HOUSE OF ASSEMBLY

Tuesday, 14 February 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

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

Bills

RELATIONSHIPS REGISTER (NO 1) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (GENDER IDENTITY) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

ADOPTION (REVIEW) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

Ministerial Statement

CHILD PROTECTION SYSTEMS ROYAL COMMISSION

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) (11:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: Today, the government seeks to introduce the largest piece in a suite of legislative reforms in response to the Child Protection Systems Royal Commission. This comes with the government's announced investment of more than $430 million to deliver a new child protection system in South Australia.

On 29 November 2016, the government released its response to the royal commission, together with the Children and Young People (Safety) Bill 2016, for public consultation. Since then, the government has received a number of submissions and comments from government and non-government organisations, and members of the public. The government has listened to the feedback and a number of changes have been made to the bill, including reinstatement of provisions regarding Child Safe Environments.

Child Safe Environments reflect the importance of addressing risk factors as early as possible to avoid the need for statutory intervention. As outlined in the government's response to the Child Protection Systems Royal Commission, the government is committed to reorientating the child development system and has committed a significant increase in funding to early intervention and prevention. These reforms require a whole-of-government and non-government partnership to progress and will not be fixed by legislation alone.

When risks increase and a statutory response is required we need to have the right measures in place to empower the Department for Child Protection to make the right decisions. The Children and Young People (Safety) Bill 2016 reforms the statutory child protection system in South Australia from the ground up. Tinkering with the current act is no longer an option.

We have heard that tragedies have occurred in the past because too often the safety of children has given way to the goal of keeping families together when it is too late to do so. This bill makes unequivocally clear that the safety of children is paramount in the administration and enforcement of the bill. Of course, there are other important considerations that those working with the bill will have to take into account; however, it reiterates that these will always be subject to the child's safety.

By providing these guiding boundaries, it allows for the department to set necessary policies and procedures that allow for the professional judgement of those working closest to children and young people. The bill also enshrines the involvement of children and young people in the decision-making process, increases rights and recognition of carers, and lays the foundation for alternative intervention avenues such as child and family assessment and referral networks and family group conferences.

I thank all those who have provided input and feedback into this important bill and look forward to its swift passage through parliament so that the regulations and transitional provisions can be drafted.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

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) (11:07): I move:

That standing orders be and remain so far suspended as to enable the introduction without notice forthwith and passage of a bill through all stages without delay.

Members interjecting:

The SPEAKER: I call the deputy leader to order. I am on my feet, as it happens, to count the house. An absolute majority not being present, ring the bells.

Ms Sanderson: Where is the bill? It's not online.

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

Mr Gardner: Did you guys know the Deputy Premier was going to do this without notice?

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

Mr GARDNER: I was talking to my friends, sir.

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

Motion carried.

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:09): Obtained leave and introduced a bill for an act to protect children and young people from harm; to provide for children and young people who are in care; and for other purposes. Read a first time.

The SPEAKER: Is it seconded?

Ms Sanderson: No.

The SPEAKER: The member for Adelaide does not need to interject that it is not seconded.

Mr Gardner: Nobody has seconded it, sir.

The SPEAKER: Well, someone has seconded it, as it turns out. The member for Torrens has seconded it. It is somewhat unusual for anyone to oppose a first reading, but the member for Adelaide is welcome.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:10): I move:

That this bill be now read a second time.

The Children and Young People (Safety) Bill 2017 is a landmark piece of legislation that repeals the Children's Protection Act 1993 and creates a new child protection framework to implement recommendations made by the Child Protection Systems Royal Commission in its report 'The life they deserve'.

The status quo is not an option, and this bill provides a scheme where the protection of children and young people from harm is at the very centre of the child protection system and is above all other priorities. It is the paramount consideration for those charged with the administration, operation and enforcement of this legislation.

Child abuse and neglect negatively affect a child's development, including the physical, psychological, cognitive, behavioural and social aspects of a child's development. They can result in attachment difficulties, trauma, physical health problems and learning difficulties. The negative effects of child abuse and neglect can be long-lasting and intergenerational. Young people and adults who were abused or neglected during childhood commonly experience mental health problems, and there is a strong association between sexual abuse and substance abuse.

It is a difficult task for the state of South Australia, or indeed any jurisdiction, to determine the appropriate threshold or trigger that should cause the state to step in and protect a child or a young person from harm or the risk of harm. This difficulty is acknowledged by the Guardian for Children and Young People, who noted in a recent annual report:

Intervention by the State is not without its difficulties and finding exactly the 'right' balance between when to intervene and when not to intervene is very challenging, as is the way in which it can be accurately expressed in legislation to cover the appropriate circumstances. Determining when the State should be authorised to investigate, modify or terminate an individual child's relationship with his or her parents is full of dilemmas.

Two major factors come into play: the rights and safety of the child and the rights of the family to be intrinsically involved in the resolution of the issues for mutual benefit. The love and care that can be provided within a family unit, in all its many varied forms, is the best and safest place for a child or young person to thrive and to gain strength. Sadly, in those cases where the jurisdiction of the Department for Child Protection is invoked, the state must step in and fulfil this role for varying lengths of time.

As the case studies in the royal commission report and the recent coronial inquests into the untimely and tragic deaths of Chloe Valentine and Ebony Napier attest, in the past there has at times been too great an emphasis placed on ensuring the preservation of the immediate family unit, with an unacceptable level of risk for a child being tolerated to achieve this.

This bill seeks to enshrine in legislation to make clear to all involved in its operation, enforcement and administration that the safety of the children and young people is the centre of the decisions made. This bill does not seek to amend the current scheme to achieve this. Instead, it provides for transformational change for child protection and within the Department for Child Protection. The bill is a framework to support those who work closest to the children and young people and empower the department to make decisions with children and young people at the centre and in their best interests.

