to look in sometimes, to investigate these matters further. That is pretty basic. The tragedy is that, firstly, as exposed by Mr Lander, one in four are too scared to even go and report it up the line, let alone to another MP—any of us—to work to protect the interests of that person, or let alone their desire to ultimately go off to the media because nobody else is listening. All of these people have a responsibility to act, but clearly they do not.

Read Margaret Nyland's report in the child protection area. If ever there was a cacophony of disaster, one can read that and see how there is not just a total ineptitude, but there is a cover up and concealment of various people's conduct in the department which allow these disgusting things to perpetuate. They are not all allowing somebody to continue child abuse. There are things that have occurred that have been exposed in that report about the chief executive officer and other senior members in the department who have allowed for the doctoring of draft reports to present to the royal commission under subpoena and have then hidden behind the protection of legal professional privilege.

If anybody has not read that report, I urge them to do so. It is absolutely illuminating. It is disgraceful what is exposed, but it is illuminating as to the level to which people will go, literally, and, as they colloquially say, 'cover their own arse'. It is very important, I think, for everyone in this house to read that report carefully, as chilling as the content is. If there is a reasonable opportunity for a member of the Public Service to freely go to their superior or to the minister, about which they have a reasonable expectation that it will be acted on, they may find that their concerns were without any substance and that, in fact, there was a perfectly plausible explanation. However, they should not feel intimidated into silence for fear of lack of promotion or, indeed, the fear that they would not be able to keep their jobs.

Although the government has dragged the chain in presenting the reform in this bill that should have been here two years ago, we will support them in it. However, I make the point that, as recently as the Nyland royal commission, which is a timely and very recent exposé of what is clearly still going on, causing people to be silenced when they should have a chance and the protection to speak up.

When they are prepared and have the courage to speak up and nobody listens, then, at the very least, those people ought to be able to go to their member of parliament to raise it in this house, or to raise it again with the government, whatever might be appropriate in the circumstances, and after a certain period of time, as Mr Lander supports, they have a right to go to the press; they have a right to go to the people of South Australia and say, 'Nobody is listening.'

The publication of material that might be within the remit of what is being complained of, still has to, I suppose, reach above the threshold of some level of decency and accuracy to avoid a defamation and action by the publisher—something that may befall a journalist that runs the story. There are certain screenings and measures to protect and shield against some rampant disclosure of material in some irresponsible way.

However, when the authorities do not listen, when the authorised bodies fail to act, when the minister sits with closed ears and the government as a whole has its hands over its eyes, then the people of South Australia—and in particular those within the public sector who are privy to information which would expose the public maladministration or waste or, indeed, criminal conduct—ought to have the protection to be able to make sure that they do it.

The bill, as progressed, will reform this whistleblower's protection. It has raised and accommodated a number of the recommendations by the ICAC commissioner, Mr Lander. I thank Mr Lander for his report and work. It has just about got cobwebs on it, but we still need to recognise that it was an incredible body of work. I thank him also for boldly undertaking a very comprehensive survey of public servants. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Joint Parliamentary Service, The Administration of—Annual Report 2015-16
Rules made under the following Acts—
Adelaide Park Lands—Park Lands Lease Agreement—South Australian Cricket Association

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

Rules made under the following Acts—
District Court—Civil—Amendment No. 34
Supreme Court—
Civil—Amendment No. 33
Civil—Supplementary—Amendment No. 7

By the Minister for Business Services and Consumers (Hon. J.R. Rau)—

Regulations made under the following Acts—
Second-hand Vehicle Dealers—Miscellaneous

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

Regulations made under the following Acts—

Major Events—Australia v South Africa Cricket Test Match 2016

By the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—
Tatiara District Council—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Cats

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

Teachers Registration Board of South Australia—Annual Report 2015-16
Regulations made under the following Acts—
National Parks and Wildlife—
Breakaways Conservation Park
Co-management Boards—General

VISITORS

The SPEAKER: I welcome to parliament today students from the South Australian College of English and the University of Adelaide, who are guests of the member for Adelaide, and the Marion VIEW Club, who are guests of the member for Mitchell.

I am also pleased to welcome to parliament Tonga's sole woman MP, the Hon. Akosita Lavulavu, representing Vava'u constituency, the very beautiful northernmost islands of Tonga.

Ministerial Statement

NUCLEAR WASTE

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:02): I seek leave to make a ministerial statement.

Mr Knoll interjecting:

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

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned.

Mr Knoll interjecting:

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

The Hon. J.W. WEATHERILL: I am holding a document, sir, that might embarrass the member for Schubert one day, but I might just keep that up my sleeve. Last week, I travelled to Finland to gain a better understanding about its nuclear industry, in particular the disposal of spent fuel and the community's attitude to the industry there.

Also travelling with me as part of the delegation was Jonathon Kenna, Ambassador Designate for Sweden and Finland; John Mansfield, chair of the NFCRC Community Engagement and Response Agency Advisory Board; Madeleine Richardson, chief executive of the agency; and Bill Muirhead, South Australia's Agent General in London.

We visited Eurajoki, the municipality on the west coast of Finland, where there are currently two nuclear energy reactors operating and a third under construction, as well as an operating low and intermediate-level spent fuel depository. This is also the site on which they are constructing the Onkalo high-level spent fuel disposal facility. We met with leaders of the local community, who shared

with us the history of the journey they have taken which has enabled the high-level facility to be established at Eurajoki.

The community's support in Finland is premised on their responsibility to dispose of the waste that they produce from their own nuclear energy reactors. What we are proposing for South Australia is starting from an entirely different premise, and we are looking at the economic opportunity from disposing spent fuel from other countries. This is the fundamental question that our community needs to contemplate as we consider the opportunity.

We undertook a site visit of the Onkalo facility, which is 420 metres underground. It is here that lead canisters containing the spent fuel encased in five-centimetre thick copper canisters will be stored. Having witnessed the scientific approach to the analysis of the geology and the processes in place, it is clear to me that high-level spent fuel can be stored safely. It is also evident that South Australia's mining and construction capabilities position us well to deliver on a large-scale project of this nature.

These existing strengths, such as ventilation companies, data sharing and machinery, could help to unlock the value chain. It is also clear that, following the detailed experience that the Finnish process has been through, considerable time and costs could be saved by adopting some of their existing technology.

We had an insightful meeting with Olli Rehn, the Finnish Minister of Economic Affairs and Employment, regarding the nuclear industry and also broader energy policy. The role of a regulator is critical, and the Finnish Radiation and Nuclear Safety Authority (STUK) is well respected and has built trust by having a clear role definition, operating transparently and being open about risks, communicating in a way that people understand and working cooperatively with the media.

The experience in Finland demonstrates the need for clear milestones with long-term and stable policies that are supported by all sides of politics to sustain progress for the duration of the project. To this end, I would repeat my offer to support the Leader of the Opposition visiting Finland in the near future.

Mr Pisoni interjecting:

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

The Hon. J.W. WEATHERILL: The visit was very informative and something that, along with the feedback from the current community consultation process and the deliberations of the upcoming citizens' jury, will inform the government's response to the royal commission's report.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order.

ENERGY LEGISLATION

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: Recently, the government announced a number of measures to increase energy market competition, drive down costs for businesses and consumers and reduce carbon emissions. We have made our intention clear—that we want to put the power back in the hands of consumers. Today, I am pleased to advise the house that we are giving notice of our intention to introduce bills which will assist this goal.

One bill will empower the Australian Energy Regulator to undertake a wholesale market monitoring and reporting function. This will ensure that stakeholders have greater transparency around how the wholesale electricity market is functioning and ensure we have the information necessary to respond if any features of the wholesale electricity market are found to be detrimental to effective competition.

The other bill will help ensure that our network businesses are spending no more than is necessary to deliver electricity to consumers. The Australian Energy Regulator has already been tasked with preparing performance reports of electricity and gas network service providers to provide transparency and benchmarking of the efficiency of these businesses. This bill will empower the Australian Energy Regulator to collect information from the businesses and publish data necessary to benchmark the performance of the businesses.

Annual efficiency performance reports by the Australian Energy Regulator will enable stakeholders to track performance over time as well as enable meaningful comparison of network service providers. It will expose network service providers to higher degrees of public scrutiny through efficient practices as reflective of competitive markets. South Australian consumers rely on private operators for the delivery of our electricity. These new bills will ensure that there is greater transparency in how they behave and operate to ensure South Australian consumers are provided with the competitive, reliable electricity services that they deserve.

INTERNATIONAL EDUCATION MINISTERIAL ADVISORY COUNCIL

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) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: Today, the South Australian government took another step forward in attracting more international students to Adelaide. International education is one of the state's key exports, injecting around $1.2 billion into our economy in 2015 and creating thousands of jobs. Students from around the world go back to their parent nations as friends of South Australia or become migrants. Families and friends visit students and help stimulate the local economy. For these reasons, growing the number of international students in South Australia is a priority for the state government, part of its commitment to the Knowledge State.

Today, the inaugural meeting of the International Education Ministerial Advisory Council was held here at Parliament House. It drew together the many people and resources working in this sector. There were representatives from TAFE, private education providers, Catholic and independent schools, public and private universities, the marketing arm of government (StudyAdelaide) and the departments of education and state development.

Today's meeting received an overview of the Deloitte Access Economics Report on International Education in SA from Lachlan Smirl of Deloitte's which measured the contribution of international education to South Australia's GSP and outlines the opportunities for growth ahead. A report commissioned by the government from leading property management firm JLL Australia was tabled, which revealed that Adelaide performs better than most Australian capital cities when it comes to student accommodation availability.

We launched an action plan to ensure South Australia increases the number of international students, from the 2013 baseline figure of 28,300, to 35,500 by the end of 2017. We are on target to achieve that result. The 10-point plan was well received and already several components are well advanced. Working parties were established to coordinate our education efforts with the very successful trade missions run by the Department of State Development.

Everyone in the sector is trying to create jobs and opportunities while working to educate students. By working better together, we can achieve more, and that is the essential message for all involved in the sector. If we all succeed, the economy benefits and we all win. We know what we need to do. The advisory council and initiative to co-locate many agencies into one central area are making sure we do that even better. I thank all 22 representatives who took part today and look forward to a long and enduring partnership between the state government and international education providers.

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is warned for repeatedly interjecting.

Question Time

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is to the Premier. Why did the Premier commit to establishing a new child protection department prior to the handing down of the Nyland royal commission report, when it was revealed at a briefing today that cabinet hasn't even signed off on what the new department's responsibilities will include?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:15): For the reasons we mentioned at the time that we made the announcement—that was, to ensure that the work that could take place in the preparation of the new agency could be well advanced—

Mr Knoll interjecting:

The Hon. J.W. WEATHERILL: —by the time that we had the broader report that was handed down. The ambition was to make sure that we were able to take the initial planning for the new agency in a way that meant that it had a chance of being up and running so that we could get cracking with the implementation of the report.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: We also wanted to get on with the business of recruiting a new chief executive, so that chief executive could have some input into the response to the royal commission report and actually lead the new agency. There's not much point in having a new agency with a different leadership only to change that leadership halfway through.

Members interjecting:

The Hon. J.W. WEATHERILL: This is all pretty sensible stuff—basically, getting a report, getting a recommendation. In fact, I met with the royal commissioner and invited her to make an interim recommendation so that we could have the benefit of that recommendation so that we could act on it in advance of the royal commission's findings coming down. So, this is a fairly natural response to the orderly implementation of recommendations. I don't understand why the opposition is so confused about it.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before we go to a supplementary, the member for Schubert has used up all his warnings and continues to interject. I call to order the members for Kavel, Morialta and Morphett. I warn for the first time the deputy leader, the member for Morialta and the member for Kavel, and I warn for the second and final time the member for Morialta. Leader.

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Why did the Premier actually promise the people of South Australia that this new department would be up and running by 5 August?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:17): It's not an appropriate representation of what we said. We said that we would—

Members interjecting:

The Hon. J.W. WEATHERILL: It is not appropriate representation of what we said. I know they have been peddling this—they had a bit of fun peddling this last week while I was away—but our ambition was to advance the preparation of the agency and the appointment of the chief executive in a way which would allow us to pursue acting on these recommendations—and it's going quite well. We have found a fantastic chief executive, who was widely regarded as a leader in child protection in this nation. I think the Queenslanders are quite disappointed at losing her, but we are very grateful that we have—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, all evidence to the contrary—all evidence to the contrary, deputy leader, because they tried very hard to keep her, and we are very glad to have

secured her services. She will be an excellent leader of what is a massive challenge, but we think that she is well equipped to perform it.

The implementation that we are conducting at the moment is being conducted in an orderly fashion. It's being led by the Minister for Child Protection Reform, which is contemplated by the recommendations of the royal commissioner. She endorses, with approval, the arrangements that we have to have a committee chaired by the Minister for Child Protection Reform, together with the Minister for Child Protection, to oversee the implementations of these reforms. She expected a response by the end of the year. In fact, we have acted more quickly than she contemplated. We've acted—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: We've acted more quickly. I know the Leader of the Opposition is—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: I know the Leader of the Opposition is feeling a little under pressure.

Members interjecting:

The Hon. J.W. WEATHERILL: I know there was great disappointment that there was nothing in the report that directly criticised ministers on the side of the government. It was an intelligent blueprint for reform, and we are getting on with the process of reforming our child protection system.

The SPEAKER: I call to order to the members for Napier and Chaffey. I warn the members for Morphett and Chaffey. These members are on their final warning now: the Treasurer, the deputy leader and the members for Hartley and Kavel.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): My question is to the Premier. Has the recently established Nyland Royal Commission Response Unit made any recommendations to government that have been rejected and, if so, what were they and what were the reasons for the rejection?

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) (14:20): The response unit is essentially an internal unit within government which tries to bring together the different agencies and work through, in a methodical way, what has been recommended in the royal commission report. As I think we canvassed last week, the government has embraced 38 of those recommendations already. The remaining recommendations are being worked through in an orderly fashion.

As each one of the recommendations is dealt with, the government will determine whether the recommendation is accepted or not accepted. Thus far, we have not come to the point where there has been a situation where there has been any recommendation that we have so far dealt with which has not been accepted. Some of them were recommendations which we felt we could move forward with irrespective of how the final child protection model looked. Some of them were recommendations which the royal commissioner in her report said were things that we should be doing straightaway.

One example is the notion that there should be no proceeding with the use of people other than social workers to take calls on the CARL line. That is something the government had been thinking about and was very keen to pilot, but the commissioner said, 'No, I don't want you to do that, full stop.' So there is one recommendation, for example, that we accepted straightaway and acted upon straightaway by not implementing what was a planned rollout of a new pilot.

We are working our way through methodically. There have been no examples so far of where the commissioner has recommended one thing and we have decided we're not going to do it, or

indeed that working group has come to government with propositions which we have been in a position to be able to say yes or no to, because we are working through a great many recommendations at the same time.

SHOP TRADING HOURS

Mr GEE (Napier) (14:23): My question is to the Minister for Small Business. What impact will deregulation of shop trading hours have on small business?

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) (14:23): I thank the member for this most important question because on—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: No, I didn't. You've got a very short memory. I notice that the quality of the debate in the Liberal party room has obviously fallen below an acceptable standard because on Saturday 24 September at the Liberal Party AGM the leader announced that as an alternative government the Liberal government will propose to deregulate shop trading hours.

Mr PISONI: Point of order.

The Hon. M.L.J. HAMILTON-SMITH: There is no mention of the economic research—

The SPEAKER: Point of order.

Mr PISONI: The minister no longer speaks for the Liberal Party.

The SPEAKER: The member for Unley really should go straight out for a bogus point of order.

Mr Pisoni: It was debate, sir.

The SPEAKER: No, you didn't say debate; you didn't nominate debate. That wasn't the point of order, so the member for Unley is called to order for a bogus point of order. Minister.

The Hon. M.L.J. HAMILTON-SMITH: Thank you, sir. There was no mention of the economic research and analysis that might have underpinned such an important policy change. Some Australian cities are deregulated; some are not. Brisbane and Perth spring to mind as places where not every shop has to open all day, every day. Even in Melbourne, supermarkets close at 5pm weekdays. In Sydney, it is 7pm. In Paris, only the shops in tourist precincts can open on Sunday.

Elsewhere in the world where wages are lower and demand is higher, the deregulated model works for their heavy influx of tourists and multimillion consumers, and Singapore springs to mind. Although most shops don't open until lunchtime, Singapore is more a late-night city. In Adelaide, a city of just over a million people, the opposition's shop trading proposal will prove short-sighted and fails to reflect the realities small business and family shop owners face. The plan is designed to work for the big end of town.

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Coles and Woolworths will be delighted—

The SPEAKER: Point of order.

The Hon. M.L.J. HAMILTON-SMITH: —not the smaller operators.

Mr GARDNER: The minister is debating and is contrary to standing order 98.

The SPEAKER: Will the minister be seated? I call to order the members for Mount Gambier, Davenport and Hammond. I warn the member for Davenport, and I warn for the second and final time the members for Morphett, Chaffey and Davenport. Well, the minister is tending to debate. He is being goaded mercilessly by a wall of interjections.

Mr GARDNER: Sir, point of order: the minister is in fact reading a speech so, unless they were pre-empting what he was going to be accustomed to in the chamber, then it's nonsense to say that he is being goaded into what he is writing.