This bill is just one of a number of reforms that this government is leading to address child abuse and neglect. Other reforms in the important areas of early intervention and prevention are being led as part of 'A fresh start', the government's response to the Child Protection Systems Royal Commission.

By way of background, on 15 August 2014, Justice Margaret Nyland received a commission from the Governor to conduct an inquiry into South Australia's child protection systems. On 5 August 2016, Commissioner Nyland provided the royal commission report to the Governor. The report contained 260 recommendations to the government, some of which require legislative reform. This bill implements part or all those legislative reform recommendations, namely, recommendations 47, 56, 63, 67, 69, 70, 95 to 101, 134, 135, 137, 153, 154, 160, 180, 198 and 242.

This bill represents one component of a suite of legislation implementing recommendations from the royal commission and reforming child protection systems in South Australia. This legislation includes the Children and Young People (Oversight and Advocacy Bodies) Act 2016, which establishes the Commissioner for Children and Young People, and the Child Safety (Prohibited Persons) Act 2016, which creates a new regime to govern working with children checks. The other related legislation is the Public Sector (Data Sharing) Act 2016 which, once in operation, will facilitate a greater capacity to share data between government and non-government agencies, thereby further strengthening a proactive capacity in the Department for Child Protection to intervene where required and in an appropriate and timely way.

I now turn to discuss key features of this bill. Chapter 2 of the bill sets out the guiding principles for the purposes of the legislation. Specifically, in chapter 2, part 1, the parliamentary declaration about the value and importance of children and young people sets a tone and provides a theme for the entirety of the legislation.

Clause 7 of the bill proceeds to make it unequivocally clear to all involved in the administration, operation and enforcement of the legislation, which includes the court, that the paramount consideration is to protect children and young people from harm. This is underpinned by clause 8, which sets out other needs of children and young people to be considered, including the need to be heard and have views considered, the need for love and attachment, the need for self-esteem and the need to achieve their full potential. However, throughout the bill, you will see that other considerations to be taken into account in its operation will always be subject to the primary objective: the safety of children and young people.

Chapter 2, part 3, sets out the principles to be applied in terms of intervention and the placement of a child or young person at risk of harm. The principles of intervention place emphasis on timely action and decision-making, stating that in the case of young children decisions and action should be made and taken as early as possible in order to promote permanence and stability for the child.

The principles also indicate that, wherever possible, adequate consideration should be given to the views expressed by the child or young person. Clause 9(3) of the bill makes clear, however, that none of the principles of intervention can displace the paramount consideration set out in clause 7 of the bill, which is the need to ensure that children and young people are safe from harm.

The placement principles set out in clause 10 of the bill confirm that a child or young person removed pursuant to the legislation should be placed in a safe, nurturing, stable and secure environment, preferably with someone known to the child or young person. Clause 11 of the bill carries across but further refines the Aboriginal and Torres Strait Islander Child Placement Principle. Importantly, the principle continues to advocate for Aboriginal and Torres Strait Islander children to be placed with their own extended families, with members of their communities or, if neither of those placements can be found, with other Aboriginal or Torres Strait Islander families.

Currently, custody and guardianship is a function undertaken by the minister under the Children's Protection Act 1993. This bill vests the guardianship of children and young people in the Chief Executive of the Department for Child Protection. Conferring this responsibility upon the chief executive also better aligns the South Australian system with systems in other jurisdictions. In accordance with the undertaking given by the government during the passage of the Children and Young People (Oversight and Advocacy Bodies) Act 2016, chapter 2 and part 4 of the bill

appropriately includes the Charter of Rights for Children and Young People in Care, which is currently located in the Children's Protection Act.

Chapter 4 of the bill sets out some of the options that can be used when a child or young person is at risk but the risk is of a nature or type that does not warrant the child's removal. These provisions deal with the establishment of assessment and referral networks, convening of family group conferences and case planning. As was identified and recommended by the royal commission, either the chief executive or the court may convene a family group conference. This is necessary as a number of child protection matters may never progress to seeking court orders for various reasons. It is in these cases that the chief executive has access to a family group conference as a mechanism of early intervention to attempt to address and prevent further escalation of a child protection matter.

The Youth Court will, as is currently the case, also have the power to convene a family group conference should that be required. It is important to note here that this chapter is not an exhaustive list of all avenues of early intervention and prevention. These are only a small number which require legislative force for various reasons, including information sharing. The government has acknowledged the importance of early intervention and prevention to address child abuse and neglect in its response to the Child Protection Systems Royal Commission, and is continuing reform in this area in partnership with non-government organisations.

Chapter 5 of the bill identifies when risk arises and what should be done, commencing with reporting obligations. Part 1 reiterates that it is the duty of everyone to safeguard and promote the outcomes set in clause 4(2) of the bill but retains the existing requirements under the Children's Protection Act 1993 that certain persons must report their suspicion that a child or young person is at risk. These persons must report any suspicion formed in the course of their employment if they have reasonable grounds for their suspicion, with failure to do so attracting a significant penalty.

Part 2 sets out the nature of the assessment to be done with respect to reports received pursuant to clause 28 or by other means. Of note is that clause 29 confirms that an assessment must be done on each and every report. Importantly, clauses 30 and 31 of the bill provide greater powers for the Chief Executive of the Department for Child Protection, powers which previously required a court order. This is the ability to investigate the circumstances of a child or young person at risk and directing that a child or young person be professionally examined or assessed. This allows the department to begin assessment of a child early and not to be delayed by the court process.

Chapter 5, part 3, of the bill outlines the threshold for the removal of a child or young person providing that a child protection officer may remove a child or young person if they believe on reasonable grounds that the child or young person has suffered serious harm or there is a significant possibility they will suffer serious harm and it is necessary to remove them to protect them as there is no reasonably practical alternative. Part 3 also sets out the action to be taken once a child or young person has been removed.