The SPEAKER: The member for Morialta, on Thursday, got up and said the minister wasn't answering the question and then gave an account of the question, which he now admits was entirely false. If I were the member for Morialta, I wouldn't be taking bogus points of order. Minister.

The Hon. M.L.J. HAMILTON-SMITH: The very successful and more than adequate smaller supermarkets, such as IGA, deliver our consumer needs and keep the alternative retail sector alive and well. The government has struck the right balance between relaxed shop trading in the city and suburbs and ensuring retail workers have time to spend with their families. Drakes Supermarkets and the SA Independent Retailers have slammed the policy and warned that the shift will favour the big two supermarket chains. It is not supported by the Shop, Distributive and Allied Employees' Association—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: —who have stated that 'the Opposition's proposed changes would deny retail workers the right to public holidays'. Most car yard sales proprietors oppose the change. Claims were made that jobs would be created, but one job at Coles won't be created if two jobs in small business are lost. I call on the Leader of the Opposition to release the research which I assume shows that retailers support the introduction of deregulated hours and how it would benefit South Australia.

Mr Knoll interjecting:

The SPEAKER: Member for Schubert!

The Hon. M.L.J. HAMILTON-SMITH: Which researcher, analyst or university did the opposition leader use to conduct that economic analysis to underpin his claims that deregulating shopping hours would create more jobs—

The SPEAKER: Point of order—

The Hon. M.L.J. HAMILTON-SMITH: —and improve spending?

The SPEAKER: —minister.

Mr GARDNER: Standing order 98: this is still debate, and the interjections have dimmed since the last one.

The SPEAKER: No, in fact, the opposition benches rose as one to interject when the minister mentioned the support of a certain organisation. I warn the members for Hammond and Mount Gambier. Minister.

The Hon. M.L.J. HAMILTON-SMITH: Thank you, sir. How much did the research cost and where is this body of work? Surely, a major political party would not go out with such a substantial policy statement without the research.

The SPEAKER: Point of order.

Mr VAN HOLST PELLEKAAN: Point of order 98: I submit that, if the minister answers a question by calling on the opposition to do something, that's debate.

The SPEAKER: I will listen carefully to what the minister has to say, bearing in mind that the party of the members opposite has not formed government in this state since 2002 and so is hardly responsible for the administration of anything.

The Hon. M.L.J. HAMILTON-SMITH: The leader's claims would also have required extensive consultation with small business associations. What consultation was done by the leader or the shadow minister for small business? How many associations were consulted? How many agreed with the proposals and how many disagreed? Was the policy fully tested and consulted?

Instead, this side of the house believes the policy will deprive workers of valuable family time and it will also hurt small businesses and independent retailers. The City of Adelaide and Glenelg will be particularly affected, who enjoy special trading rights. What South Australia needs is a continuing commitment—

Members interjecting:

The SPEAKER: The member for Unley is warned, and the member for Mount Gambier is warned a second and final time. The minister.

The Hon. M.L.J. HAMILTON-SMITH: What South Australia needs is a continuing commitment to good and sustainable growth. What small business does not need are policies cooked and baked up on the run without proper research and analysis, which will hurt small business and favour the big end of town.

The SPEAKER: The leader reminds me that the Liberal Party did not form a government in 2002; it already had an administration that was formed in late 2001.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Yes, it had already been formed; thank you, sir. My question is to the Premier. Is the conduct of every employee involved in the case studies identified in the Nyland royal commission report being investigated by the state government?

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) (14:30): I think we have had these questions before, but the answer to the question I think remains—

Members interjecting:

The Hon. J.R. RAU: Pardon?

Mr Marshall: The Premier wasn't here, so I am asking him the question.

The Hon. J.R. RAU: Well, I will speak to him then. We have had these questions before and, to the best of my recollection, even though you may not have been here—

Members interjecting:

The SPEAKER: The Deputy Premier will be seated. I am sure the Leader of the Opposition wouldn't mind if I called him to order for that. The Deputy Premier.

The Hon. J.R. RAU: Yes, so there were specific recommendations in the royal commission about particular staff members. It's my understanding that those recommendations were immediately taken up by the chief executive of the department, Mr Persse. I understood also that he was looking to whether or not there were other people whose actions might have been either directly or indirectly the subject of critique by the royal commissioner and he would be giving consideration to whether further steps needed to be taken in respect of those individuals.

I am very happy to make an inquiry of Mr Persse as to whether there are additional people whose names have come out of that process and get back to the Leader of the Opposition.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): My question is to the Premier. Can the Premier inform the house who is conducting this investigation and can he confirm to the house that all of those people identified in the Nyland royal commission report involved in the case studies are subject to this investigation?

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) (14:32): I think I have just answered that question.

Mr Marshall: You didn't. The question was: were all employees involved in the royal commission report subject to investigation?

The Hon. J.R. RAU: I think I have explained and I will explain again. Mr Persse, as chief executive, immediately undertook appropriate steps in respect of particular individuals who were

singled out. In fact, if my memory serves me correctly, at least one individual was suspended immediately—

An honourable member interjecting:

The Hon. J.R. RAU: —three—three individuals were suspended immediately and the appropriate process due to any public servant who is being accused of poor performance or misconduct has been or is being undertaken in respect of those individuals. It would be my expectation that, if there were any further individuals who fall into that category, they would be given due process, as they are entitled to expect as employees of the state, and the investigations would be conducted in accordance with appropriate human resource management policies.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:34): My question is to the Premier. Has the investigation of the three employees identified of being under investigation by the Premier on 8 August this year been finalised and, if so, what was the outcome?

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) (14:34): I am not aware of those having been finalised as yet. I will seek to find out some more information about that, but I think it is important for members to understand that, if a person is the subject of a criticism by a royal commissioner or even a journalist, it is not automatic that that person is summarily terminated from their employment.

There is a process to which the government is obliged to adhere. That process involves due process, it involves procedural fairness, it involves an opportunity for any particular allegations which might be put against the individual to be put to that person and that person to be given an opportunity to respond if they are able to respond. Those things have to be done properly because if they are not, the government is not acting as a model employer, and the government is not setting the example that the government should set. Those things often take some time. However, I will inquire as to how far progressed Mr Persse is with that process and I will get back to the Leader of the Opposition.

PUBLIC SERVICE EMPLOYEES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35): A supplementary: are those three employees still at work and, if they are not at work, are they still being paid while this investigation is underway?

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) (14:35): My understanding is they are not presently at work. However, the idea of actually suspending a public servant without pay is like in the world of private sector employment. It is not without complexity because—

Ms Chapman interjecting:

The SPEAKER: The deputy leader has repeatedly interjected after going through all her warnings.

The Hon. J.R. RAU: If I remember correctly, there was a case some time ago called Automatic Fire Sprinklers v Watson, which set up the basic proposition that it is very important that a person who is ready, willing and able to present themselves for work is paid for doing that work. For reasons of the severity of the complaints that were made by the royal commissioner, and for reasons associated with the inappropriate nature of having somebody who was under that sort of cloud turning up to work and possibly accessing records, clearly you cannot have that person at work.

But to terminate their payments before there has been an investigation amounts to a summary dismissal and is very problematic. However, I am confident that there will be an opportunity

for those people to have their say in terms of the investigation and that it will be moved along as quickly as possible. Suspending without pay, my understanding is that is not the case here, and every time I have seen someone attempt to do that it has been problematic.

PUBLIC SERVICE EMPLOYEES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): A supplementary: have any other employees been suspended or dismissed and, if so, how many?

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) (14:37): As I said to the leader before, I am very happy to take these questions on notice and have a word to Mr Persse about it and find out what the answer to that might be.

PUBLIC SERVICE EMPLOYEES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): A final supplementary: are any executive members of the agency subject to a current investigation?

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) (14:38): Again, I would not venture to offer an answer to that without checking with Mr Persse.

Mr Marshall interjecting:

The Hon. J.R. RAU: Well, can I just make this point to—

Mr Marshall interjecting:

The Hon. J.R. RAU: —members of parliament?

The SPEAKER: The leader will not make an impromptu speech in question time having been given eight questions so far.

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

The Hon. J.R. RAU: The way government is structured in Australia, and in probably all the common law Westminster systems, is that the direct responsibility for the management and the discipline and the promotion—and every other aspect of the public servants who work for the government—resides in the hands of the chief executive, not in the hands of the minister.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned for the last time.

The Hon. P. Caica interjecting:

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

The Hon. J.R. RAU: What this means is that none of the ministers of the Crown are directly involved in matters like performance management or the discipline of the public servants who work in the agencies which they are commissioned by the governor to administer. The only one of the public servants in those agencies over which the executive government has any direct control is the chief executive of the agency, and that ultimately rests in the hands of the Premier, who has a performance agreement or a contract with those individuals, and they are accountable to the Premier and to their ministers. But the minister cannot reach through the chief executive and start administering the department as the minister might wish or not wish, as the case might be.

So, it is entirely appropriate for me to be asking Mr Persse what he is doing in his department and I am very happy to do that. I will take a copy of the *Hansard* today, as soon as I can get a copy of it, and have it sent to Mr Persse with a request that he assist me with information.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:40): My question is to the Minister for Education and Child Development. What action has been taken against Mr Etienne Scheepers after commissioner Nyland recorded on page 65 of her report, and I quote, 'There has been a failure to comply with a summons to produce the Nathan case study report documents in breach of section 11(1)(f) of the Royal Commissions Act 1917'?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:41): There were some queries about Mr Scheepers' performance, and others, that were raised in the Nyland report that related to the question, I think the term used may have been 'bleaching', of a report that was provided to the commissioner. She was dissatisfied with the version of the report she was provided with. The chief executive informed me earlier today that he has finalised an investigation into that matter and that he is satisfied that there was no intention to mislead the royal commission and that it was a matter of a miscommunication between the department and the commission, and he has accepted that explanation.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:41): A further question to the minister: has the minister herself made any inquiry as to why Mr Etienne Scheepers refused to waive legal advice in respect of the Nathan case study report, which Ms Nyland claimed made it impossible for her to determine whether the failure was as a result of Families SA's decision-making or acting on legal advice?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:42): I have no more advice about this matter than I have just presented to the house, that the chief executive, as is proper for him in his management of his staff, has undertaken an investigation of the matter referred to in the royal commission's report and has been satisfied with the explanation of what occurred.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:42): A further question to the minister, if I may: what possible justification could there be for a Families SA executive withholding requested information from a royal commission?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43): Rather than recite my understanding of the advice that was provided to the chief executive, I will seek to have a formal statement from the chief executive as to the nature of the explanation.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): A supplementary, if I may: did the minister, on receiving this report from her chief executive exonerating Mr Scheepers in relation to this, ask for or seek any review by the Director of Public Prosecutions as to whether there had been a breach of the act and/or a prosecution to follow?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43): No, I have not done that.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:43): My question is to the Minister for Education and Child Development. How many of the 49 recommendations made during the Hyde review, following the arrest of Families SA worker Shannon McCoole, have been implemented?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43): The substance of the Hyde work was to have a look at the way in which the recruitment process is undertaken within Families SA, particularly focused on, of course, the recruitment processes for residential care workers. The processes were dramatically overhauled as a result of that work and extensive work has been done to ensure, as

best possible, that appropriate recruitment processes are undertaken. I am unaware of the specific number of recommendations. I can seek advice on that.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:44): I have a supplementary question. My question is to the minister. Were any of the 49 recommendations rejected, and how many of the 49 recommendations are yet to be actioned?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:44): I think that's essentially a rewording of the previous question, and I have indicated that I will take that element of it on notice.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:44): My question is again to the Minister for Education and Child Development. In line with both the royal commission and the Guardian for Children and Young People, can the minister outline her plans and the schedule for reducing the number of children in emergency care to that of emergencies only?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:45): As members will be aware, this is a subject very dear to my heart. By one measure, the royal commission's recommendations, which we are spending the next couple of months working through redrawing the structure of the child protection system, will in large part address the question that the member has asked. How we design our out-of-home care system is a big part of the royal commission report and the way in which we can shift from emergency and residential care and into family-based care is an important element of that report.

As members may recall, last week I informed the house that I am also undertaking a discrete project, a discrete piece of work that takes the recommendations relating to foster care and kinship care within the report and doing additional work on consultation with those sectors and also with the children so that we can design a foster care and kinship care system that is most likely to maximise the number of families who are in a position to take on children. That is, in essence, the answer to the problem that we have in not having enough kids in family-based care and therefore in other forms of care, both residential and commercial care.

When I looked at the most recent reports analysing South Australia's performance in out-of-home care against other states, one of the features that strikes me is not that we—apart from New South Wales—have significantly fewer foster carers per capita, although New South Wales has an extraordinary number of foster and kinship carers, but that the number of placements per household is lower once you get past one child in the house. We have an average number of one-child foster care families in South Australia, a little bit below average in two, and then it really drops away with three kids, four kids and even larger family groupings.

One of the areas that I want this project to specifically look at is whether there are ways to encourage or to facilitate slightly larger numbers of kids within one home because that appears to be how most other states are able to have a higher proportion of their kids in family-based placements, which is obviously extremely important. So, far from wanting to simply design my own system and assume that I am able to come up with the perfect solution for dealing with our commercial care, emergency care and residential care problem, we will be drawing not only on Margaret Nyland's very good work but also on the voices of the people who are currently engaged in our system because they are the ones who best know what can facilitate changes.

That said, that is the restructure of the system as a whole. In the shorter term, we have been working extremely hard with the NGOs who run the foster carers, who are the agents for the foster carers, on maximising the number of kids who are getting out of commercial care. In one week, a few weeks ago, 24 children were removed from homes and all but two were able to go into another family-based placement. That's the kind of volume that we are dealing with in any given week.

The work that is being done with very frequent and regular meetings between Families SA Placement Services and these NGOs is absolutely crucial. We are open to any ideas that they forward in that context in order to deal with the short-term emergency problem that we have while,

at the same time, recognising that we do need to really get underneath and improve the system to attract more foster carers.

MINERAL AND ENERGY RESOURCES

Mr HUGHES (Giles) (14:49): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house of any initiatives to review the state's mining laws and the role the public can play in informing that process?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:49): I want to thank the member for the question and his keen interest in the resources sector and how important it is to his community. The government's ambition for South Australia is to be a diversified economy, and one of the key planks of that diversified economy is our resources sector. Mineral resources are fundamental to the building blocks of our way of life, from steel used in major projects like the Adelaide Oval, the fertiliser used by our farmers, the copper needed to power our homes to the aggregate we use to build our highways.

Each day, thousands of South Australians work in or alongside the mining and quarrying industry of this state, and resource companies remain a very large leader of employment of Aboriginal Australians. We are blessed as a state to be endowed with world-class mineral deposits. We undertake world-leading geological survey and exploration initiatives to put this state in the best possible position to seek, exploit and of course develop the next wave of discoveries. The best way to maintain that community support for this essential and vital industry is to never compromise on our world-class environmental framework.

South Australians expect and indeed demand that all mine sites be developed and rehabilitated in line with the world's leading regulations and using the best available technologies and practices. Today, the government launched a website—www.minerals.statedevelopment.sa.gov.au/mining_acts_review—so that South Australians can play a key role in the leading practice review of the Mining Act 1971, the Miners and Works Inspection Act 1920 and, of course, the Opal Mining Act 1995, which was highlighted today on *The Today Show*, where it was filming from.

The website identifies eight targets for reform, such as removing obsolete processes in keeping with our simplify red tape reduction initiative, embracing the rapidly evolving digital economy and reinforcing leading practice environmental protections. South Australia already has an international reputation for providing a very transparent, thorough and rigorous assessment process for this industry. Our expert regulators ensure community and environmental safety while at the same time providing certainty for investors and, most importantly, for landowners.

South Australia must remain steadfast in ensuring our laws continue to encourage and reward early transparent engagement with landowners and, most importantly, with communities. Policy renewal is always important—always important. By doing this work now, South Australia will be in the box seat to realise the enormous benefits that will flow from the next upswing in the commodity cycles that we know historically will return to this state.

Listening to the community through comprehensive consultation is a basic requirement when developing a policy. It is important, and you see it in other policy announcements that have just been announced out of the blue. No-one saw them coming, and there were dramatic impacts on local communities. The small business community is reeling from the Leader of the Opposition's announcement of trading hours. On this side of the house, though, we believe that through proper consultation with the community and industry we can make better decisions.

The new website is the first stage of that process and will include an opportunity in the next month for the public to provide their views through YourSAy, with the aim of shaping amendments to be put to this parliament in 2017.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I heard the Leader of the Opposition interject about surprises in terms of taxes, much like South Australians were surprised when the opposition sold

ETSA after having promised that they never ever, ever, ever would, full stop, and now we are paying the consequences today of that 100-year lease that members opposite to this day still defend—still defend.

CHILD PROTECTION DEPARTMENT

Ms SANDERSON (Adelaide) (14:53): My question is to the Minister for Education and Child Development. Given the significant weight placed on the importance of drug and alcohol orders by the Chloe Valentine inquest, will the government now implement Justice Nyland's recommendation that the child protection agency be given the power to issue a written directive to parents or guardians to require them to submit to drug or alcohol assessment?

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) (14:54): This is one of the recommendations from the commissioner that we are looking at, and in due course we will be making a determination about whether the recommendation is to be accepted and we will be—

Mr Marshall interjecting:

The Hon. J.R. RAU: As I think I have foreshadowed, it's our intention to bring forward a completely new child protection legislative framework and—

Mr Marshall interjecting:

The Hon. J.R. RAU: Yes, well. The new framework will address all of these particular issues which were thrown up in Commissioner Nyland's report. It is entirely a matter for the member for Adelaide and others but, if they wish to ask the government questions about each and every one of the recommendations, however many times they ask those questions the answer today will be the same, which is that 38 of them have been accepted and the rest of them we are looking at. I don't mind—

Mr Marshall interjecting:

The SPEAKER: It is not a debate. The member for Adelaide has asked a question. The Deputy Premier is answering it. The leader is warned for the second and final time.

The Hon. J.R. RAU: This is one of the matters that we will consider in the context of the legislation that we hope to be bringing to the parliament in the not too distant future, and we will see exactly how that fits together when we have that draft.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:56): My question, again, is to the Minister for Education and Child Development. Given that the Chloe Valentine inquest, the Layton review and the Nyland royal commission all recommended that foster parents be involved in family care meetings, will the government now implement this important recommendation and, if not, why not?

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) (14:56): As I foreshadowed in the last answer, and I will try to explain again, there are 260 recommendations in Commissioner Nyland's report. Of those, there have been—

Ms Sanderson interjecting:

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

The Hon. J.R. RAU: Of those, 38 have been accepted.

Mr Marshall interjecting:

The Hon. J.R. RAU: Well, my mathematics tell me that means there are some 222 (as a former cricketer would have said) left to be dealt with, and we will work our way through them. But, if the member for Adelaide wants to ask us about any of those 222—

Members interjecting:

The SPEAKER: The member for Adelaide is warned, and the leader persistently interjects after he has moved through all his warnings. Deputy Premier.

The Hon. J.R. RAU: We are working through those remaining recommendations, of which this is one, and we will in due course be able to bring to the parliament a draft bill, and at that point in time the member for Adelaide and everybody else who, quite understandably, is interested in this will have an answer to all of those questions. But, at the moment, given that the government has not considered in detail all of the recommendations and how they are going to fit with one another, we cannot piecemeal say, 'Yes, this one; no, not that one—

Ms Sanderson interjecting:

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

The Hon. J.R. RAU: We are not going to do this in some ad hoc fashion. Indeed, the commissioner was at pains to say to us in her report, 'Don't rush this. Don't you get ahead of yourselves and do something which isn't done properly. You do it properly.' That's what we intend to do: we intend to do it properly.

YATALA LABOUR PRISON INCIDENT

Mr VAN HOLST PELLEKAAN (Stuart) (14:58): My question is to the Premier. Has the Premier personally questioned the Minister for Correctional Services about why it took him over 24 hours to advise the public about the tragic incident that occurred at Yatala prison last Friday morning?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:58): I have been in regular communication with the Correctional Services minister and he has taken all appropriate steps to make these matters public and ensure that his agency communicated to make these matters public in a timely fashion.

Mr van Holst Pellekaan interjecting:

The Hon. J.W. WEATHERILL: Indeed, at every step of the way, he has, I think, discharged his functions assiduously, including paying special attention to ensure that the family's needs were dealt with, and I do extend my condolences to the family of the man who has died in one of our prisons and, also, extend my thoughts and best wishes to the prison officers who were injured in the incident which occurred prior to these events unfolding. The minister has conducted himself appropriately, the chief executive has conducted himself appropriately, and now it falls to the relevant authorities: the police to investigate the matter, and the Coroner to undertake their investigation in relation to this matter.

Mr VAN HOLST PELLEKAAN: Supplementary.

The SPEAKER: The member for Stuart, who is called to order for interjecting.

YATALA LABOUR PRISON INCIDENT

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): Supplementary question to the Premier: based on that answer, has the Premier asked the police commissioner, the Chief Executive of the Department for Correctional Services, and the Coroner to share as much information as appropriate as soon as possible with the family of Mr Morrison?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:00): I would expect that the police commissioner and the Chief Executive of the Department for Correctional Services will, in the ordinary course, share the relevant information with each of those authorities. But I do understand that the police commissioner is devoting significant resources to the investigation of this matter and did that at an early stage of the investigation.

I understand that the Chief Executive of the Department for Correctional Services immediately established a facility which was for the collection of data and the appropriate sharing of data with the relevant authorities. If the Coroner has any particular requests that he wishes to make of either the Chief Executive of the Department for Correctional Services, or the police commissioner, I would expect that he would make known those requests and—

Mr van Holst Pellekaan: What about Mr Morrison's family?

The Hon. J.W. WEATHERILL: That's a different question. If you would like, after I have finished this question—

Members interjecting:

Mr van Holst Pellekaan: I can reread it.

The Hon. J.W. WEATHERILL: Well, perhaps you could.

The SPEAKER: The member for Stuart.

Mr VAN HOLST PELLEKAAN: So, rereading the supplementary question: has the Premier asked the police commissioner, the Chief Executive of the Department for Correctional Services and the Coroner, to share as much information as appropriate as soon as possible with Mr Morrison's family? The *Hansard* will confirm that.

The Hon. J.W. WEATHERILL: Sorry, I did misunderstand that question. I thought your question was sharing it with the Coroner; I misunderstood that. No, I haven't asked that question but, as a matter of course I think the information should be shared with Mr Morrison's family if it is appropriate. I will certainly make those inquiries.

I know that I have certainly asked the Minister for Correctional Services to reach out to the family and to understand their needs. He has been communicated with by the family to suggest that it's too early for that direct communication at this point. We are respecting their wishes to grieve. That, of course, is understandable and appropriate.

I do understand that the Chief Executive of the Department for Correctional Services has reached out to the family. I don't know whether that's directly, or through appropriate liaison officers, but I know that that communication has happened, and I expect that any requests would come through that medium. If information is appropriate to be shared, I am sure it will be shared at the earliest possible opportunity.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY REPORT

Mr VAN HOLST PELLEKAAN (Stuart) (15:03): My question is again to the Premier. Has the Premier assessed the very tragic event that occurred last Friday at Yatala prison against the report of the Royal Commission into Aboriginal Deaths in Custody?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:03): In relation to the general question of Aboriginal deaths in custody, I can make some remarks about that matter. In relation to the specific case, I will have to take that question on notice and bring back an answer.

In relation to the general position, fortunately over recent years there have been very few deaths through unnatural causes of people in custody, and certainly even fewer Aboriginal deaths in custody. Nevertheless, any death in custody is a cause of concern and is the subject of very considerable analysis.

There is a regular set of processes which are established to deal with Aboriginal deaths in custody, which was established after the royal commission handed down its report in 1991. The Aboriginal Services Unit was established within the Department for Correctional Services to monitor the implementation of the recommendations of the Royal Commission into Aboriginal Deaths In Custody. It works across the Department for Correctional Services, in partnership with the Aboriginal community organisations in other agencies, to deliver appropriate services to Aboriginal prisoners and offenders and engages in partnerships with Aboriginal organisations such as the Aboriginal Legal Rights Movement.

A particular committee, the Prevention of Aboriginal Deaths in Custody Forum, contributes to the wellbeing of prisoners by identifying and addressing areas of systemic bias, and is held every six weeks. DCS employs Aboriginal liaison officers who are responsible for providing assistance, support and follow-up to Aboriginal prisoners. They also liaise with staff, community groups and other agencies to promote the welfare of Aboriginal prisoners. Aboriginal elders visit prisons across our state, and during these visits culturally appropriate support is provided to prisoners. It obviously is regrettable when any of these deaths occur, but careful steps are taken to respond to the particular needs of Aboriginal people in our prisons.

MOTOR VEHICLE REGISTRATIONS

The Hon. S.W. KEY (Ashford) (15:05): My question is directed to the Minister for Transport and Infrastructure. Minister, can you advise the house on the number of online motor vehicle registration renewals that have been taken since its introduction?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:06): I thank the member for Ashford for her question. Online vehicle registration was introduced in 1998 and since that time has become a very popular choice for motorists and other vehicle owners to renew their registration. It's an important option for people as it saves the time and cost of presenting themselves either to a Service SA centre or to a post office, for example.

Understandably, initially the take-up of this online service was very slow. Internet use back then was not as prolific as it is today. The impacts and benefits of the internet, and indeed of information technology, were not widely appreciated throughout the community. In fact, I think we used to have a minister for Y2K compliance back in those heady days. Connection speeds were also slower, and some of the browsers that existed back then don't even exist anymore—AltaVista and Netscape come to mind.

In the first year of that online service, there were about 1,700 online motor vehicle registration renewals. Four years later, this figure had grown to nearly 85,000 South Australians who had visited the EzyReg portal and renewed their vehicle registration. The success of this initiative continued to grow. Another four years later, by 2006, 458,000 registration renewals had been undertaken via the internet, and another four years on nearly 1.1 million people registered their vehicles online.

In 2011, the EzyReg smartphone app was introduced as a further option for the public. In 2011, nearly 20,000 registration renewals were processed via the smartphone application. In 2015, I am pleased to say a record number of South Australians used the EzyReg website and app to register their vehicles. There were over two million transactions on EzyReg. Further to this, in that same year, the approximate percentage of registration renewals paid through each delivery channel was 70 per cent by EzyReg, 16 per cent by Australia Post and 14 per cent by Service SA.

Over half a million South Australians registered their vehicles via their smartphones and over 1.5 million via other online channels. Since online renewals were introduced in 1998, as at 22 August of this year there have been over 14½ million online registration renewals. I am pleased to say that further to this the Department of Planning, Transport and Infrastructure is currently working to make additional transactions available to the public through the EzyReg system, and I look forward to providing the house with further details of their success in the near future.

Overall, the total number, in 2015, of online transactions across all forms of business with Service SA customers, beyond registration renewals, was 3.9 million, and these overall figures don't just include vehicle registrations. They include other interactions with EzyReg for other purposes for other types of vehicles.

We recognise that the shift to online services creates not just a great deal more convenience for people interacting with government but there are also much greater opportunities. Not only have we rolled out successfully the Addinsight app to assist people to navigate their way around metropolitan Adelaide but also we are looking at the Metro Mate application to assist public transport users and putting licences online as well.

HEALTH REVIEW

The Hon. J.M. RANKINE (Wright) (15:10): My question is to the Minister for Health. Minister, can you inform the house about the new model of care for rehabilitation services developed by our state's clinicians through Transforming Health?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:10): Through Transforming Health, three expert rehabilitation clinical work groups have recently completed a new model of care for providing rehabilitation services in South Australia. The work of these groups, made up of some of our state's top rehabilitation doctors, nurses and allied health professionals, will deliver a range of improvements to ensure we provide consistent, quality rehabilitation services across the health system.

This includes the delivery of rehabilitation services to our patients in the community, including in their own homes. We know rehab can be delivered successfully at home, providing benefits to the patient and quality outcomes that are equivalent to traditional hospital-based services. This reduces the need for our patients to be in hospital and frees up our hospitals for other patients who need to be there.

Clinical evidence tells us that being in hospital for longer than needed can be detrimental; that's why, through Transforming Health, we are expanding rehabilitation care in the home to provide better quality care for our patients. This means more patients who are recovering from surgery, a stroke or a hip fracture, for example, will be able to be discharged from hospital safely and sooner than ever before and will have access to a team of health professionals, from allied health to medical and nursing, in their own home.

We are implementing innovative models, including increased use of technology like iPads and videoconferencing. This means our clinicians can provide therapy and remote monitoring as well as medical consults for patients in their own home, regardless of where they live. This new use of technology is particularly good news for our country patients, where access to rehab services can be a challenge and often involves many hours of travel or living away from home. We know many people prefer to recover in the comfort of their own home, surrounded by loved ones. At home, they can start returning to their usual day-to-day activities and rebuild their strength while continuing to receive the care they need.

Through Transforming Health, there will also be improved rehabilitation services in our hospitals. We are investing significantly in our rehab infrastructure across metropolitan Adelaide, including new gyms, hydrotherapy pools and specialised rehab equipment. Construction of the brand-new 55-bed rehab centre at the Flinders Medical Centre is well underway, and I am pleased to say that the first stage of the level 3 refurbishment at Modbury Hospital is now complete, meaning that Modbury is one step closer to becoming the major rehab and elective surgery centre for the north and north-eastern community.

The changes we are implementing mean that rehab services will be delivered in the most appropriate place and at the right time, meaning faster recovery for our patients and better outcomes. Can I take this opportunity to thank our dedicated clinicians for their hard work in developing this exciting new model of care for rehabilitation services in South Australia.

SCHOOL AMALGAMATIONS

Mr GARDNER (Morialta) (15:13): My question is to the Minister for Education and Child Development. Will the government give a commitment to parents at Pasadena High School that, if they vote to keep their school open, the government will ensure it stays open?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:13): Yes, I will. The idea of amalgamations in the process we are going through is that it is a voluntary process. If either Unley or Pasadena votes no in the current process, then we will accept that. Obviously, there may be circumstances in the future, such as zero enrolment, which would jeopardise that, but I am absolutely clear that this amalgamation process is a voluntary one. If parents at Pasadena or parents at Unley are not willing to go forward with it, then the power sits with them. They get to make that decision.

SCHOOL AMALGAMATIONS

Mr GARDNER (Morialta) (15:14): A supplementary: will the minister discuss options to revitalise the school in the event that the school parents at Pasadena—

The Hon. A. Koutsantonis interjecting:

Mr GARDNER: —do choose not to close?

The SPEAKER: Yes, the Treasurer is right: it's out of order as a hypothetical question.

Mr GARDNER: Sir, a different supplementary then: why does the minister say that Unley High School parents will choose whether or not to accept the merger when the opposition has been informed, and in fact parents have been informed, that Unley High School parents will not be voting on the merger?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:14): I will have to confirm the advice being provided to me and clarify that matter.

Grievance Debate

MARION VIEW CLUB

Mr WINGARD (Mitchell) (15:15): I rise today to speak about a very active group in my community, the Marion VIEW Club. I have worked with this group for a few years now and seen firsthand the great results they achieve. I asked my very talented trainee, Mallory Petersen, to do some research on this club, and she returned with this comprehensive report after interviewing the current President, Shirley Jenner. I would like to present her report to the house:

Shirley Jenner joined the newly formed Marion VIEW Club in 2003, after being introduced to the organisation by her cousin.

Thirteen years later, Shirley is now the president of Marion VIEW. She oversees 120 members and dozens of smaller sub-committees which cater to members' interests.

First and foremost, though, she is responsible for ensuring the club maintains its sense of camaraderie and joy for life.

'Fun and friendship is our bottom line, and the friendship that comes from something like this is just wonderful,' Shirley said.

However, Shirley went on to say that they had to restrict new memberships earlier this year, after they almost had to leave their current premises at the Marion Hotel due to overcrowding.

Shirley explained, 'We love going to the Marion Hotel, and the room we use there was just full to capacity.

'So we decided that, because we're fun and friendship, when we get too many people there it's very difficult to get to know people.

'We thought there was a definite need for another VIEW club in this area, and so the Oaklands VIEW Club was born.

'It would have to be the most successful club that's been formed in South Australia, it's really taken off. They've already got a membership of about 50 people.

'It's just blossomed, it's absolutely blossomed and everybody is amazed. And they're all local ladies still.'

Shirley believes one of the reasons VIEW Club has taken off in the Southern metro area is it fills a gap that not many clubs are willing to accommodate.

Shirley said, 'The majority of our ladies are now in circumstances where they're not having to work full time anymore; we're all at the age group where we're at the next stage.

We've been there and done that and now we're able to retire, but we still want something to do.

'There aren't many chances for retirees to meet new people and make new friends but they've got to get out there.

'You can't just stop; you need something interesting, something satisfying and invigorating.'

'I think that's where VIEW Clubs are meeting that demand, perhaps it fills that gap.'

VIEW Clubs were originally started in 1960 by George Forbes, the General Secretary of the Smith Family charity organisation.

He saw to start a community group where women could get together and talk, make new friends and educate themselves while also contributing towards the Smith Family charity. As such he named the club VIEW—for the promotion of the Voice, Interests and Education of Women.

Since then VIEW Clubs have gone from strength to strength and now there are more than 300 clubs nationwide, with 16 clubs in South Australia alone.

The VIEW Club still work closely with the Smith Family to this day.

Each VIEW Club is associated with a regional Smith Family branch, and the two work together to target donations to people in need.

With the help of the Smith Family, the Marion VIEW Club sponsor six disadvantaged children through school, as well as donating handmade items to Smith Family branches throughout the Upper Spencer Gulf.

The Marion VIEW Club is also always constantly fundraising towards Smith Family appeals.

Shirley believes charity is a crucial aspect of the club and she said, 'I think that's the most important thing we do; it's just wonderful that there is an organisation like this in Australia.

'It could very well be swept under the carpet and nobody would even look at it but we can't let these things happen.

'Our VIEW Club is aligned with the Port Augusta branch of the Smith Family. They're a very needy area, especially right now, things aren't too good up in the iron triangle.