Chapter 5, part 4, of the bill authorises the removal, and the chief executive's temporary guardianship, of a child born to an offender who has been found guilty of a 'qualifying offence'. These measures have been preserved and carried across from the Children's Protection Act 1993 as they arose from recommendations of the Coroner in the inquest into the death of Chloe Valentine. Chapter 6 of the bill prescribes the court processes in terms of who may make applications to the Youth Court, when the application can be made and the orders that can be made. It also provides for the legal representation of children and young people and the obligations of legal practitioners in accordance with the royal commission's recommendation 69.

Of further note is clause 51 of the bill which reverses the onus of proof so that the objector must satisfy the court, on the balance of probabilities, that the order should not be made. This arises from royal commission recommendation 154. Clause 51(2) clarifies that this does not apply to the child or young person to whom the proceedings relate or to the Crown. The government is strongly of the view that this is appropriate and necessary as a fundamental key to underpin the stability and permanency of placements made of children and young people under the guardianship of the chief executive.

The rationale for this, put simply, is the need to place children and young people who have been removed from their parents or caregivers by the Department for Child Protection at the centre

of all decision-making. Matters which are the subject of orders pursuant to the current Children's Protection Act 1993 and in the future under this bill, are of a serious nature, often with children and young people having already experienced trauma or harm. The government will not allow the further trauma of instability and uncertainty regarding their placement to add further distress to not only the child or young person but their carers.

Provisions relating to foster care and foster care agencies are currently in the Family and Community Services Act 1972, which will now be addressed in chapter 7 of the bill. Specifically, chapter 7, part 1 of the bill will define 'out of home care' and the process of approval for 'approved carers' (formerly described as 'foster carers'), and when this approval can be cancelled by the chief executive.

Of note is that the application process in chapter 7, part 1, of the bill connects with the Child Safety (Prohibited Persons) Act 2016. Due to the nature of child protection, there will be instances where a child or young person must be urgently removed from the custody and/or guardianship of their parents or caregivers. Clause 69 of the bill provides a mechanism for this to be done, on a short-term, temporary basis, without infringing upon existing statutory requirements both under the bill and the Child Safety (Prohibited Persons) Act 2016.

Chapter 7, part 1, division 4, also gives effect to royal commission recommendations 99 and 100, by conferring upon approved carers entitlements to be provided with certain information and to participate in decision-making processes. Importantly, children and young people are also afforded the right to certain information about their placement with a carer.

Chapter 7, part 3, of the bill addresses the transition to long-term guardianship orders for approved carers, currently known and referred to as 'other person guardian' status or 'OPG'. Under these provisions, after two years of caring for a child or a young person, approved carers can apply to the chief executive for an application to be made to the Youth Court placing the child or young person under the approved carer's guardianship.

Once an assessment has been made and the approved carer is determined to be suitable, pursuant to clause 83 of the bill, there is a mandatory requirement that the chief executive apply to the court for such orders to give effect to the proposed long-term guardianship arrangement. As stated previously, should any person object to such an application being made, clause 51 of the bill will place the burden of proof on them as to why the order should not be made. This of itself should give greater comfort and certainty to approved carers to proceed with making long-term guardianship order applications to the chief executive and to obtain the much-needed certainty with regard to the placement of the child or young person in their care.

Part 4 of chapter 7 of the bill deals with contact arrangements for children and young people, providing, in line with royal commission recommendation 73, that contact arrangements are to be determined by the chief executive who must have regard to particular considerations, depending upon whether reunification is likely. Clause 85 of the bill provides for contact arrangements to be determined by the chief executive. There will also be a mechanism for review of these decisions pursuant to clause 87 of the bill by the Contact Arrangements Review Panel (established under clause 86).

Finally, part 8 of chapter 7 of the bill deals with the provision of assistance to young people between 16 and 26 years of age who are leaving, or have left, a care placement. This includes assistance to find accommodation, employment and support services. This is a significant step forward in assisting care leavers to make the transition from care to the adult world and providing them with a good start to adult life.

Chapter 8 of the bill reinstates child safe environments. Of note is the overwhelming community support received during consultation on the draft bill that these measures be reinstated and further refined to reflect current practice. Child abuse can occur in a variety of circumstances; however, research shows that abuse is more likely to take place in organisations that have, amongst other characteristics, inadequate guidelines, gaps between policy and practice, unwillingness to listen to the child or young persons, and poor or limited access to information.

Legislative provisions, such as those contained in chapter 8 of the bill, cause prescribed organisations to develop child protection policies, which will act as a guide to persons when a matter

of concern arises. It also serves as a statement of the organisation's commitment to child safety in this state.

Royal commission recommendation 137 recommends that the government 'legislate for the development of a community visitors' scheme for children in all residential and emergency care facilities'. Chapter 9 of the bill gives effect to this recommendation. Chapter 10 of the bill, which relates to the transfer of certain orders and proceedings between South Australia and other jurisdictions, has largely been carried across from the existing Children's Protection Act 1993.

Chapter 11 of the bill addresses a range of administrative matters associated with child protection, including the powers and functions of the chief executive of the department and of child protection officers. Chapter 11, part 3, of the bill implements royal commission recommendations regarding information gathering and sharing. Part 4 of chapter 11 of the bill imposes additional reporting obligations upon the chief executive with respect to various matters, including progress in the implementation of royal commission recommendations, the allocation of caseworkers and the management of case plans. These reports must be submitted to the relevant minister annually and must be made public as soon as reasonably practicable.

Chapter 12 of the bill sets out two mechanisms for review of decisions made under the bill: internal review of a decision made by the chief executive or a child protection officer (the scope of which will be defined by regulations) and an external review by the South Australian Civil and Administrative Tribunal (SACAT). As to the latter, clause 149 confers upon SACAT jurisdiction to review certain prescribed decisions made by the chief executive in chapter 7 of the bill. For the sake of clarity, an applicant as defined seeking a review from SACAT must first exhaust the internal review of the original decision.