'We have a lot of different sub-groups, and one of those is our knit and natter girls. Our knit and natter girls do lots and lots of knitting and that gets made into floor rugs, scarves and beanies.

'And these girls pay for all the wool out of their own pockets; they give up a lot of their own time.'

These items are then distributed throughout Whyalla, Port Augusta and Port Pirie by the Smith Family to those that need them.

When the ladies of Marion VIEW Club go about their work without making a fuss, it has not gone unnoticed. The Smith Family SA's general manager, Graham Jaeschke, could not overstate the value of the Marion VIEW Club to the Smith family charity operations. Through their work they are helping make life changing differences to local children and their families.

Some of the club members have joined us here today and I would like to welcome and thank the following people for the great work they do in our community: Shirley Jenner, Annette Gay, Lorraine Baker, Jill McNicol, Liz Thanisson, Helen O'Flaherty, Heather Watts, Lyn Martin, Kaye Johnson, Liz Ormston, June Chisolm, Jessica Wenzel, Joan Afford, Margaret Forster, Bronwyn McNair, Gail McBain, Vera Cornell, Linda Stein, Shirley Ulmer, Sue Baker, Jan Pexton, Raelene Ilingworth, Michelle Flaherty, Chris Woodward, Jenny Tonkin, Erica Woolman, Mary Storer, Pauline Hodgetts, Cheryl Bartlett, Yvonne Nagle, Barb Johnston, and Jeanette Caire. I thank them for their help in our community.

Time expired.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I know you thank me for letting you finish all of that, member for Mitchell. It was my very great pleasure to address the Marion VIEW Club on one of their special birthdays on Muriel Matters. I welcome them all here. I have to say that Tea Tree Gully is a very good VIEW club, too. In fact, I am torn: I do not know where to go when the time comes.

Grievance Debate

SOUTHERN SUBURBS CLUBS

Ms HILDYARD (Reynell) (15:20): I rise today to speak about a number of sporting clubs in our southern community. As you know, Madam Deputy Speaker, sport is many things to many people. It is an institution that many of us in this place love, a pastime that brings us much joy, and indeed, sometimes despair. It is an industry, a profession, a way to be active, undoubtedly a passion for many of us, and crucially a way to bring community members together.

There are many clubs in our southern community filled with community leaders to look out for others and focus on providing an inclusive community space within which fellow community

members can thrive. As the seasons change, a number of these clubs have played in finals and have had many reasons both on and off the oval, pitch and court to celebrate an extraordinary sporting year.

Huge congratulations to all of the young women and men who are rightly recognised at the South Adelaide Pink Panthers and South Adelaide Panthers Soccer Club junior and senior presentations. I am very proud to support this club, a club that has developed an excellent culture that encourages young women and men to be their best on and off the field and that enables girls and women to equally and actively participate in all aspects of their chosen sport.

On 5 June, club captain and life member, Molly Duigan, played her 100th game. Congratulations to Molly, who has played every year since women's football started at South Adelaide in 2005—a wonderful club person and an inspiration to many. Congratulations to the Panthers under 15 girls team who took out the premiership, and congratulations to the many players at this club who have represented their state this year, including Caitlyn Lewis who was this year also awarded the Lions Club of Noarlunga-Morphett Vale's Youth Encouragement Award and whose heart-warming letter to our community to help with funds to get her to the national titles drew much support from fellow community members. I am sure that this step to play on the national stage is just one that she will take as she realises her dream to play for the Matildas.

I also pay tribute to another player at this club, year 9 Woodcroft College student and Panthers star, Megan Alexander, who came to see me about her year 9 project. Through this project Megan chose to set up and raise significant funds for Soccer Sisters, a program where her and her friends will facilitate a girl who is a refugee to play with their soccer team by providing her with equipment, fees and uniform, and most importantly by welcoming her into their club and our community and extending a hand of friendship.

We talked about Megan's passion to get more involved in social justice issues, particularly in support of asylum seekers and about how we can grow her Soccer Sisters program. I pay tribute to Megan for thinking about other people, for her compassion and for choosing to act in support of others. She is an extraordinary leader.

My hearty congratulations to the Southern Tigers Basketball Club on an incredible season throughout their ages and divisions. Well done in particular on an outstanding game and season played by Southern Tigers men to win the Basketball SA Premier League final. It was a pleasure to be among so many passionate Tigers supporters at this event. My congratulations also to the Southern Tigers women's team whose drive and courage saw them make it to the final season but sadly fall just short. It was inspiring to see this team in action during the season, as it was to see their coach, Tracy York, also assistant coach of the 36ers, urge them on to greatness.

It was also a pleasure to get out and watch some of our talented women in sport at a Southern United Netball Association prelim final between Morphett Vale Magic Netball Club and Hub Netball Club. Congratulations to eventual A-grade premiers, Hub 1, and runners-up, Morphett Vale Magic.

It was brilliant also to support our magnificent Onkaparinga Rugby Union Club women's and men's teams in the South Australian Rugby Union grand finals. Sadly, it was not the much hoped-for win, but both teams can hold their heads up very high after courageous performances against South and Old Collegians.

I was very proud to see a number of young women in sport play during our Southern Football League final series. As I said to these young women at our Mail Medal presentations: through their participation this year they have made history and have led the way in getting our Southern Football League girls and women's competition underway. Well done and thank you to everyone who has been involved in bringing this competition to life. I look forward to seeing what these footballers do next year and beyond.

Congratulations also to A-grade SFL Mail Medallist Liam Corrie of the Morphett Vale football club, and Craig Warman and Steve Macklin on being awarded life SFL membership at the Mail Medal evening. Congratulations—although it was not the result I wanted—to the Flagstaff Hill Football Club on their win against Morphett Vale football club in the A grade premiership. I also give recognition to

the Noarlunga United Soccer Club, whose women's team, in their first year back on the pitch in decades, fought their way to being Division I champions.

BRIGHT ELECTORATE CLUBS

Mr SPEIRS (Bright) (15:26): Today, I would like to take the opportunity to recognise a few sporting achievements of clubs within my community which have occurred over the winter period. I want to congratulate the Seacliff Surf Life Saving Club on being named South Australian Club of the Year at Surf Life Saving SA's Red and Yellow Ball, held at Adelaide Oval on 19 August. This is a phenomenal achievement for the club, recognising its strong leadership, healthy culture, commitment to developing its young people, strategic planning, and desire to do things differently. This is a great family club which has now achieved the state's top lifesaving accolade.

As many would know, I have worked very closely with Seacliff over the past year as we partnered to pioneer South Australia's first accessible beach. The Beach for All access pathway is rolled out by Seacliff lifesavers on patrol days and it has given many people access to the water's edge for the first time in their lives and is an initiative which would never have been possible without the club's drive, commitment and energy for the project.

Congratulations to Seacliff club President, Andrew Chandler, on his admirable leadership of the organisation and his determination to drive continuous improvement across every aspect of club life. I wish Seacliff all the best as they now go forward to represent South Australia at the national surf lifesaving awards, held in Sydney on 22 October 2016.

The Red and Yellow Ball also saw a number of other awards given out and I would like to congratulate Seacliff Park resident and Seacliff surf club mum, Jacinta Day, on being named Nipper Parent of the Year. The ball saw the announcement of South Australia's inaugural Surf Life Saving Hall of Fame. Local recipients included Dwayne Thuys of the Seacliff surf cub and Di Wallace-Ward of the Brighton surf club, who were both inducted in the hall of fame under the 'surf sports' category.

A range of national medal recipients were also announced and it was Brighton which did well here. Clayton Sibbin, William (Billy) Jackson, Christopher Parsons, Bruce Hosking, David Lucas and Kylie Ellison all received national medals, recognising their long and determined service to the surf lifesaving movement. Moving on to another successful sporting club, which I am privileged to be the vice patron of, I want to take time this afternoon to congratulate the Brighton Bombers Lacrosse Club for another exceptional season, culminating in them securing the men's senior premiership on Saturday 17 September and the women's premiership a couple of weeks prior.

Huge congratulations to the men's premiership team, including Matthew Fuss, Kevin Donadio, Tobias Raymond, Ross Hamilton, Eben Lok, Clinton Barker, Scott Cannon, Jason Baker, Tyler Leeming, Douglas Shinnick, Hamish Mathwin, Jack Woodford, Thomas Polden, Leigh Perham, Jake Rosenthal, and Byron Pridham. And of course the women's team: Hayley Fuss, Molly Wolf, Beth Varga, Melissa Williams, Bronwyn McLeod, Zephyr Williams, Hannah Nielsen, Mikayla Varga, Bella Pickett, Amy Wells, Kirsty Faulder, Hannah Mathwin, Colleen O'Malley and Monika Klus.

The Brighton Lacrosse Club is ably led by the president, Jason Webb, and his 2016 management committee, and I would like to congratulate them on all that they have achieved in that club, not just in 2016 but also in previous years. It was great to have the Leader of the Opposition attend on the afternoon and assist with handing out the premiership medals. I think he was there initially to support East Torrens Lacrosse Club, which is located in his electorate, but he realised where the glory was that afternoon and headed over to the Brighton tent as the game progressed. Plaudits to East Torrens Lacrosse Club, who made their first senior grand final since 1986 and, while they fell short, they put up a valiant fight and that made for a great game to watch.

Finally, turning to local football, I would like to congratulate Hallett Cove resident Sam Bromilow on leading the Flagstaff Hill Football Club C-grade team. Sam's exceptional captaincy skills no doubt had a significant impact on the team's culture and their ability to secure the C-grade flag this year, so congratulations to Bromo.

KAURNA ELECTORATE

Mr PICTON (Kaurna) (15:30): Today, I would particularly like to note some of the anniversaries of community groups in the Kaurna electorate that have happened over the past couple of months. It has been great to see a number of anniversaries going back and celebrating some hard work that has happened across these clubs. I will start from the oldest and go to the youngest.

This year is the 100th anniversary of the Port Noarlunga Primary School, which is a very popular and well-regarded primary school in my electorate. It is also where the state aquatics program is run. Many members of the house may have partaken of this in their primary school days. This school has recently had significant upgrades funded by this government, improving a lot of the facilities, classrooms and offices, and it was opened by the member for Wright when she was the education minister. It is a very popular place for people to send their children. It is having its 100th anniversary this year and will have a celebration day with an associated fete on 22 October. I will be happy to take part in that.

We have also seen the 50th anniversary of the Rotary Club of Noarlunga, which has provided huge support for the community in my electorate and across the south over those 50 years. We recently had a celebration for its contribution to the southern suburbs. It is a small club with not a huge number of members, but they all punch above their weight in contributing. I always credit them with the huge amount of work that they do with schoolchildren in the area, particularly people at Christies Beach High School, connecting them with a range of different Rotary programs and sponsoring them to go to different programs both across the state and around the country.

Some of those students were at the celebration day and able to talk about the impact Rotary had had in helping them with their development. I particularly pay credit to the current President, Mark Simpson, as well as some of the previous presidents I have had the pleasure of working with, Alan Nelson, Dini Wyatt, Sue Curtis and others who were there. I had the pleasure of being with the member for Reynell and the local mayor at that celebration. As well as their contribution to a range of the international programs Rotary runs, I am sure there are many more years that the club will continue to pay dividends for the southern suburbs.

I was also recently at the 30th anniversary of the Aldinga Bay Bowling Club, a very proud bowling club that plays in the Southern and South Coast League of Bowls Clubs. Luckily for me, I have no other bowling club in that league, so I can be very supportive of that club. They are called the Dolphins, for anyone who is not aware. Full credit goes to a number of the people who put on a fantastic day to celebrate that anniversary, including the President, Carol Huxtable, as well as people on the committee and other members, such as Liz Watton, Sandra Rudman, Ron Dearing, Margaret Smith, Ric Griffith and many others who were there.

I had the pleasure of being there with Amanda Rishworth, the member for Kingston, as well as councillors Hazel Wainwright and Gail Kilby and, of course, the mayor. They gave me the honour of the first bowl of the season, which is always a high-pressure moment for a local MP.

An honourable member: How did you go?

Mr PICTON: Straight into the gutter, but I got the second bowl as well—

An honourable member: It was too strong.

Mr PICTON: It was too strong, but the second bowl was very good and they credited me. The green was a little bit faster than I was expecting but, once I corrected myself, it was all fine. The fourth anniversary I would like to pay tribute to is that of the Seaford Ecumenical Mission, which turned 20 years old this year. This is a very unique institution in South Australia, if not across the world, that brings together five Christian churches under the one roof. The Lutheran Church, the Catholic Church, the Church of Christ, the Anglican Church and the Uniting Church all come together at Seaford to use the same facilities, and the facilities are also used by the local health services.

We had a great celebration day, paying tribute to the work that has been done over those 20 years, not just the worshipping and the community connections that were made in that building but also a lot of the work that those parishioners do out in the community. There are events such as community dinners, where people can buy dinner at a very low cost, and there is also an op shop

and other facilities provided. There is some doubt about the future of this facility, and I call upon all of those churches to work together to ensure that that service can continue in the future because I think it is a great credit to the community.

HARTLEY ELECTORATE

Mr TARZIA (Hartley) (15:35): I rise today to provide an update to the house about some recent community events I have held in the seat of Hartley. It has been a busy time. Deputy Speaker, you would remember that last week we were fortunate enough to have a visit from the Hon. Marco Fedi MP, a member of the Italian parliament, the Italian Chamber of Deputies. What a full week it was. I thank Marco for his attendance and for his energy during the course of the week.

One of the events we held was a community forum at the Marche Club. We invited many hundreds of people from our electorate. It was a great opportunity for the community to voice their concerns about issues not only in the local community but also in the Italian community and what is happening in the Italian parliament. It was a great opportunity for Marco to provide some feedback about current issues that exist overseas in his jurisdiction.

We were also fortunate to be able to take him to several businesses in the Hartley electorate, beginning with Il Mercato in Campbelltown. I thank John Caporaso for his hospitality. I also thank the Amadio family from Amadio Wines, another wonderful South Australia business, for their hospitality. That was followed by La Casa del Formaggio. I thank the Cicchiello family for hosting us in the morning. They are all great South Australian businesses that are growing from strength to strength. I also thank Italian radio, which also hosted Marco and me.

On the second night, we attended a business forum held at Italia Ceramics, to which I invited several community leaders, business leaders, especially from the Hartley electorate. I would like to thank Mr Pat Vozzo for hosting us at his facility. It was a wonderful opportunity to discuss trade links between Australia, South Australia and Italy. I have no doubt that great friendships were formed on the night and that much fruit will be borne from that visit.

On the weekend, we had the Madonna di Montevergine Feast just outside my electorate in Newton. It was the Madonna di Montevergine's 60th anniversary. I would like to thank all of the volunteers who supported the feast, as they do year in year out. It was a great day, beginning with a mass and procession in the morning, right until the evening's festivities which continued in Newton.

I would like to especially thank the executive committee: Domenico Zollo, the President; Fedele Catalano, the Vice President; and Maria Trajkovic, the Secretary. I would also like to thank committee members Nicola Zollo, Michele Piteo, John Placentino, Donato d'Ettore, Ennio Cavaiuolo, Giovanni Angelino, Michele Donato, Anna Catalano, Carmela Placentino, Carmine Scalzi, Orazio Tedesco and Mario Mignone. I thank them for the good job they did not only this year but every other year. I also thank the broader members of the association and the Dame di Montevergine, who do a great job.

Recently, St Joseph's School, Tranmere, held its school fair. I would like to sincerely thank all the parents who helped out on the day, as well as the friends of the school, other supporters and students who were present. There were many sponsors who assisted in the day—too many to mention. It was a wonderful occasion. I thank them sincerely for all that they do in our community because it is through fairs like this that the school is able to raise much-needed funds to assist in the overall projects in the community. I was also pleased to be able to contribute and help out through a prize on the day and also through their raffle and auction.

Recently, the South Australian Bocce Federation celebrated its 40th year anniversary, which I attended at the Sicilia Club. I would like to thank Mirella Mancini OAM for the good work she and the federation continue to do. I also was fortunate enough to attend the St Martin's Anglican Church Campbelltown men's group. I thank those gentlemen for the good work that they do in the community in providing camaraderie to fellow people in our area, and it is also a great way to get together with great people and discuss very important topics. Thank you to them for their hospitality.

Finally, I would like to congratulate the winners of the National Premier Leagues Grand Final, the Campbelltown City Soccer Club, who were victorious over Adelaide City recently in a very hard-fought game. I congratulate them.

OAKLANDS ESTATE KINDERGARTEN

Ms DIGANCE (Elder) (15:40): On Sunday, I had the absolute pleasure of attending the Oaklands Estate Kindergarten art show. On that beautiful sunny day, I arrived at the kindy to the sounds of music playing, children laughing and playing, and the warm hum of adult conversation infiltrated by the tempting aroma of a freshly cooked sausage sizzle. This amazing community-focused kindy is located in the leafy residential area fondly known as Oaklands Estate, otherwise known as Oaklands Park. Oaklands Estate encompasses a triangular area, with the Sturt River, Oaklands Road-Chambers Street and Minchinbury Terrace forming the boundaries. It was originally known as Oaklands Estate and around 1966 was formally included in the suburb of Marion. Today, it is still generally known as Oaklands Estate.