Many will note that this bill does not contain any consequential or transitional provisions. This will be addressed in a separate bill to be introduced into this place in the very near future. The provisions in this bill require consequential amendments to a number of statutes before coming into operation. These include the Family and Community Services Act 1972, the Youth Court Act 1993, the Youth Justice Administration Act 2016, the Children and Young People (Oversight and Advocacy Bodies) Act 2016, the Child Safety (Prohibited Persons) Act 2016, the Education and Early Childhood Services (Registration and Standards) Act 2011, the Intervention Orders (Prevention of Abuse) Act 2009, the Births, Deaths and Marriages Registration Act 1996, the Carers Recognition Act 2005, the Coroners Act 2003, the Mental Health Act 2009, the Residential Tenancies Act 1995, the Spent Convictions Act 2009 and the Summary Procedure Act 1921. Extensive transitional provisions will also be required to facilitate the transition from the existing child protection regime under the Children's Protection Act 1993 to the new.

Finally, schedule 1 of the bill addresses a related matter brought to the government's attention. South Australia remains the only jurisdiction not to be proclaimed under section 69ZF of the Family Law Act 1975. Before a proclamation can be made, amendments to the Commonwealth Powers (Family Law) Act 1986 (SA) are required to extend the referral of power to the commonwealth for family law purposes. This is needed, as the current referral of power restricts the jurisdiction of family courts where a child is subject to orders under a child welfare law and prevents a family court from making parenting orders or child maintenance orders until the child welfare order ceases.

This gap in the law is a real and increasing problem for the family and federal circuit courts practising in this jurisdiction. Currently, where an order is in place under a state child welfare law, the state order will take precedence over an order made pursuant to the commonwealth Family Law Act 1975. In practice, this means that when a child is under a guardianship order made pursuant to the Children's Protection Act 1993, the parties need to go back to the Youth Court and make a fresh application to get the state order removed before reapplying to the Family Court or Federal Circuit Court for orders concerning the child, despite the state consenting to the order being removed. This process takes time, which of most concern prolongs the uncertainty of placement for the child or young person in question and constitutes an inefficient use of resources.

Accordingly, section 3 of the Commonwealth Powers (Family Law) Act 1986 is proposed to be amended by schedule 1 of the bill. The amendment will permit the Family Court to make an order in respect of a child subject to a guardianship or custody order under the bill. However, in keeping

with the approach taken by other jurisdictions in order to retain control over such child welfare matters, the Family Court will only be able to do so with the consent of the Chief Executive of the Department for Child Protection.

I wish at this point to thank all organisations, agencies both government and non-government and individuals who provided extensive and comprehensive feedback during the public consultation on the draft bill tabled on 29 November 2016. All the feedback received was considered and actioned, where appropriate, for inclusion in the bill and provided invaluable insight into areas of concern for all involved or who have an interest in child protection in South Australia. The proposed legislative reforms to the child protection system are an integral part of a larger package of reforms undertaken in response to the royal commission's recommendations. This bill forms a significant component of such reforms.

Other action will need to include policy and cultural changes within both government agencies and not-for-profit organisations undertaking functions or providing services to children and young people in this state. The introduction of this bill signals a milestone in the reform of child protection in the state of South Australia. The government looks forward to the bill being passed as soon as possible to allow those charged with the enforcement, administration and operation of the legislation to have the certainty that is necessary to commence preparations for the commencement of this legislation. I commend the bill to members and seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Explanation of Clauses

Chapter 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Act to bind, and impose criminal liability on, the Crown

This clause provides that the measure binds the Crown, and extends the liability of the Crown to include criminal liability.

Chapter 2—Guiding principles for the purposes of this Act

Part 1—The importance to the State of children and young people

4—Parliamentary declaration

This clause sets out a number of declarations by Parliament in relation to children and young people.

5—Duty to safeguard and promote the welfare of children and young people

This clause expresses the principle underlying this measure that everyone is responsible for the safety of children and young people.

6—Interaction with other Acts

This clause states that this measure is to work in conjunction with the specified Acts, and does not limit other laws.

Part 2—Priorities in the operation of this Act

7—Safety of children and young people paramount

This clause sets out that, in the administration, operation and enforcement of this Act, the paramount consideration must always be to ensure that children and young people are, so far as is reasonably practicable, protected from harm. All other clauses of the measure are subordinated to this clause.

8—Other needs of children and young people

This clause sets out further needs of children and young people that are to be considered in terms of the measure.

Part 3—Principles to be applied in operation of this Act

9—Principles of intervention

This clause sets out the principles of intervention to be applied in respect of the performance of functions and powers under this measure.

The clause makes it clear that the Court is also bound by the requirements under the proposed section.

10—Placement principles

This clause sets out the principles to be applied in respect of placing children and young people removed under this measure, with the preference expressed for placing them with a person with whom they have an existing relationship.

The clause makes it clear that the Court is also bound by the requirements under the proposed section.

11—Aboriginal and Torres Strait Islander Child Placement Principle

This clause sets out the Aboriginal and Torres Strait Islander Child Placement Principle, which is to be observed in placing Aboriginal and Torres Strait Islander children in young people in care under the measure.

Part 4—Charter of Rights for Children and Young People in Care

12—Charter of Rights for Children and Young People in Care

This clause is the same as the provisions relating to the Charter under the repealed Act, relocated into this measure.

Chapter 3—Interpretation

13—Interpretation

This clause defines terms and phrases used in the measure.

14—Meaning of *harm*

This clause defines what 'harm' is for the purposes of the measure.

15—Meaning of *at risk*

This clause defines what it is for a child and young person to be 'at risk' for the purposes of the measure.

16—Minister may publish policies

This clause empowers the Minister to publish policies for the purposes of the measure, and makes procedural provision in respect of such policies. The policies are binding on persons or bodies engaged in the administration, operation or enforcement of the measure.

Chapter 4—Managing risks without removing child or young person from their home

Part 1—Child and Family Assessment and Referral Networks

17—Minister may establish Child and Family Assessment and Referral Networks

This clause empowers the Minister to establish Child and Family Assessment and Referral Networks, and makes procedural provision in respect of such networks, including the conferral of functions on them by the measure or the Minister.

Part 2—Family group conferences

18—Purpose of family group conferences

This clause sets out what family group conferences are intended to achieve.

19—Chief Executive or Court may convene family group conference

This clause sets out that either the Chief Executive or Court may convene a family group conference, and when a conference can be convened.

20—Who may attend a family group conference

This clause sets out who is entitled to attend a family group conference, and continues the effect of the current provision in the repealed Act.

21—Procedures at family group conference

This clause sets out the procedures for family group conferences, and continues the effect of the current provision in the repealed Act

22—Review of arrangements

This clause sets out when further conferences are to be convened to review arrangements, and continues the effect of the current provision in the repealed Act.

23—Chief Executive etc to give effect to decisions of family group conference

This clause requires the Chief Executive and State authorities to give effect to decisions made at family group conferences, subject to the provisos specified.

24—Statements made at family group conference not admissible

This clause provides that things said at family group conferences are not admissible in legal proceedings.

Part 3—Case planning

25—Chief Executive to prepare case plan in respect of certain children and young people

This clause requires the Chief Executive to cause a case plan to be prepared in respect of each child and young person prescribed by the clause. The clause sets out what must be in such plans.

26—Chief Executive etc to give effect to case plan

This clause requires persons and bodies engaged in the administration, operation or enforcement of this measure to exercise their powers and perform their functions so as to give effect to case plans.

A case plan does not, however, create legally enforceable rights or obligations.

Chapter 5—Children and young people at risk

Part 1—Reporting of suspicion that child or young person may be at risk

27—Application of Part

This clause sets out the persons to whom the Part applies, and clarifies that any duty of care a person might otherwise owe to a child or young person is not necessarily met simply by reporting risk under the proposed Part.

28—Reporting of suspicion that child or young person may be at risk

This clause requires persons to whom the proposed Part applies to report, in a manner specified by the Minister, their reasonable suspicions formed in the course of their employment and relating to children and young people who may be at risk.

Part 2—Assessment of risk to child or young person

29—Chief Executive must assess and may refer matter

This clause requires the Chief Executive to assess reports and notifications of risks to children and young people, and makes procedural provision in relation to such assessments.

30—Chief Executive may investigate circumstances of a child or young person

This clause empowers the Chief Executive to investigate the circumstances of a child or young person.

31—Chief Executive may direct that child or young person be examined and assessed

This clause empowers the Chief Executive to direct that a child or young person be examined and assessed, and makes procedural provision in relation to such examinations and assessments.

The clause creates an offence where a person who has examined or assessed a child and young person fails to provide a written report on the examination or assessment to the Chief Executive.

Part 3—Removal of child or young person

32—Removal of child or young person

This clause empowers child protection officers to remove children and young people from dangerous situations, and sets out when such removals can happen.

33—Action following removal of child or young person

This clause sets out what action a child protection officer is to take on removing a child or young person under section 32.

34—Custody of removed child or young person

This clause provides that children and young people removed under section 32 are automatically in the custody of the Chief Executive for the specified period.

Part 4—Chief Executive to assume guardianship of child or young person where parent found guilty of certain offences

35—Interpretation

36—Temporary instruments of guardianship

37—Restraining notices

38—Court may extend period

39—Certain information to be provided to Chief Executive

This Part is the current scheme relating to the assumption of guardianship of children and young people where a parent is found guilty of certain offences, relocated from the repealed Act.

Chapter 6—Court orders relating to children and young people

Part 1—Applications for Court orders

40—Who may make application for Court orders

This clause sets out who may apply for Court orders under proposed section 44.

41—When application can be made for Court orders

This clause sets out the circumstances in which an application for Court orders may (and, in the case of subclause (1), must) be made.

The clause also requires the Chief Executive to assess whether or not a reunification is likely between a child or young person and the person from whom they are removed before applying for orders of the kind specified in subclause (5).

42—Parties to proceedings

This clause sets out who the parties are in certain proceedings under the measure.

43—Copy of application to be served on parties

This clause requires a copy of applications made for orders under proposed section 44 to be served on the parties to the application.

Part 2—Orders that can be made by Court

44—Orders that may be made by Court

This clause sets out the orders that can be made under the measure, including orders placing a child or young person under the guardianship or in the custody of the Chief Executive or another person.

Orders under this proposed section cease to have effect once a child or young person turns 18.

45—Consent orders

This clause provides that the Court may make orders under section 44 with the consent of the parties, and in doing so need not consider the matters that would otherwise need to be considered by the Court.

46—Variation, revocation or discharge of orders

This clause sets out that parties to proceedings may apply for the variation or revocation of Court orders, or the discharge of applications.

47—Adjournments

This clause requires proceedings under the measure to be dealt with expeditiously, with due regard to the degree of urgency of each particular case, and makes provisions for adjournments of proceedings accordingly.

48—Court not bound by rules of evidence

This clause provides that the Court is not bound by the rules of evidence but must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal form.

49—Standard of proof

This clause provides that the standard of proof in proceedings under the measure is the civil standard, ie matters are to be proved on the balance of probabilities. However, this standard does not apply in criminal proceedings.

50—Onus on objector to prove order should not be made

This clause provides that if a person (other than the relevant child or young person or the Crown) objects to the making of an order by the Court, the onus is on the person to prove to the Court that the order should not be made.

51—Orders for costs

This clause allows the Court to make orders for costs where an application is dismissed.

52—Non-compliance with orders

This clause creates an offence for a person to contravene or fails to comply with a Court order that has been served on them.

Part 3—Child or young people to be heard in proceedings

53—Views of child or young person to be heard

This clause confers on children and young people a right to be heard in proceedings under the measure that relate to them, subject to the limitations in the clause.