Surrounded by about 300 houses, there are many families within easy walking distance of the kindergarten. It is a beautiful stroll from these nearby houses to the kindy through the leafy streets of the area. Just down the road is the newly upgraded and easily accessible Marion Train Station and also nearby is the wonderful and inviting community space of the Oaklands Wetland, a space of waterbirds and wildlife and a well-used skate and bike park. The Oaklands Wetland is a space for all ages, another place for community to gather and share.

There is a long history of community involvement at the Oaklands Estate Kindergarten, beginning with the Oaklands Estate Residents Association, which, with vision and considerable lobbying, was able to acquire the land for the kindergarten, and so began the raising of funds for the buildings. The kindergarten was incorporated in 1964. This history of strong involvement of the community continues today, with the Department of Planning, Transport and Infrastructure assisting the kindergarten in 2013 and 2014 with outdoor redevelopments, and there is now another redevelopment for the outdoor play area underway. The tradition of a culture of strong family involvement has continued, with all families engaged and participating in kindergarten and fundraising events throughout the year.

A number of elements were outstanding on this day that made for a perfect community event. First, it was and always is clearly evident that the kindergarten staff have at the heart and centre of all they do the welfare of the children, promoting and encouraging the children's love of learning. At the art show, every child had on display at least five pieces of artwork, being a selection from various topics of self-portrait, still life using photography, clay modelling, floral displays, beadings and wool and nature display, just to name a few. The combined excitement of the children and parents sharing the art pieces was inspiring, as stories were told by the children of what they had done and why they enjoyed the activity.

The energetic governing council and parents came together to provide a raffle, a silent auction, activities, food and soft drink, with music by a number of bands, including the Marion City Band and Warriparinga Brass. The activity attracted a cross-section of ages, being children, parents, grandparents and other family members and friends. The production of a catalogue was fantastic and added a dimension of depth to the work, as each child was both encouraged to share the displayed work of colourful imagination through various mediums and invited to share their thoughts in a booklet on their reflections of art. I thought I would share some quotes from this booklet on the perspectives on behalf of the four to five year olds.

Some of the comments in the booklet included, 'I can draw hats. I don't know if I can make them.' Another said, 'Art is something that you do, people who live, who go somewhere a place like a building that has all the different art and pieces of all things that you paint.' A further comment was, 'Art is something amazing like sculpture, painting and drawing.'

Other comments included, 'Art is making, painting, printing, drawing. I like art it makes me feel happy to look at when its finished. It is fun to do. I have art at my house its in the big room.' 'Art is called painting and drawing and photos. Its stuff that is weally good. Art is important because it is different to other peoples art, sometimes you draw it, sometimes you paint it and sometimes you photograph it.' 'Some art is crazy.'

Congratulations, Oaklands Estate Kindergarten. Praise to all of you for a wonderful community day of engagement and fun and, most of all, when the children were central to the focus and learning was made fun and all-encompassing. Well done.

Bills

PUBLIC INTEREST DISCLOSURE BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:46): I will not go any further into the detail of the proposed amendment by the opposition. Can I say today that, having just gone through question time and trying to elicit some little morsel of information about the progress of how the government are managing the Nyland royal commission report, this is exactly the example of a circumstance where the government does not tell you what is going on. Couple that with Mr Lander's report, which tells you that one in four are not prepared to speak up because they are too scared about their jobs or lack of promotion, we end up with a culture of concealment, which is just unacceptable.

This is why it is so critical that we have the victimisation procedures and that we have a process that is more robust and implemented to ensure that whistleblowers, as we have historically known them—the people who are the canaries in the coalmine who are alerting the authorities and if necessary, publicly, of information that tells South Australians that there is some stink in Denmark—free to come forward to blow the whistle on illegal or incompetent conduct, and that is why we are going to support this bill.

We are going to move an amendment (and I have given notice of that) to ensure that when the government fails—as it has repeatedly done when it has been alerted, to act and to protect—we have a process whereby that whistleblower, that public servant, that decent person who wants to expose that conduct or failing, can go to the parliament and to the public via the media. It should be a place of last resort. Under our amendment, it will be a place of last resort. It is necessary to make sure that the government, which is not being transparent, which is not being open and accountable, is able to be brought to account by the people of South Australia.

The Hon. P. CAICA (Colton) (15:48): I rise to support the Public Interest Disclosure Bill. Of course, this bill does several things: it gives effect to the recommendations in the report of the review of the Whistleblowers Protection Act 1983 undertaken by the ICAC, and it ensures the ICAC Act and the whistleblowers legislation work in a complementary fashion to encourage public interest disclosures. The bill says that without these amendments the ICAC Act and the current whistleblowers legislation have different but overlapping definitions for corruption and maladministration and impose different reporting obligations on those in the public administration. I believe, and the government believes, this causes confusion.

I also note the argument that it is not necessary to include journalists because people can, under the bill, report to an MP, for example, and there are examples of irresponsible journalism and it is difficult to define a journalist. I note the amendments do not necessarily define a journalist. It is this particular area I want to focus my contribution on; that is, that in some quarters the bill has been characterised as an attack on the freedom of the press and the public's right to know. I believe, and the government believes, that this characterisation is completely wrong, and as I said, this is the area I particularly want to focus on.

The press, and the media more broadly, operate in an environment which is rapidly changing. Media practitioners believe they have a role as watchdogs on society, a role that has developed over centuries. However, particularly in recent times, and expedited by the competitive dynamics of the internet, the media has lost any moral high ground it might have had, straying into the territory of sensationalism, misrepresentation and publication without adequate safeguards to check accuracy.

The public knows this. It is reflected in surveys, in the decline of the public paying for printed copies of newspapers and in television channels losing market share to alternative information platforms. A survey by Ipsos for independent body the Governance Institute of Australia, published on 20 July this year, found that 55 per cent of 1,000 people surveyed thought the media was 'very or somewhat unethical' compared to 21 per cent saying that the media was 'somewhat or very ethical'—

Ms Chapman interjecting:

The Hon. P. CAICA: Having said that, I know people who work in the media who are ethical.

Ms Chapman interjecting:

The Hon. P. CAICA: Yes, but there are also many who are subject to the whims of the editors and subeditors of those particular publications. I do not think it goes to say that if you read it in the paper it must be true. So, commentary on the role of the media, and whether there should be special protection for journalists, is dominated by those with commercial interests, most notably the media itself or those who seek to make political capital by pretending to be a friend of the media.

However, there have been a number of independent assessments in recent times, and I just want to touch on a couple of those. These assessments include the inquiry by the Rt Hon. Justice Brian Leveson into the culture, practices and ethics of the press, presented to the Parliament of the United Kingdom in November 2012. While this was an inquiry that focused on the United Kingdom, there are many aspects to that investigation and its findings which apply to Australia or indeed universally. Justice Leveson wrote:

> A free press is able to perform valuable functions which individual free speech cannot. It is because of the position of the press as an institution of power that it is able to stand up to and speak truth to power. The professional skills and resources at its disposal enable the press as an institution to carry out ground-breaking investigations in the public interest. It is these considerations and functions which have resulted in the press as an institution being afforded certain privileges going beyond those protected by freedom of speech.

Justice Leveson cites as an example of the special arrangements for the press the defence of qualified privilege to reporting matters that might otherwise be defamatory. He goes on:

> Suffice to say, these privileges afforded to the press are important precisely because they enable the press to serve the public interest in carrying out investigative journalism and disseminating information: they are not afforded for any other reason.

In Australia, journalists also operate under laws which give them the protection of qualified privilege. This is a privilege valued by society. However, Justice Leveson points out that the media does not operate in a vacuum. Other interests have legitimate and sometimes more important factors that need to be taken into account. He says:

> The public interest in a free press is fundamental. But—it cannot be viewed in isolation. As has been demonstrated, it is, itself, an aspect of wider public interests such as the public interest in democracy, for example, in public life and in the rule of law. There are other public interests also of which press freedom is not a major aspect, and with which it may sometimes be in tension…The 'public interest' is therefore not a monolithic concept. Nor is it the particular property of the press or any other organisation or sector.

He then quotes from the testimony of witness Professor Christopher Megone, Professor of Inter Disciplinary Applied Ethics at the University of Leeds:

> …there are more components of the public interest than those that are served by a free press, so that the press may need to control its activity to respect those wider factors…
>
> Sometimes it seems that the press's confidence that its activities are serving the public interest makes it insensitive to the complexity of that notion.

The Leveson Inquiry was called by the then prime minister, David Cameron, because there were widespread concerns about the poor standards that were being exercised by the press, including criminal behaviour, and community demands for more controls. Justice Leveson says:

> …the press is an institution of considerable power and the exercise of power in a democratic context brings with it proportionate responsibility for the consequences of choices to do so. Moreover, where power is exercised purportedly in the public interest, then there is a particularly acute responsibility to account for the exercise of that power to the public in whose name it is exercised.

This inquiry considered the culture and practices where the press had clearly failed to honour its responsibility, and there are many, many examples that were examined which have become, for want of a better term, notorious, including:

- the Dowlers, with the interception of messages and their deletion from the mobile phone of the murder victim, Milly Dowler. The deletion cruelly raised false hopes for her parents, Bob and Sally, that their missing daughter was still alive and listening to her phone messages;

- Kate and Gerry McCann, with libellous and highly inaccurate articles in a number of newspapers following the disappearance of their daughter, Madeleine, in Portugal;
- Christopher Jefferies, smeared as a probable murderer of Joanna Yeates in a number of stories until the perpetrator, who had fingered Mr Jefferies, was charged and convicted; and it goes on and on, including
- the then chancellor of the exchequer, Gordon Brown, and the publication of his son's private medical records.

I could cite other examples that the Leveson Inquiry considered when making its recommendations. Of course, as I mentioned earlier, the Leveson Inquiry related to events in the United Kingdom, and his recommendations were specific to the operation of the press in that jurisdiction, but the question needs to be asked: has the lesson been learnt in the United Kingdom and, by extension, in Australia and South Australia, particularly because many media organisations syndicate stories and images? Many Australians would be familiar with the stories highlighted by Justice Leveson, the few of which I have just mentioned now, because they read those stories or heard them when they were published by the Australian media.

Consider the recent example of a story on then prime minister, David Cameron. The story involves Mr Cameron and an incident that supposedly took place when he was a student at Oxford University. Accessible today on the advertiser.com.au website, the story, from 21 September 2015, is headlined 'Biography claims British PM David Cameron put "private part of his anatomy" into dead pig's mouth'.

The story reports on a book written by Tory peer Lord Ashcroft and journalist Isabel Oakeshott—a book serialised by the *Daily Mail*, a UK outlet which syndicates material to News Corp Australia. The story does use the word 'claims' in the headline and 'allegedly' in the first paragraph, yet it says the book is labelled as 'the most explosive political book of the decade'. The sordid allegations against Mr Cameron, when he was a member of the Piers Gaveston Society at Oxford, rapidly made their way from the established media onto social media channels.

Then, on 10 October 2015, just weeks after the claims were made, *The Guardian* reported comments from co-author Isabel Oakeshott at the Cheltenham Literature Festival which undermined any pretence at truth. 'The thing to point out about that story is that there is no need for burden of proof on a colourful anecdote where we're quite upfront about our own reservations about whether to take it seriously,' Ms Oakeshott was quoted as saying. *The Times*, part of the News group, wrote on 9 October 2015:

> The former political editor who published claims about David Cameron engaging in obscene activities with a pig's head has said that they would not have passed muster as a news story in a serious newspaper.

Not only was the story published abroad and in Australia with minimal doubt cast on its truthfulness but also here we are, nearly a year later, and the original story still remains live on websites, easily accessible with a simple Google search. There are many other examples. Another is the Chilcot Inquiry, undertaken by Sir John Chilcot, on the invasion of Iraq, and that shows that the media is not merely a reporter of events but is an active participant. The inquiry report notes that Alastair Campbell, director of communications and strategy to then prime minister Tony Blair, had:

> …recorded Mr Blair had taken a telephone call on 11 March 2003 from Mr Rupert Murdoch 'who was pressing on timings, saying how News International would support us, etc'.

As a participant urging the UK and US governments to invade Iraq, it is clear the media did not properly scrutinise the reasons for military action. Here in Australia we also have examples. The media approach to grab and run with a sensational article, while arguably not as common in Australia as in the United Kingdom, is definitely an issue to be considered. In 2012, former Federal Court judge Ray Finkelstein QC delivered a report to the commonwealth government of Australia on the media and media regulations. The judge said:

> The level of public confidence in journalists as a professional group and the media as an institution is low, much lower than it is for other professions and institutions.

He cited a 1992 survey by Schultz that asked journalists why they thought they were held in such low esteem by the public. They put it down largely to sensationalist or inaccurate reporting. Further,

a 2004 survey by Muller found that nearly three-quarters of voters held the view that journalists wrote stories they thought would be best for sales and ratings, even if it meant exaggerating the truth.

Collating the results of 21 public surveys conducted between 1996 and 2011, Judge Finkelstein said, 'Overall, the findings indicate significant concerns in the minds of the public over media performance.' In an effort to illustrate why the public might hold these attitudes, the inquiry examined the coverage of then recent issues. Several of these illustrated inadequate scrutiny of claims reported in news stories.

I believe in having a price on carbon, as do we on this side. One such example is an item published by the *Daily Telegraph* on 11 May 2011 purporting to show the impact on a family's budget of the federal government's carbon pricing scheme before its consideration in parliament and before a carbon price had even been set. The item contained estimates of the extra annual cost of food ($390), power ($300) and petrol ($150) to the family in question. Since the carbon price was at that stage unknown, there was simply no basis for assessing the cost impacts on food, power or petrol. The story also omitted any reference to the widely mooted income tax cuts. On bias, Justice Finkelstein said:

> There is a widely-held public view that, despite industry-developed codes of practice that state this, the reporting of news is not fair, accurate and balanced.

On power and influence, Justice Finkelstein refers to comments made by Tony Fitzgerald QC in his report on corruption in Queensland, and I think this is very telling:

> The media is able to be used by politicians, police officers and other public officials who wish to put out propaganda to advance their own interests and harm their enemies. A hunger for 'leaks' and 'scoops' (which sometimes precipitates the events which they predict) and some journalists' relationship with the sources who provide them with information, can make it difficult for the media to maintain its independence and a critical stance. Searches for motivation, and even checks for accuracy, may suffer as a result … This places an extra responsibility on the journalist. Both the journalist and the source have a mutual interest: both want a headline. Yet if the journalist is so undiscriminating that the perspective taken serves the purposes of the source, then true independence is lost, and with it the right to the special privileges and considerations which are usually claimed by the media because of its claimed independence and 'watchdog' role. If the independence and the role are lost, so is the claim to special consideration.

In his concluding remarks, Justice Finkelstein says:

> It is relatively easy to identify failings in journalistic standards. One proponent of the status quo of self-regulation suggested that 'while it is trivially easy to demonstrate inaccuracies or biases or ethical lapses in the press, the proper solution to such failures seems to be working quite well' … (However) The ease of identifications of failings comes from the fact that they are not rare or infrequent. While some might be trivial, many are not.

As I said, I could go on and on, but consider two cases highlighted by *The Advertiser* newspaper on 7 July 2016 that it claimed illustrate the role of whistleblowers in a report headlined, 'Stories the Government didn't want you to know'. The first case was that of Shannon McCoole, a former employee of Families SA who is now gaoled.

Firstly, it is important to put on the record that the discovery of McCoole's crimes and his successful prosecution had absolutely nothing to do with the media involvement. McCoole was captured thanks to relentless work by detectives, extraordinary collaboration between police forces across Australia and internationally and clever operational tactics.

The story has been told by News Corporation paper, *The Courier Mail*, amongst others. Despite this, *The Advertiser* story of 7 July this year blows its own trumpet and claims the full extent of the rotten culture of Families SA would not have been revealed to the public for a considerable time if the paper had not published comments from whistleblowers who revealed that McCoole had been the subject of internal Families SA investigations.

The claim was published in support of *The Advertiser*'s call for special protection for journalists. *The Advertiser* provides not one shred of evidence that there was any retribution or disadvantage to the whistleblowers or the journalists. Its call for protection is therefore completely unnecessary. Further, its claim that this indicates a story 'the government did not want you to know' is completely false by its own admission. In its report of 15 August 2014, announcing the establishment by the South Australian government of the Child Protection Systems Royal Commission, *The Advertiser* said:

Five of the terms of reference announced yesterday relate directly to failings within Families SA that have been identified in a series of reports in *The Advertiser* in recent weeks following the charging of a carer, 32, with the sexual abuse of seven preschool children.

So, rather than attempting to hide from the allegations made by the whistleblowers, right from the start the state government has brought those claims into the brightest spotlight possible, the highest form of inquiry in South Australia—a royal commission. I am going to finish up, because I have to, fairly soon.

Mr Picton: An extension of time.

The Hon. P. CAICA: I do not think that is allowed.

Ms Chapman: Spare us!

The Hon. P. CAICA: That is a bit rich coming from the member for Bragg, spare us! How often have we asked that of the deputy leader? I want to say a couple of other things. I accept that the media operates in an environment where competitive pressures force a faster pace of reporting, and that is obvious. I will also say that a lot of the journalists I know have a high level of integrity, but that does not mean from time to time that they are not put under pressure by their subeditors and their editors to write the story that they want written, 'Don't blame me, it was the subeditor. Don't blame me, it was the editor.'