Part 4—Representation of children and young people

54—Legal practitioners to comply with this section when representing child or young person

This clause sets out requirements that must be satisfied by legal practitioners acting for children and young people under the measure. Of particular note is that the lawyer must, as far as is reasonably practicable, act in accordance with any instructions given by the child or young person and, to the extent that the child or young person has not given instructions, must act in accordance with the legal practitioner's own view of the best interests of the child or young person.

55—Limitations on orders that may be made if child or young person unrepresented

This clause limits the ability of the Court to hear an application for orders under the measure where the child or young person to whom the application relates is unrepresented.

The clause also sets out when applications can be heard despite the child or young person being unrepresented.

Part 5—Miscellaneous

56—Conference of parties

This clause enables the Court to require the parties to proceedings under the measure to confer purpose of determining what matters are in dispute, or resolving any matters in dispute, and makes procedural provision in respect of conferences.

57—Right of other interested persons to be heard

This clause confers a right to be heard in proceedings before the Court on the persons specified.

58—Court may refer a matter to a family group conference

This clause allows the Court to adjourn proceedings under measure for the purpose of referring specified matters to a family group conference for consideration and report to the Court by the conference.

59—Effect of guardianship order

This clause provides that, where the Court places a child or young person under the guardianship of the Chief Executive or any other person or persons under the measure, the Chief Executive or the other person or persons is, or are, the lawful guardian, or guardians, of the child or young person to the exclusion of the rights of any other person.

Chapter 7—Children and young people in care

Part 1—Approved carers

Division 1—Preliminary

60—Interpretation

This clause defines the term 'out of home care'.

61—Chief Executive may establish different categories of approved carers

This clause enables the Chief Executive to establish different categories of approved carers for the purposes of the measure.

Division 2—Approval of carers

62—Out of home care only to be provided by approved carers

This clause creates an offence for a person to provide out of home care unless they are an approved carer, or are otherwise authorised to do so under the measure.

63—Approval of carers

This clause sets out the process by which the Chief Executive is to approve approved carers under the measure.

64—Ongoing reviews of approved carers

This clause requires the Chief Executive to ensure that approved carers are the subject of regular assessment, and that training and other support is provided to them.

65—Cancellation of approval

This clause sets out the circumstances in which the Chief Executive may revoke the approval of an approved carer.

66—Certain information to be provided to Chief Executive

This clause requires approved carers to provide the information specified in the clause to the Chief Executive, with an offence created for those who fail to do so.

67—Delegation of certain powers to approved carer

This clause enables the Chief Executive to delegate specified powers to approved carers.

Division 3—Temporary placement of child or young person where approved carer not available

68—Temporary placement of child or young person where approved carer not available

This clause enables the Chief Executive to place a child or young person who is removed under this Act, or who is in the custody or under the guardianship of the Chief Executive, in the care of a person despite that person not being an approved carer if the Chief Executive is satisfied of the matters referred in subclause (1). Such placements must be temporary, exceptional arrangements and must be regularised as soon as it is reasonably practicable to do so.

Division 4—Information and involvement in decision-making

69—Interpretation

This clause defines the term 'placement agency' for the purposes of the Division.

70—Approved carers to be provided with certain information prior to placement

This clause requires a placement agency to provide prospective approved carers with whom the placement agency is considering placing a child with information the enables the approved carer to make a fully informed decision as to whether to accept the placement.

71—Children and young people to be provided with certain information prior to placement

This clause requires a placement agency that is considering placing a child or young person with an approved carer to provide to the child or young person the prescribed information in relation to the approved carer.

72—Approved carers to be provided with certain information

This clause requires a placement agency that has placed a child or young person with an approved carer to provide to the approved carer information of the specified kind (being information that is in the agency's possession).

73—Approved carers entitled to participate in decision-making process

This clause clarifies that, subject to the provisions of proposed Chapter 2 of the measure, an approved carer in whose care a child or young person is placed is entitled to participate in any decision-making process decision relating to the health, safety, welfare or wellbeing of the child or young person.

74—Non-compliance with Division not to invalidate placement

This clause clarifies that a refusal or failure to comply with a requirement under the proposed Division does not, of itself, invalidate a placement of a child or young person with an approved carer.

Part 2—Children and young people in Chief Executive's custody or guardianship

75—Chief Executive's powers in relation to children and young people in Chief Executive's custody or guardianship

This clause sets out the powers that the Chief Executive may exercise in relation to a child or young person who is in their custody or under the guardianship. The clause makes further procedural provision in respect of the exercise of powers under the proposed section.

76—Review of circumstances of child or young person under long-term guardianship of Chief Executive

This clause requires the Chief Executive to cause a review of the circumstances of each child or young person prescribed under the proposed section to be carried out at least once in each 12 month period.

77—Direction not to communicate with, harbour or conceal child or young person

This clause empowers the Chief Executive to give directions of the kind specified if the Chief Executive believes it is reasonably necessary to prevent harm being caused to certain children and young people, or to prevent them from engaging in, or being exposed to, conduct of a criminal nature. A failure to comply with such a direction is an offence.

78—Offence of harbouring or concealing absent child or young person

This clause creates an offence for a person to harbour or conceal, or prevent the return of, a child or young person who is absent from a State care placement (or to assist another person to do so).

79—Unlawful taking of child or young person

This clause creates an offence for a person to encourage a child or young person to leave a place in which they were placed under the measure, or to take a child or young person from such a place, or to harbour or conceal a child or young person who has left or been taken from such a place.

Part 3—Transition to long-term guardianship

80—Certain approved carers may apply to Chief Executive to seek long-term guardianship order

This clause makes arrangements such that an approved carer in whose care a child or young person has been for a period of at least 2 years (or such shorter period as the Chief Executive may determine) may apply to the Chief Executive for an application to be made to the Court in accordance with this Part for an order placing the child or young person under the approved carer's guardianship.