I accept that they operate where competitive pressures force a faster pace of reporting. We also see that this is occurring as a loss of revenue has led to huge reductions in staff, especially in the mainstream print media. Many of the job losses have been from the ranks of experienced journalists employed as the checking mechanism within the publishing system, and this leads to errors and unsubstantiated claims making the public realm and then becoming established as fact.

As I said earlier, so many of my constituents say, 'It must be true, I read it in the paper,' despite the fact that I try to explain to them that what you are reading is not actually as accurate as it should be. It is very hard to get them back across the line because they read it in the paper and it must be true. It does not help that there are fewer journalists. As I said, they often have to report on matters on which they are not experts and therefore do not immediately identify mistakes.

I was going to finish with an example from Michael Owen, but I might save that for another day. In concluding this contribution, in calling for shield laws for journalists, the media has failed to make the case for change. Firstly, there is no accepted definition of who a journalist is and that should be afforded a special privilege. I notice that the deputy leader has not included a definition for a journalist in her amendments.

For someone to be called a journalist does not require any particular professional qualifications or assessment by an independent journalists' standards body. I think this is an unnecessary amendment and, as I have tried to show here, the call for shield laws and the protections to be afforded to journalists is just nonsense and not necessary at all. There is no evidence of any whistleblower being victimised or penalised for revealing a matter that is in the public interest.

Mr PICTON (Kaurna) (16:08): It is a tough act to follow the member for Colton and his contribution, but I will aim to make some brief comments in support of the second reading of this bill to support not only what he said but also the Attorney's introduction of this bill. If there is one striking memory I have from my first year studies in public law by Professor David Clark at Flinders University—and I think one of his passions is whistleblower protection laws—is that our whistleblower protection laws need to improve. I think that probably both sides of the parliament would agree to that. I think that this bill goes a long way to correcting and improving our whistleblower protection in South Australia.

As the member for Colton said, we have not had a history of significant issues when people have raised issues as whistleblowers in South Australia, and I think that is a positive thing. There have been a number of instances when people have been able to raise information publicly or with the appropriate authorities; however, as Commissioner Lander's review into whistleblower protection has shown, we do need to improve the way our whistleblower legislation works. Particularly in light

of the new Independent Commissioner Against Corruption role in South Australia, as well as the Office for Public Integrity role in South Australia, I think it is worth looking again at these laws.

Essentially, what the Attorney has presented to the parliament is that we will be giving protection to people when they raise either public health information or public administration information dealing with things such as corruption or maladministration. When things are brought to the appropriate authority's attention—and that depends, of course, on the issue it refers to; for instance, if it deals with a public sector agency, it might be that the person responsible is the chief executive of that agency.

The Commissioner for Public Sector Employment could be another avenue for people. There are a whole range of other authorities with which people could raise issues, such as the Ombudsman or the OPI itself. Issues could be raised with the police or the Auditor-General or various commissions that might be set up, or the Judicial Conduct Commissioner himself. Should that not proceed to a satisfactory outcome, this bill then gives the added protection of then being able to raise issues with and disclose information to a member of parliament, and that can be any member of parliament in either house.

Of course, there are different members of parliament who are always eager to receive such information, so I do not think that will be an issue at any time. The member of parliament may then wish to raise the information they have received in the house using their parliamentary privilege, or they may want to deal with it in various other ways. However, at every step of the way, the person who raises those issues, in accordance with this legislation, will be protected and their rights will be protected. This is the very important crux of this legislation.

I will contrast this by looking at what recently happened federally when a disclosure of information was made about the performance of the National Broadband Network. That was made to a member of parliament, namely Senator Conroy, who was the Deputy Leader of the Opposition at the time, and the former minister for communications and a shadow minister. The government was particularly perturbed by this release of information federally because it showed up what I would regard as, arguably at least, their maladministration in terms of the way the National Broadband Network had been performing.

The department, or the NBN Co, raised that with the Australian Federal Police and asked them to investigate whether a crime was investigated by the release of that information to a member of parliament. During the federal election campaign, I think, we had AFP officers raiding the office of Senator Conroy, as well as the offices of staff members who worked for Senator Conroy and had received this information from the whistleblower.

This goes to show exactly what we are trying to deal with in this legislation. We are giving people an avenue to raise those issues with a member of parliament and to have protection so that people do not have to face the full onslaught of the police investigating the release of information appropriately to a member of parliament. The member of parliament may then wish to bring it to the attention of the house, as I am sure most opposition or minor parties would in such circumstances.

I think we will, upon the passage of this legislation here in South Australia, have a far superior public interest disclosure regime to what we see federally. If this law operated federally at the moment, then I think it would be fair to say that those investigations being conducted by the AFP into the release of information to members of parliament would not be happening, because they would have the protection of this bill to do exactly that. That has obviously led to us knowing more about some of the problems the National Broadband Network has had at a federal level, and it is not something that the federal government has wanted to be released at all.

Personally, I would like to see those resources being used for much more important police purposes because this is not something that revolves around national security, as most similar investigations by the AFP into leaked information might relate to. This is something about the performance of a domestic agency. I think what we will have here upon the passage of this legislation in its original form is a very superior legislative framework for whistleblowers, not only compared with what we currently have in South Australia but also compared with what we have federally.

I know that this plays into a range of different reforms we are seeing in this area (and we have the police complaints bill coming up soon), and I think all of these together combine to provide a new blueprint for the way that investigations into government behaviour works in South Australia following the passage of the ICAC legislation and some of the subsequent inquiries the ICAC commissioner has been providing advice to the government on, as well as advice to the committee which I used to sit on and which the member for Little Para sits on. It is chaired by the Hon. Gerry Kandelaars and it is looking into a whole range of these issues.

When I sat on that committee, it was certainly something that we looked at. I think that the passage of this legislation will be of significant benefit. It will provide adequate avenues to raise these issues, and I fully endorse it to the house.

Mr ODENWALDER (Little Para) (16:16): I, too, wish to make a very brief contribution to this bill. As the member for Kaurna said, I serve on the Crime and Public Integrity Policy Committee of this parliament. One of the many pleasures I have in serving on the back bench in this parliament is being able to serve on that committee and to occasionally talk to the Independent Commissioner Against Corruption—sometimes even in camera in a casual way—about the way the legislation that governs the way he works operates and also about other legislation. He is never short of a view about some of the other legislation, and often it is a very helpful view. As the member for Kaurna said, he has delivered several reports to the committee and to the parliament regarding various sorts of legislation.

In the first annual report of the committee, we recommended that the Whistleblowers Protection Act be amended to achieve a more coherent, more consistent legislative framework around public integrity, and that is something I support and I have supported since the establishment of the committee and the establishment of the ICAC legislation. I think it is all very important and I welcome—as we have been talking about for many years—a more seamless national approach to public integrity. I would welcome that.

Some of the work of the committee is coming to fruition, and this amendment really represents some of that work and obviously some of the work of the Independent Commissioner Against Corruption. As various other members have said, he reviewed the Whistleblowers Protection Act and reported in October last year, I think. He made the following observations about the purpose of this act and the need for this legislation to be amended and to fit more seamlessly with the rest of the integrity legislation. In his report, he said:

> The Whistleblowers Act was designed to encourage and facilitate disclosures about wrongdoing in the public interest by providing whistleblowers with protections against civil and criminal liability, and by providing a mechanism for a whistleblower to make a claim for damages if he or she is victimised as a consequence of the disclosure.
>
> …It might be thought that the whistleblowers legislation and the ICAC Act would work in a complementary fashion to encourage public interest disclosures in relation to wrongdoing in public administration. However, the two Acts employ different but overlapping definitions for corruption and maladministration and impose different reporting obligations on those in public administration.

What this bill does, and what the Crime and Public Integrity Policy Committee recommended in its first annual report, is really to tidy up some of that. It is based on those recommendations. The aim, as members have said, is to protect public officers making complaints about wrongdoing in public administration. It is about the right to protection for any person who makes an appropriate disclosure about conduct that relates to a substantial risk to public health or safety and the environment.

Among other things, the bill sets out the duties of responsible and principal officers to act on a disclosure and to establish procedures for dealing with disclosures and for dealing with risk management in accordance with guidelines issued by the Independent Commission Against Corruption. Perhaps most importantly, the bill provides for a statutory regime of oversight for whistleblower protection so that the effectiveness of the regime can be monitored.

Under this new system, the Office for Public Integrity will be aware of all public interest disclosures made under the new scheme. I welcome this. In my opinion, this is a good thing for overall public integrity and confidence in the government and the Public Service. We can always improve on public integrity measures, I believe. That is the work of the Crime and Public Integrity Policy Committee—to always talk to people who work in this area, such as the commissioner and the Attorney, and to examine the way that this legislation and related public integrity legislation is

working and to seek always to improve it because we can always do better. I commend the bill to the house.

Ms HILDYARD (Reynell) (16:20): I rise to speak to the Public Interest Disclosure Bill. I wholeheartedly support the extraordinarily articulate comments of the member for Colton and also, of course, the members for Kaurna and Little Para. I rise to make a few very brief points, particularly in relation to one matter. The opposition, via the member for Bragg, in proposing to insert the word 'journalist' into our government's bill, our Attorney's bill, I think fails to define the term 'journalist'.

In an age when information is extraordinarily readily accessible and constantly disseminated around the clock, via both the internet generally and a range of social media, a blogger with a personal biased view and potentially no training whatsoever in responsible reporting could claim to be a journalist. As a result of conduct they have experienced from such bloggers, sadly I have had both constituents and friends speak with me about this particular issue. It is of great concern and it is dangerous.

Of particular concern to me is a number of friends I have in the women's movement who actively explore current issues, particularly those relating to violence against women on social media. As a result of this, they have been relentlessly harassed online, sometimes in quite violent terms, in response to their comments and in response to the articulation of their point of view. This has of course led to a great degree of fear and, rightly, a reluctance to articulate their views in an ongoing fashion in the public arena. In some cases, this has led them to changing address and taking other precautions.

Misinformation over matters in the public interest can also dangerously lead to overreaction and alarm, which can also cause significant but unwarranted consequences. For a person or persons who may be the subject of any irresponsible reporting or commentary, this can also be damaging to the individual's health and wellbeing and, of course, to the wellbeing and health of those close to them and indeed to our broader community's health and wellbeing.

If journalists are to be included, which our government does not support, there must be an appropriate definition of what a journalist is. Would such a definition then perhaps require an agency or other body to maintain a register of so-called journalists for the purpose of any such definition? I have just a couple of questions in closing: how would that work and what would be the criteria? I think those are the questions about the opposition's suggestions that must be answered before such an amendment could be made.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

Clause 6.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman–1]—

Page 6, line 10 [clause 6(a)]—After 'information to a' insert 'journalist or a'

I will not repeat all I said in the second reading, but this is the clause which, if allowed, will introduce the words 'journalist or 'a' before the words 'member of parliament', which will enable the disclosure to be within the definition of an appropriate disclosure to either of those parties. This is brought as an expansion which we say is necessary to allow for matters to be acted upon when clearly either members in positions of authority who are supposed to act on these things have failed to act. It does not come into effect unless there has already been, essentially, a disclosure to the relevant body and a failure to act on it within a certain number of days.

Essentially, in respect of the general case, if there has been a failure to notify of acting on a matter within 120 days, which really gives the relevant authority plenty of time to act and, if they do not, the publication can be made, as I said, to a member of parliament or to journalists to make sure that there is proper investigation into the complaint.

I have, in advance, a copy of a proposed amendment of the Deputy Premier to clause 7, which will follow, in which he is going to make a provision for the minister of the Crown to have a duty, an obligation, to refer any disclosures to him or her to the relevant authority. I assume that this will be some sop to our requirement that there be a process to ensure that disclosures are acted on. I will have a bit more to say about it in a minute, but it is woefully inadequate for what we say is necessary to make sure that these things are investigated. I commend the amendment to the house.

The Hon. Z.L. BETTISON: On behalf of the Attorney, we oppose the amendment.

The committee divided on the amendment:

Ayes 18
Noes..... 22
Majority..... 4

AYES

Chapman, V.A. (teller)	Duluk, S.	Gardner, J.A.W.
Goldsworthy, R.M.	Griffiths, S.P.	Knoll, S.K.
Pederick, A.S.	Pengilly, M.R.	Pisoni, D.G.
Redmond, I.M.	Sanderson, R.	Speirs, D.
Tarzia, V.A.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Williams, M.R.	Wingard, C.

NOES

Atkinson, M.J.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.F.	Digance, A.F.C. (teller)	Gee, J.P.
Hildyard, K.	Hughes, E.J.	Key, S.W.
Koutsantonis, A.	Mullighan, S.C.	Odenwalder, L.K.
Picton, C.J.	Rankine, J.M.	Rau, J.R.
Snelling, J.J.	Vlahos, L.A.	Weatherill, J.W.
Wortley, D.		

PAIRS

Bell, T.S.	Kenyon, T.R.	Marshall, S.S.
Piccolo, A.	McFetridge, D.	Hamilton-Smith, M.L.J.

Amendment thus negatived; clause passed.

Clause 7.

The Hon. Z.L. BETTISON: On behalf of the Deputy Premier, I move:

Amendment No 1 [DepPrem–1]—

Page 7, line 17 [clause 7(4)]—Delete 'This' and substitute 'Subject to subsection (5), this'

Amendment No 2 [DepPrem–1]—

Page 7, after line 18—After subclause (4) insert:

(5) If an appropriate disclosure of public interest information is made to a Minister of the Crown, the following provisions apply:

(a) the Minister must, as soon as practicable, refer the disclosure to a relevant authority; and

(b) the relevant authority—

(i) must deal with the information in accordance with this section (as if the disclosure had been made to the relevant authority); and

(ii) must ensure that the Minister is notified of the action taken under this section in relation to the information and the outcome of such action.

Amendments Nos 1 and 2 are related. The amendments provide a procedure for dealing with an appropriate disclosure received by a minister. The amendment implements recommendation 30 of the report of the review of the Whistleblowers Protection Act 1993.

Ms CHAPMAN: In ordinary circumstances, I would say that this amendment would help to strengthen the terms of the bill to outline an obligation of a minister of the Crown, if they are the recipient of the information, giving them a duty to report it. On the face of it, that would seem to be reasonable. However, when one looks at clause 7, there is absolutely no penalty whatsoever if a minister does not do that.

With this addition, there is no provision in this to add anything above what they currently have as some face-saving exercise if they are found out to have failed to comply with it. The proposed amendment states that they must, as soon as practicable, refer the disclosure to the relevant authority, and then the relevant authority must deal with it, etc. But so what if they do not do it? There is absolutely no penalty. I find this is really a false attempt to strengthen the obligation of those who are in authority to do something about this.

The only way to make people do the right thing in respect of their obligation not only not to interfere with someone who wants to complain and protect them under a victimisation regime, but also to make sure that the people who are supposed to do things, do things, is the threat of public exposure. Unless we have some actual direct obligation, some penalty if a minister does not do this, nothing happens. They should either be fined, gaoled, sacked, thrown out of the parliament, I do not mind—all of the above—but we need to have some penalty, otherwise this means nothing. I oppose the amendments.

Amendments carried; clause as amended passed.

Clause 8 passed.

Clause 9.

Ms CHAPMAN: I move:

Amendment No 2 [Chapman–1]—

Page 8, after line 5—After subclause (3) insert:

(3a) Subject to this section (and without derogating from any other law imposing vicarious liability on a person for the acts and omissions of agents or employees of the person), the Crown is, for the purposes of this Act, vicariously liable for an act of victimisation by an agent or employee of a public sector agency committed while acting in the course of their agency or employment.

(3b) In proceedings brought against the Crown, in accordance with this section, in respect of an alleged act of victimisation by an agent or employee of a public sector agency, it is a defence to prove that the principal officer of the public sector agency took reasonable steps to ensure that the agent or employee would not act in contravention of this Act.

(3c) Without limiting subsection (3b), a defence is established under that subsection in relation to an alleged act of victimisation by an agent or employee of a public sector agency if the principal officer—

(a) had complied with section 12 and, in particular, had ensured that the document required under section 12(4) had been prepared and was being maintained at the relevant time; and

(b) had taken reasonable steps to implement and enforce that document, including by—

(i) taking reasonable steps to make the employees and agents of the public sector agency aware of the requirements under the document; and

(ii) ensuring that action required under the document was taken promptly and in an appropriate manner.

Amendment No 3 [Chapman–1]—

Page 8, line 6 [clause 9(4)]—After 'a person' insert '(not being the Crown)'

Amendment No 4 [Chapman–1]—

Page 8, after line 12—After subclause (5) insert:

(5a) A person who has made or who intends to make an appropriate disclosure of public interest information and who reasonably suspects that they will be subject to an act of victimisation by another person (the respondent) may apply to the Equal Opportunity Tribunal for an order requiring that the respondent refrain from the relevant act.

(5b) An order of the Equal Opportunity Tribunal under subsection (5a) is enforceable, and may be appealed against, as if it were an order of the Tribunal under section 96(1) of the *Equal Opportunity Act 1984*.