The clause also requires the Chief Executive to assess the suitability of such applicants to be guardians of the relevant child or young person.

81—Long-term care plan to be prepared

This clause requires that, where an assessment under proposed section 80 suggests that an applicant is a suitable guardian for a child or young person, the Chief Executive must cause a long-term care plan to be prepared in respect of the child or young person, and provide a copy of the plan to the Court in the relevant application.

82—Chief Executive to apply to Court for order to place child or young person under long-term guardianship

This clause requires the Chief Executive, in the circumstances specified, to apply to the Court for such orders under proposed section 44 as the Chief Executive considers necessary or appropriate to give effect to proposed long-term guardianship arrangement.

Part 4—Contact arrangements in respect of children and young people

83—Application of Part

This clause sets out the children and young people to whom the proposed Part applies.

84—Contact arrangements to be determined by Chief Executive

This clause confers on the Chief Executive the function of determining contact arrangements in respect of children and young people to whom the proposed Part applies.

The clause also makes procedural provision in respect of the making of determinations under the proposed Part.

85—Contact Arrangements Review Panel

This clause requires the Minister to establish a Contact Arrangements Review Panel to review contact arrangements made under the proposed Part. The Panel is to have the jurisdiction and powers set out in the regulations.

86—Review by Contact Arrangements Review Panel

This clause provides a right of review of contact arrangements to a person allowed contact with a child or young person under contact arrangements under the proposed Part, and sets out procedures and powers of the Contact Arrangements Review Panel in respect of such reviews.

Part 5—Voluntary custody agreements

87—Voluntary custody agreements

This clause enables parents or guardians of a child or young person to enter a short term (ie up to 6 months in total) voluntary custody agreement in respect of the child or young person with the Chief Executive, placing the child or young person in the custody of the Chief Executive. The clause makes procedural provision with respect to such agreements.

Part 6—Foster care agencies

88—Interpretation

89—Foster care agencies to be licensed

90—Licence to carry on business as foster care agency

91—Cancellation of licence

92—Record keeping

93—Ongoing reviews of approved carers by agency

This Part is the current scheme relating to foster care agencies relocated from the *Family and Community Services Act 1972*.

Part 7—Licensed children's residential facilities

94—Interpretation

95—Children's residential facilities to be licensed

96—Licence to operate children's residential facility

97—Cancellation of licence

98—Record keeping

99—Child protection officer may inspect licensed children's residential facility

100—Chief Executive to hear complaints

This Part is the current scheme relating to Licensed children's residential facilities relocated from the *Family and Community Services Act 1972*.

Part 8—Provision of assistance to care leavers

101—Chief Executive to assist persons leaving care

This clause requires the Chief Executive to assist the child or young person in making their transition from care by preparing, in consultation with the child or young person, a plan setting out steps to make the transition easier.

102—Minister to arrange assistance for eligible care leavers

This clause requires the Minister to cause assistance of the kind contemplated by the proposed section to be offered (and, where accepted, to be provided) to certain care leavers for the purposes of making their transition from care as easy as is reasonably practicable.

Part 9—Miscellaneous

103—Agreement for funeral arrangements of children and young people in care

This clause requires the Chief Executive to assist specified parties to reach an agreement about funeral arrangements for children and young people who were in care at the time of their death.

Chapter 8—Providing safe environments for children and young people

104—Certain organisations to ensure environment is safe for children and young people etc

This clause requires organisations prescribed under the proposed section to provide what were, under the repealed Act, known as 'child safe environments'. The clause sets out steps the organisation must take to comply with the section, and creates an offence for non-compliance with those requirements.

105—Policies and procedures to be reviewed

This clause requires prescribed organisations to review the policies and procedures prepared or adopted under section 104 at least once in every 5 year period.

Chapter 9—Child and Young Person's Visitor scheme

106—Interpretation

This clause defines the term 'prescribed facility' used in the proposed Chapter.

107—Child and Young Person's Visitor

This clause enables the Minister to establish a visitor scheme in respect of children and young people.

108—Functions and powers

This clause sets out the functions and powers of the Child and Young Person's Visitor, should one be established.

109—Reporting obligations

This clause requires the Child and Young Person's Visitor to provide reports to the Minister on their work, and also enables the Child and Young Person's Visitor to prepare special reports on relevant matters, and requires both kinds of reports to be laid before Parliament.

Chapter 10—Transfer of certain orders and proceedings between South Australia and other jurisdictions

Part 1—Preliminary

110—Purpose of Chapter

111—Interpretation

Part 2—Administrative transfer of child protection order

112—When Chief Executive may transfer order

113—Persons whose consent is required

114—Chief Executive to have regard to certain matters

115—Notification to child and guardians

116—Limited period for review of decision

Part 3—Judicial transfer of child protection order

117—When Court may make order under this Part

118—Type of order

119—Court to have regard to certain matters

120—Duty of Chief Executive to inform the Court of certain matters

Part 4—Transfer of child protection proceedings

121—When Court may make order under this Part

122—Court to have regard to certain matters

123—Interim order

Part 5—Registration of interstate orders and proceedings

124—Filing and registration of interstate documents

125—Notification by Registrar

126—Effect of registration

127—Revocation of registration

Part 6—Miscellaneous

128—Appeals

129—Effect of registration of transferred order

130—Transfer of Court file

131—Hearing and determination of transferred proceeding

132—Disclosure of information

133—Discretion of Chief Executive to consent to transfer

134—Evidence of consent of relevant interstate officer

This Chapter is the current scheme relating to the transfer of orders and proceedings between the State and other jurisdictions, simply relocated from the repealed Act.

Chapter 11—Administrative matters

Part 1—Functions of Chief Executive etc

135—Functions of the Chief Executive

This clause sets out the functions of the Chief Executive under the measure.