These amendments amend the provisions in respect of victimisation. Essentially, the recommendation of Mr Lander was that there be an offence of victimisation, that there be a tortious remedy in respect of victimisation, that there be some relief able to be achieved with protection through the Equal Opportunity Commissioner where required and that there be penalties of up to $10,000. All of that is good. It is all consistent with what Mr Lander said, but he also said that there needed to be some other things done to protect the person who is exposing the government and who is being victimised or threatened to be victimised.

He made very clear that the Crown needs to be vicariously liable for an act of victimisation by an agent or employee of a public sector agency. Again, if the government is serious about this, they should include this provision. If they are going to act honourably and undertake this duty, which the Attorney's representative has indicated they will do with the preceding amendment, we need to make sure that if there is a failure to do that the Crown will be responsible and that there will be a process to take place where there is any alleged act of victimisation, consistent with Mr Lander's provision.

He also said, and this is covered by amendment No. 4, that there needs to be provision for a circumstance where a person who intends to make a disclosure, and who reasonably suspects that they will be subject to an act of victimisation, may apply to the Equal Opportunity Tribunal to obtain the appropriate injunction or refraining from that relevant act. Essentially, it is described as an order requiring that the respondent refrain from the relevant act, and then there are appeal rights as if it were any other order of the tribunal.

These are the sorts of extra provisions which were recommended by Mr Lander and which the government have chosen to cut out and excise in presenting this proposed new model. We say that this issue of victimisation is so serious, that it has been exposed as so deep and entrenched in the public sector, that it is necessary for us to have this extra protection in the bill for them. The government, you might recall, when asked questions about this extraordinary survey, basically said, 'We haven't had any complaints made to me or us.' It is just disgraceful to think that.

If there has not been a complaint to the Attorney-General or someone else, it ought to tell him something. It ought to tell him about the level of fear and concern in those in the public sector who want to make a complaint but are too frightened to, and that they ought to have some protection. Mr Lander set out an important model which included the provision for the Crown to be vicariously liable if the right thing was not done and, secondly, a power to take some preventative measure against being victimised through the Equal Opportunity Tribunal. Frankly, if the government are not prepared to accept these amendments, then they are not genuine and serious in their attempt to allow people to freely expose the conduct or failings of government, as they should be able to do.

The Hon. J.R. RAU: I thank the deputy leader for her remarks regarding these amendments. Her comments about the amendments are worthy of reflection but, unfortunately, this particular set of amendments was only filed yesterday, and I have not had an—

Ms Chapman: I only just got yours.

The Hon. J.R. RAU: Yes. I have not had a chance to reflect on these amendments, but I can give this undertaking: whilst I will not be supporting them here, I am open to talking to the deputy leader between the houses about whether we may come to an agreement on these words or words

similar to these words. As a matter of general principle, I do not disagree with what the deputy leader says she is trying to achieve with these things. I just need to be, I guess, satisfied that there is no unintended consequence.

Amendments negatived; clause passed.

Remaining clauses (10 to 16), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for 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 third time.

Bill read a third time and passed.

POLICE COMPLAINTS AND DISCIPLINE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 July 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:44): I rise to speak on the Police Complaints and Discipline Bill 2016. Again, this is a bill that has been introduced subsequent to substantial investigation and inquiry and lengthy recommendations presented for consideration in reviewing the manner in which we deal with police complaints. The gestation period of review is so long I can hardly remember when it started, but I will endeavour to find my notes on this.

What I do know is that, as a result of there being a comprehensive inquiry, the opposition took the lead to introduce the Police Complaints Bill 2016 when we had heard nothing from the government as to the advance of a new system. That bill remains in Private Members Business. As I have indicated, now that the government has finally produced this bill, we will agree to consider its advancement. If successful, once passed, this bill will produce a new regime for dealing with police complaints and, in those circumstances, I indicate that I will withdraw my bill.

The complaint procedure in respect of police conduct has had a bit of a rocky road in recent years. It is true that we had a police complaints commissioner, then we had a Police Ombudsman and currently we have an Acting Police Ombudsman. They provide annual reports to us here in the parliament, as do most other integrity bodies. However, even from their own reports, it is clear that they have identified flaws in the way that complaints have been dealt with on occasions and the failure for them to actually be progressed in a manner which is acceptable, mainly to the complainants.

When this happens, it sometimes brings these institutions into disrepute, sometimes unfairly. However, what is absolutely critical is that we have a process or a scheme governing the making of complaints about public administration and the oversight of police conduct that the public respect. If it fails then that can be very concerning because the last thing any of us want is for our police to be undermined and the confidence of the public to be diminished in their operations.

In short, the laws governing police complaints were proving to be inefficient and clearly in need of reform. Members might want to view the annual report of the SA Police Ombudsman 2013-14 by Ms Sarah Bolt. That report painted a very negative picture, stating that the Office of the Police Ombudsman was unable to perform its functions and role efficiently and effectively. It was apparent the relationship between the OPO, ICAC and the Office of Public Integrity could be improved.

Some of that relates to the fact that there had been the mushrooming of other public integrity agencies and sometimes there would be the question of overlap. As members would know, we have a State Ombudsman who largely deals with complaints in the public sector area. In recent years, we have had a separate ombudsman regime for health and community complaints, and they cover not

just public sector agencies but also the independent sector and non-government sector. However, for all relevant periods we have had a separate agency to deal with police complaints.

I think everyone shares a view in this house that, particularly given the nature of police work regarding the accumulation and use of criminal intelligence, the need to keep information securely stored and to ensure that there is not any breach of information to be released that might otherwise affect the lawful investigation and prosecution of cases, it is necessary that the police have a separate complaints agency, and I fully endorse that.

Apart from Ms Bolt saying herself as Police Ombudsman that all is not happy in Rome and that we need to have some reform, the Attorney-General also had requested Commissioner Lander from ICAC to conduct an inquiry into the oversight and management of complaints about police, and generally about the receipt and assessment of complaints and reports about public administration. He reported to the parliament on 2 July 2015.

Additionally, the Crime and Public Integrity Policy Committee heard submissions from the South Australian Ombudsman, Mr Wayne Lines, in March 2015 in which he outlined that legislative change would be required to reduce duplication and inefficiencies in the receipt, assessment and resolution of complaints for public administration. They reported on 30 June 2015.

It was apparent from many inefficiencies resulting from the misdirecting of serious complaints between the Ombudsman and the Office of the Police Ombudsman and the matter of who owns responsibility for these complaints that we had a problem in the efficiency and effective delivery of the process and we had an overlap which needed to be sorted out.

The recommendations in respect of police complaints by Mr Lander were quite substantial. The recommendations in respect of other public administration were considerable, but I need to just state that the ICAC report in the conduct of his review reported on 22 July 2015 with 29 recommendations including the rewriting of the police complaints legislation, the abolition of the Police Ombudsman, bringing police oversight within the Office of Public Integrity and giving South Australia Police, via the commissioner, the primary responsibility of assessment of complaints and reports about police.

The bill that I have referred to as a private member's bill largely incorporated the recommendations of Mr Lander. The government took the view that they had prepared this bill based largely on the recommendations of Mr Lander. One would think that that would crystallise into some prompt agreement into accepting this bill, but herein lies the problem which, in short, reflects the fact that we get told one thing and then we find out that the situation is very different.

The Police Complaints and Discipline Bill we are currently discussing was issued in a draft and at first blush appeared to pretty much cover matters raised by Mr Lander. There were significant areas of omission but there was some level of consistency. We then find, in July this year, that the Police Association of South Australia, being the union for a significant number of the police force, was very unhappy with the terms of the bill. The thing it was most unhappy about was the fact that it had been shown one bill and what turned up in the parliament was something very different.

This then raises a question of trust. It raises the question of being able to rely on the government that, when it says something, it can be taken as accurate. It undermines our capacity, as legislators, to rely on the government to do what it actually says it will do. The government's own stakeholders in this case, is a body which clearly has a very significant interest in this bill because it relates to how complaints about their members are going to be dealt with and also what disciplinary action should be taken in respect of those.

That is not to say that the union for the police officers needs to have some sort of controlling contribution over how this structure should operate because the police commissioner, during the course of the reviews, gave evidence about his view as to how these things should be managed and there is no question that Mr Lander's approach was somewhat different, not hugely different but somewhat different.

This bill, reflecting Mr Lander's approach that there be some continued supervision of the smaller complaints to be dealt with through the police commissioner's structure as such, could be accommodated. We are not saying that, just because the Police Association represents members

that are going to be managed through this bill say something should happen, that should happen. It is just very concerning to us when it appears that a level of goodwill is undermined by concerns that information has not been fully forthcoming and that when we are told that there is comprehensive consultation we find that there are aspects of this that have not even been discussed, or claim not to have been discussed by the Attorney-General. It is very disturbing.

In general principle, we accept that some of the more minor matters can be dealt with internally, just like they are in the education department. If there is a complaint about a particular matter in a local school, there is a process of complaint through the education department and, if it is not resolved, then of course there are other options, for example going to the Ombudsman's office.

If there was a complaint that a police officer did not attend, within the regulated time, a residence when a complaint was lodged about a suspected break-in, that might be something that needs some explanation. It may warrant an apology to the householder, but it would not necessarily mean that we would need to have a file opened down at the Police Ombudsman's office. Clearly, however, if more serious matters are raised then we need to have those matters viewed and considered and determined and acted upon by someone who is absolutely independent of the police force, including from the commissioner's office.

We agree that there should be a separate and revised police complaints structure and we agree that minor matters could be dealt with internally within the police force via the commissioner. Otherwise, the matter should be under the scrutiny and gatekeeping of the Office for Public Integrity. We need to have a structure that will give a fair determination for the complainants, and maintain the respect of the public and the police force, and also ensure that a police officer who is exercising a duty or failing to exercise a duty that requires some discipline is brought to attention and acted upon.

When I read the Police Ombudsman's report for this financial year concluding in June 2016, it was with a good deal of concern that I read of the number of complaints that had been raised against the conduct of police officers; one of them was the concern of the Police Ombudsman that have there had been repeated searches of motor vehicles by police officers without having formed the requisite intent for that purpose.

He made statements in this year's report about his concern about that occurring on multiple occasions and, furthermore, that he had made the same complaints in the previous year's annual report, so it is not as though we do not need to have a complaints procedure. We also need to make sure as a parliament that, whatever the structure, if the Ombudsman brings to our attention some action or inaction on the part of the police that is not acceptable—especially if it is two years in a row—we do something about it, that the Minister for Police does something about it, that the cabinet does something about it and, as I say, if necessary, that the parliament does something about it.

All these things require that there will be some action and consequence for unacceptable conduct. I say to the parliament that if the Minister for Police does not give a satisfactory response to matters that are raised by the Police Ombudsman to this parliament, we should be asking the minister to make some account for that. It is not acceptable that these agencies, as integrity bodies, report to us and then nothing happens about it. That is not acceptable. In any event, I will not go through all the issues that have been raised, but often there is quite a number.

I think it is fair to say that when we look at last year's annual report we see the shocking revelations of conduct towards a young Aboriginal man by a police officer and what was described by the Police Ombudsman as being a completely inadequate response by the then commissioner of police in sending the police officer away for some retraining program—a completely inadequate response to the conduct of that police officer towards the young man in question. Shocking threats were made; I do not need to detail them all again, but I make the point that, unless there is some follow up on these things, then all these new structures mean nothing.

I urge members to keep our ministers accountable as well when they have considered reports from our officers of integrity—in this case, the Police Ombudsman. We have an acting ombudsman at the moment, and I am assuming he will not be replaced until there is a new structure in place anticipated by this legislation. We have some amendments which have apparently been developed and tabled by the Attorney to cover a number of outstanding issues which I understand have at least been agreed to between the Police Association and Mr Lander's office as reflecting the

review's recommendations. I am advised that at the very least the Police Association has other concerns about matters that have been omitted or are inadequately described even in these amendments. We will hear further from them in between the houses.

This bill has been a long time coming, so I am certainly not going to hold it up. From our perspective on this side of the house, we will support the passage of the bill through this parliament. We will receive these amendments and reserve our right to make further amendments when the bill is dealt with in another place.

Mr GEE (Napier) (17:05): Today, I speak to the Police Complaints and Discipline Bill 2016. I will just take some people back to refresh their memory about what the bill was about. The bill was introduced in response to ICAC recommendations to replace the Police Ombudsman with the Office for Public Integrity, to streamline processes relating to the management of police complaints and disciplinary matters and otherwise largely not disturb the role of the Commissioner of Police as it presently exists in relation to such matters.

I am confident that this bill will improve the way in which complaints made of police officers may be readily and properly managed. However, in introducing this bill, it will see the dissolution of the Office of the Police Ombudsman. In doing so, I would like to acknowledge the work of the Office of the Police Ombudsman. The Office of the Police Ombudsman is set up under the current Police (Complaints and Disciplinary Proceedings) Act, which was first introduced in 1985.

It is interesting to note that the office was set up not in response to any public need or questioning of the professionalism of our South Australian police, which should not be any surprise. I believe that our police in South Australia act with integrity, and I believe that the community should be very proud of the men and women who protect us every day. In fact, I understand that South Australia was one of the last Australian jurisdictions to introduce a police ombudsman. I believe we may have done so eventually in light of the public perception in other jurisdictions that there were concerns relating to their police, and so there was a growing desire that there be a civilian oversight with respect to police.

The fact that this public perception did not exist in South Australia in 1985 and, in my opinion, does not exist in any real or proper measure today, perhaps reflects a longstanding professionalism of SA Police and the high standing they have amongst our community. I believe the Office of the Police Ombudsman over the years since 1985 has served us well. I thank the Police Ombudsman and staff for their work. However, as acknowledged on the Police Ombudsman's website, I quote:

> The system established by the [current] Act is both definitive and complex; it deliberately follows the model of 'external monitoring of internal investigation,' rather than creating a truly independent investigative agency. The Act creates and defines the functions of the Internal Investigation Section…of SAPOL as the entity responsible for the primary investigation of complaints, subject to the oversight of the Office of the Police Ombudsman. It is a clear expectation of the Act that the majority of investigations will be conducted by [the Internal Investigation Section], and this has been the practice since the Act was introduced.

The aim of this bill is to review some of these complexities and use this opportunity to streamline it to the best extent reasonably possible. The other change in circumstances since 1985 is of course the introduction of the ICAC, the Office for Public Integrity. In such circumstances, and as proposed by this bill, the role of the Police Ombudsman may now properly be replaced with the ICAC and the Office for Public Integrity.

This also makes sense in the broader context of the role of the ICAC in relation to investigations into corruption and serious or system maladministration or misconduct in public in public administration. The reforms introduced in this bill are not only necessary only for the improvement of the management complaints but, as I have previously mentioned, they are also necessary in light of the introduction of the Office for Public Integrity and the Independent Commissioner Against Corruption in recent years. I am sure that the changes made in this bill will further enhance confidence in the South Australian police and the processes that are in place to investigate any complaints that may be made in the future. I commend this bill to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (17:09): It is my pleasure to rise not only as the member for Stuart on behalf of the people I represent but also as shadow minister for police to speak on the Police Complaints and Discipline Bill. I listened with interest to the contribution of our deputy leader, who is our lead speaker on this bill as shadow attorney-general, and agree with everything

she has said so far—there is no doubt about that—and appreciate the member for Napier's contribution as well.

The member for Bragg covered a lot of issues; I will not go back over all of them, but I will say that she deserves a fair bit of credit for the fact that this is here with us today because, while the government has said for a very long time that it was working on bringing forward this bill, it did drag for a very long time. The member for Bragg, the shadow attorney-general, actually said, 'I will put forward one of my own,' which is exactly what she did. She did the homework and did the work and came prepared with her bill, and that has significantly sped up the government in this area, and I think that is quite important.

For everybody outside this place who has been waiting for this bill, or a bill similar to this, to come forward and has also thought that it has taken too long, they can thank the member for Bragg for helping speed up the process. We in opposition support this bill in principle. We have no hesitation in doing that. We reserve our right to bring forward some amendments of our own and also to support or not support the amendments that have already been brought forward, and we will take those into serious consideration between the houses.

The broad thrust of what the government wants to do in this bill is certainly something that we in the opposition support without any doubt whatsoever. I am aware, as all members here would be, that the Police Association, the Independent Commissioner Against Corruption, the government and the opposition have all been working in the background with regard to what adjustments it might be sensible to make to the existing bill. The transition from the Office of the Police Ombudsman to ICAC seems a fait accompli, and I will briefly read an extract from the foreword to the report released just a few weeks ago:

> The next 12 months will probably see the closure of the OPO and the transition of operations to the ICAC. I anticipate that there will be a tension between the need for the OPO to operate efficiently until that transition occurs and the need for staff within the office to seek alternative employment prior to that transition. It may well be the case that some very experienced and capable staff will leave the office to seek other opportunities with the result that the efficient day to day running of the office may suffer to some extent. That situation will pose a challenge over the coming months.

While we all seem, in principle, to support the move and the transition, of course, as the Ombudsman has made clear in that part of the foreword, it will be very important for us to make sure that the transition is managed effectively.

Apart from the obvious, which is that any such transition needs to be managed effectively, the issues that the Office of the Police Ombudsman deal with and those that the ICAC will probably deal with are exceptionally important matters, and they are important for many reasons. They are important because they are at the heart of our justice system and at the heart of our policing system, but they are also incredibly important to the individual people who are caught up in the issues that are being investigated/considered. These matters are of extreme importance to everybody involved. Whether it be a police officer who might be being investigated or a member of the public who has a claim that he or she has brought forward, this transition will have to be dealt with extreme carefully.

I just want to turn briefly to the subject of internal investigations. It does not matter what the organisation, the general public is uncomfortable or perhaps a bit sceptical of any organisation that investigates itself; whether it were a police disciplinary tribunal, or members of parliament investigating themselves, or whether it were the Scouts, it would not matter. Whilst of course internal investigations have their place, they are usually sceptically viewed by outsiders and by members of the public. That is something that no doubt the government has considered, and the opposition has certainly considered, with regard to its consideration of this bill and the broader question of the transition.

By way of example, I turn again to the Police Ombudsman's report released a couple of weeks ago. The Ombudsman makes it very clear that there are concerns that exist within that office in relation to the police and the exercise of police powers of arrest and powers to search premises, persons and vehicles with regard to the power of the Commissioner of Police to deal promptly with breaches of discipline. There are concerns about the overzealous enforcement of the Firearms Act, and complaints more generally, with regard to the excessive use of force.

Let me also say very clearly that there are slightly more than 4,500 police officers in the South Australian police. With that large number of people working in any organisation, it is not surprising that they would not all go about their duties in a perfect manner, that they would not all go about their duties in a way that the public, or the commissioner, or the government, or members of parliament would accept. In fairness, we have an absolutely outstanding police force in South Australia.

We have a police force which year after year is regarded by the South Australian public more highly than other police forces are regarded around Australia by people who live in those various states. We have an outstanding police force, but it is not perfect, and every year there are examples of situations where police officers have acted inappropriately, and that is why this bill is so important, and that is why getting it right is so important.

I will share a brief outline of a case study that highlights how the system we have in place at the moment, which is a combination of authorities (including the courts) to look into issues, really has not delivered the results we would expect. I use the case of a constable who, back in December 2012, treated two homeless men in a park in Adelaide completely inappropriately, and who yet with a range of investigations will still not be properly dealt with by the Police Disciplinary Tribunal until a hearing that will come about in January 2017—that is, December 2012 through to January 2017, when the next hearing will look at that matter of alleged inappropriate behaviour.

In the meantime, there has been another allegation of inappropriate behaviour against the same officer apparently for, at the very least, bad-tempered treatment of a member of the public. December 2012 to January 2017 is completely unacceptable, and if that process had been dealt with efficiently and expediently, and in a much more timely fashion, it is very likely that the second allegation would never have arisen, and that might be for a range of reasons.

It might be because the officer, if it was found that he acted inappropriately in the first instance, was given counselling, was given training, was given advice, was given whatever was necessary so that he could pursue his career without seemingly running foul of what the public would consider to be appropriate behaviour the second time. It might be that he was found to be completely innocent. It might be, as is suggested by the Ombudsman, that his state of mind was not that which we would consider consistent with being able to discharge his duties as a police officer.

There are a whole range of potential outcomes if this had been dealt with properly the first time. I use that as an example of why we have to get this right, why we have to get this bill amended in a way that gives comfort to the public and all police officers that they are being dealt with properly. It needs to be efficient, it needs to be thorough, it needs to be open minded and it needs to be timely.

I have a great deal of sympathy with the proposals that the Police Association has put forward, but I think it is also important to say that I would not automatically accept that what the Police Association puts forward as the right way for police officers to be investigated if it seems that they have acted inappropriately will not automatically be the way this parliament will choose to settle on the legislation as well. The Police Association will have insight that we do not have. The Police Association will have suggestions that will be very important for us to consider, but the Police Association, representing police officers, may also not have exactly the suggestions the parliament sees fit to pursue.

We from opposition will look at this extremely closely between the houses. We are more than happy to support the bill in this place because we all agree on the principles. We will come back in another place with the support or otherwise for the amendments that have been put forward and quite possibly some other amendments of our own.

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) (17:22): I want to thank everyone who has made a contribution in this debate. So that members are clear on where we have got to, there was a lengthy process involving Commissioner Lander, where he had negotiations with the Police Association and the police commissioner. The bill was drafted on the basis of our understanding of the outcome of those discussions.

However, it is the case that there have been further thoughts on the part of a number of parties about that matter, and most of those thoughts are now contained in the amendments which stand in my name and which have been filed in this matter. I should say to members that there remain one or two matters which are outstanding in the nature of matters which are not predominantly between the Office for Public Integrity and either the police commissioner or PASA, but matters which are predominantly between PASA and the police commissioner and do not specifically or necessarily cause issues for the OPI.

As recently as yesterday, I have had conversations with Mr Carroll from PASA and Commissioner Stevens. I indicated to them that between the houses I would like to have an opportunity to meet with them with a view to our coming to an agreed position between them, which hopefully will mean that there will be a few other government amendments in the Legislative Council, but I think they will be confined to those issues.

These amendments, which are now here and filed in my name, represent the bulk of the amendments the government will be moving in this matter but, in order to see this bill progress, because there is no good reason to leave it sitting here, I intend in committee to move all of the amendments standing in my name and then, between the houses, to continue conversations with the Commissioner of Police, Mr Lander and Mr Carroll with a view to resolving any remaining issues.

I am led to believe there are not many issues, perhaps one or two. I will attempt to resolve those between the houses and that might, as I said, involve one or two further government amendments in the other place. I think the process has been working well so far, and I thank everyone for their contributions and look forward to our progressing these matters now in committee.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

Clause 6.

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

Amendment No 1 [AG–1]—

Page 7, line 31 [clause 6(4)]—After 'officers' insert 'the ICAC and the OPI'

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9.

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

Amendment No 2 [AG–1]—

Page 8, lines 16 to 19—Delete clause 9 and substitute:

9—Complainant and police officer to be kept informed of progress of complaint

(1) Subject to this section, the Commissioner must, except in the case of a complaint that is investigated by the ICAC under section 30, cause—

(a) the complainant in relation to a complaint; and

(b) each police officer who is the subject of a complaint,

to be informed of the progress and resolution of the complaint.

(2) Subject to this section, if a complaint is investigated by the ICAC under section 30, the ICAC must, in accordance with the requirements set out in the regulations, cause—

(a) the complainant in relation to the complaint; and

(b) each police officer who is the subject of the complaint,

to be informed of the progress and resolution of the complaint.

(3) However, the Commissioner or the ICAC need not keep a police officer who is the subject of a complaint so informed if—

(a) the complaint is a complaint referred to in section 15; or

(b) the Commissioner or the ICAC (as the case requires) is of the opinion that—

(i) so informing the police officer would prejudice the investigation of the complaint; or

(ii) the complaint raises a potential issue of corruption in public administration that could be the subject of a prosecution.

Amendment carried; clause as amended passed.

Clauses 10 and 11 passed.

Clause 12.

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

Amendment No 3 [AG–1]—

Page 9, line 19 [clause 12(1)]—Delete 'suspects on reasonable grounds' and substitute:

'reasonably suspects'

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14.

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

Amendment No 4 [AG–1]—

Page 10, line 7 [clause 14(1)]—After 'report' insert 'received by or'

Amendment No 5 [AG–1]—

Page 10, line 15 [clause 14(1)]—Delete 'and recommendations must be made to the OPI accordingly'

Amendment No 6 [AG–1]—

Page 10, lines 20 and 21 [clause 14(2)(b)]—Delete 'or the *Police (Complaints and Disciplinary Proceedings) Act 1985*' and substitute:

', the *Police (Complaints and Disciplinary Proceedings) Act 1985* or the *Police Act 1998*'

Amendment No 7 [AG–1]—

Page 10, after line 29—Insert:

(4) If a particular complaint is assessed as being a complaint referred to in subsection (1)(a) or (c), the officer in charge of the IIS must, in a manner and form determined by the OPI, notify the OPI of that fact.

Amendments carried; clause as amended passed.

Clause 15.

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

Amendment No 8 [AG–1]—

Page 10, line 35 [clause 15(a)]—After '1985' insert ', *the Police Act 1998*'

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17.

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

Amendment No 9 [AG–1]—

Page 11, line 23 to page 12, line 3—Delete clause 17 and substitute:

17—Further matters relating to operation of Part

(1) The Governor may, by regulation—

(a) specify the kinds of complaints, reports and conduct that should, or should not, be the subject of a determination under section 16; and

(b) set out procedures for dealing with matters under this Part (including, to avoid doubt, making provision for the conciliation of complaints); and

(c) make further provisions relating to the operation of this Part.

(2) The Commissioner must, in respect of the operation of this Part, have regard to, and seek to give effect to, the following principles:

(a) the purpose of a management resolution under this Part is to avoid formal disciplinary proceedings by dealing with the matter as a question of educating, and improving the future conduct of, the police officer concerned;

(b) management resolution of matters under this Part is to be conducted as expeditiously as possible and without undue formality.

Amendment carried; clause as amended passed.

Clause 18.

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

Amendment No 10 [AG–1]—

Page 12, lines 7 and 8 [clause 18(1)]—Delete '(including any arrangement entered into under section 17)'

Amendment No 11 [AG–1]—

Page 12, line 28 to page 13, line 8 [clause 18(4), (5) and (6)]—Delete subclauses (4), (5) and (6) and substitute:

(4) In the course of a management resolution under this Part, the Commissioner may take action, or order the taking of action, of 1 or more of the following kinds in respect of the police officer:

(a) impose a restriction on the ability of the police officer to work in a specified position, or to perform specified duties, within SA Police;

(b) remove, or impose conditions on, any accreditation, permit or authority granted by SA Police to the police officer;

(c) provide the police officer with counselling;

(d) issue the police officer with a reprimand.

(5) However, the Commissioner may only take action of the kind referred to in subsection (4)(a) or (b) if he or she is satisfied that—

(a) the action is appropriate in order to—

(i) provide an opportunity for the police officer to undertake remedial education or training; or

(ii) establish that the police officer is competent and capable of carrying out specified duties; and

(b) it is appropriate in all of the circumstances to take the action, having considered—

(i) the potential impact of the action on the police officer concerned; and

(ii) the risks to other members of SA Police and the community of not taking such action.

(6) If the Commissioner takes action of the kind referred to in subsection (4)(a) or (b), the Commissioner must—

(a) advise the police officer of the remedial education or training to be undertaken, and the competencies (if any) required to be demonstrated before the relevant action will be revoked; and

(b) provide remedial education or training, and an opportunity to demonstrate the required competencies, to the police officer as soon as may be reasonably practicable.

(7) The Commissioner must revoke any action taken under subsection (4)(a) or (b) if—

(a) the police officer successfully completes the required remedial education or training and has demonstrated to the Commissioner that the police officer is competent and capable of carrying out specified duties; or

(b) a period of 6 months has elapsed since the action was taken,

whichever occurs first.

(8) Information obtained in the course of a management resolution under this Part is not to be used in relation to a prescribed determination relating to the police officer concerned.

(9) However, subsection (8) does not apply to information referred to in that subsection if the Commissioner is of the opinion that—

(a) the police officer has engaged in a pattern of unsatisfactory conduct (whether the conduct is of the same kind or of different kinds) or unsatisfactory performance (as contemplated by section 46 of the *Police Act 1998*); and

(b) it is appropriate for the information to be used in relation to a prescribed determination relating to the police officer, having first sought and considered any views of the police officer as to the use of the information.

(10) On completion of a management resolution under this Part, the resolution officer must inform the police officer concerned and the person who made the relevant complaint, report or allegation of the outcome of the management resolution.

(11) In this section—

prescribed determination means—

(a) a determination relating to the promotion or transfer of a police officer (whether on application or otherwise); and

(b) a determination relating to an award of a medal or other accolade (however described); and

(c) any other determination prescribed by the regulations for the purposes of this definition.

Amendments carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21.

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

Amendment No 12 [AG–1]—

Page 14, lines 20 and 21 [clause 21(7)]—Delete 'of the particulars of the matter under investigation' and substitute:

of—

(a) the time and place at which the conduct is alleged to have occurred; and

(b) the nature of the alleged conduct.

Amendment No 13 [AG–1]—

Page 14, after line 21—Insert:

(7a) Subsection (7)(a) does not apply if the time and place at which the conduct is alleged to have occurred is not known.

(7b) Subsection (7) does not apply if the member of IIS is of the opinion that so informing the officer may prejudice the investigation.

Amendment No 14 [AG–1]—

Page 15, lines 12 to 14 [clause 21(14)]—Delete subclause (14)

Amendments carried; clause as amended passed.

Clause 22.

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

Amendment No 15 [AG–1]—

Page 15, lines 23 to 28 [clause 22(3)]—Delete subclause (3) and substitute:

(3) The Commissioner need not comply with subsection (2) where the Commissioner is satisfied that to do so would unduly delay any action to be taken in respect of the matter.

(3a) The Commissioner must, on commencing proceedings for a breach of discipline, provide to the police officer concerned a written notice indicating the punishment that the Commissioner would be likely to impose if the breach of discipline were proved on the basis of the facts as known to the Commissioner at the time the notice of allegation is presented.

(3b) The notice referred to in subsection (3a) must not be provided to the Tribunal in any proceedings under this Part.

Amendment No 16 [AG–1]—

Page 15, lines 32 to 34 [clause 22(6)]—Delete subclause (6)

Amendments carried; clause as amended passed.

Clauses 23 to 27 passed.

Clause 28.

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

Amendment No 17 [AG–1]—

Page 18, after line 39—Insert:

(3) The officer in charge of the IIS must, as soon as is reasonably practicable (but in any event within 7 days) after becoming aware of a substituted assessment under subsection (1)(b), cause the information required by the regulations in respect of the substituted assessment to be recorded on the complaint management system.

Amendment carried; clause as amended passed.

Clauses 29 to 31 passed.

Clause 32.

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

Amendment No 18 [AG–1]—

Page 19, lines 40 and 41 [clause 32(1)]—Delete '(other than a decision in respect of a preliminary, interlocutory or procedural matter)'

Amendment No 19 [AG–1]—

Page 20, lines 1 to 6 [clause 32(2)]—Delete subclause (2) and substitute:

(2) An appeal may not be made under subsection (1) in respect of a preliminary, interlocutory or procedural matter unless—

(a) the appeal relates to a decision by the Tribunal to grant a stay of proceedings or to refuse to grant a stay of proceedings; or

(b) the Court is satisfied that there are special reasons why it would be in the interests of the administration of justice to have the appeal determined before the commencement or completion of the trial and grants its permission for an appeal.

(2a) A police officer may appeal to the Court against an order of the Commissioner imposing a sanction on the police officer under section 26.

Amendments carried; clause as amended passed.

Clauses 33 and 34 passed.

Clause 35.

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

Amendment No 20 [AG–1]—

Page 21, line 23 [clause 35(7)]—After 'by' insert 'the police officer concerned and a person nominated by'

Amendment carried; clause as amended passed.

Clauses 36 to 42 passed.

Clause 43.

The CHAIR: We are looking at clause 43, but the amendment actually removes it. As long as Hansard is with us, that is all that matters.

Clause deleted.

Clauses 44 and 45 passed.

Clause 46.

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

Amendment No 22 [AG–1]—

Page 24, after line 37 [clause 46(2)]—After paragraph (d) insert:

(da) if the information relates to the person and is disclosed by the person to a close family member of the person; or

Amendment No 23 [AG–1]—

Page 25, after line 18—After subsection (3) insert:

(4) For the purposes of subsection (2)(da), a person is a *close family member* of another person if—

(a) 1 is a spouse of the other or is in a close personal relationship with the other; or

(b) 1 is a parent or grandparent of the other (whether by blood or by marriage); or

(c) 1 is a brother or sister of the other (whether by blood or by marriage); or

(d) 1 is a guardian or carer of the other.

Amendments carried; clause as amended passed.

Clauses 47 and 48 passed.

New clause 48A.

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

Amendment No 24 [AG–1]—

Page 26, after line 14—Insert:

48A—Review of Act

(1) The Minister must cause a review of the operation of this Act to be conducted and a report on the review to be prepared and submitted to the Minister.

(2) The review and the report must be completed before the third anniversary of the commencement of this Act.

(3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

New clause inserted.

Clause 49.

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

Amendment No 25 [AG–1]—

Page 26, after line 25 [clause 49(2)]—After paragraph (c) insert:

(ca) make provisions facilitating the proof of matters in proceedings under this Act; and

Amendment carried; clause as amended passed.

Schedule 1.

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

Amendment No 26 [AG–1]—

Page 29, lines 1 to 13 [Schedule 1, clause 15]—Delete clause 15

Amendment No 27 [AG–1]—

Page 39, line 4 [Schedule 1, clause 54(1)]—Delete 'repealed Act' and substitute '*Police Act 1998*'

Amendment No 28 [AG–1]—

Page 39, lines 11 and 12 [Schedule 1, clause 54(2)]—Delete subclause (2)

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Ministerial Statement

YATALA LABOUR PRISON INCIDENT

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) (17:35): I table a copy of a ministerial statement relating to an incident at Yatala Labour Prison made earlier today in another place by my colleague the Minister for Correctional Services.

At 17:36 the house adjourned until Wednesday 28 September 2016 at 11:00.