136—Powers of delegation

This clause is a standard power of delegation in respect of the functions and powers of the Minister and the Chief Executive.

Part 2—Child protection officers

137—Child protection officers

This clause sets out who is a child protection officer under the measure.

138—Primary function of child protection officers

This clause clarifies that the primary function of child protection officers under the measure is the removal of children and young people from situations in which they are at risk of harm.

139—Powers of child protection officers

This clause sets out the powers of child protection officers under the measure.

140—Child protection officer may require information etc

This clause empowers child protection officers to require a person or body (whether a State authority or otherwise) to provide specified information and documents, and to answer questions or provide written reports. Failure to comply with the requirement is an offence.

Part 3—Information gathering and sharing

141—Chief Executive may require State authority to provide report

This clause empowers the Chief Executive to require a State authority to prepare and provide a report on certain matters, where to do so would assist the performance of functions under the measure. The clause sets out what is to happen should a State authority not comply with the requirement.

142—Sharing of information between certain persons and bodies

This clause provides that the persons and bodies specified in the clause may, for the purposes specified, exchange information and documents with each other. This applies despite limitations imposed under other Acts, but information so dealt with cannot be disclosed except in accordance with the regulations.

143—Certain persons to be provided with documents and information held by the Department

This clause allows certain persons to apply to the Chief Executive to be provided with documents and information of a specified kind relating to a prescribed person, being a person who was at some point in care.

144—Internal Review by Chief Executive

This clause confers on an applicant for documents or information under proposed section 143 a right of review by the Chief Executive of a decision to refuse to provide the relevant documents or information.

145—Interaction with Public Sector (Data Sharing) Act 2016

This clause clarifies the relationship of the proposed Part to the *Public Sector (Data Sharing) Act 2016*.

Part 4—Additional reporting obligations of Chief Executive

146—Additional annual reporting obligations

This clause requires the Chief Executive to report to the Minister on the matters specified, and for the report to be laid before Parliament and published on a website.

Chapter 12—Reviews of decisions under Act

Part 1—Internal review

147—Internal review

This clause establishes an internal review process able to be accessed by persons who are aggrieved by decisions of the Chief Executive or child protection officers under the measure.

Part 2—Review of decisions by South Australian Civil and Administrative Tribunal

148—Review of decisions by South Australian Civil and Administrative Tribunal

This clause confers jurisdiction on the SACAT to review specified administrative decisions under this measure.

149—Views of child or young person to be heard

This clause requires a child or young person to whom proceedings relate to be given a reasonable opportunity to state their views about their care to the South Australian Civil and Administrative Tribunal.

Chapter 13—Miscellaneous

150—Hindering or obstructing a person in execution of duty

This clause creates an offence for a person to hinder or obstruct the Chief Executive, a child protection officer or any other person in the performance of a function, or exercise of a power, under the measure.

151—Payment of money to Chief Executive on behalf of child or young person

This clause enables the Chief Executive to receive money on behalf of a child and young person, and makes procedural provision in respect of such monies.

152—Restrictions on publication of certain information

This clause creates an offence for a person to publish a report of a family group conference, or of any statement made or thing done at a family group conference.

153—Protection of identity of persons who notify Department

This clause creates an offence for a person who receives a report or notification under the measure that a child or young person may be at risk to disclose the identity of the informant.

154—Confidentiality

This clause creates an offence for a person engaged or formerly engaged in the administration of measure to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except in the circumstances specified.

155—Victimisation

This clause creates an offence for a person to victimise another because that other person provides, or intends to provide, information under the measure.

156—Protections, privileges and immunities

This clause provides that no civil liability attaches to the Crown, the Minister, the Chief Executive, a child protection officer or any other person for any act or omission in good faith in the exercise or purported exercise of powers or functions under the measure, and clarifies the status of various privileges and immunities for the purposes of the measure. This includes vicarious liability.

157—Evidentiary provision

This clause allows the information specified to be given in legal proceedings by way of allegation in an information.

158—Service

This clause sets out how notices and documents under the measure are to be served on a person.

159—Review of Act

This clause requires the Minister to cause a review of the operation of this measure to be conducted, and a report on the review to be prepared and submitted to the Minister. The report is then to be laid before Parliament.

160—Regulations

This clause is a standard regulation-making power.

Schedule 1—Repeal and related amendment

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Repeal of *Children's Protection Act 1993*

2—Repeal of *Children's Protection Act 1993*

This clause repeals the current *Children's Protection Act 1993*.

Part 3—Amendment of *Commonwealth Powers (Family Law) Act 1986*

3—Amendment of section 3—Reference of certain matters relating to children

This clause makes an amendment to the principal Act to enable the Family Court to make orders in relation to children and young people under guardianship under this measure or the repealed Act without the State needing to first revoke the guardianship order.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:36): I rise to speak on the Children and Young People (Safety) Bill 2017. I indicate that I will not be the lead speaker; the member for Adelaide will undertake responsibility for the management of the bill. I rise to make a contribution in respect of two matters. One is the manner in which this bill has been brought to the house, which we have now had for 6½ minutes as it was delivered by the staff. It comes after the government has spent over a decade of gross mismanagement and neglect of the protection of children in this state.

There has been a monumental failure to the children of our state which has been repeatedly confirmed in inquiries, reports and royal commissions culminating, in about August last year, with the Nyland royal commission. Kicking and screaming, the government brought some legislative amendment to enable the establishment of a commissioner for children. We had been asking for that for three years. There had been a massive objection to that person having responsibility with investigative powers to protect our children.

Throughout the time since that last report, we have worked with the government as best we can not just to try to advance and progress the legislative framework, which is necessary to comply with the recommendations accepted by the government from the Nyland commission, but also to address the programs and funding that need to be considered in how we best manage it. So far, we have had press releases from the government. We had an indication in the dying days of the parliament last year that the government would table a draft bill, notwithstanding that we had an extra week available to sit last year and the government chose not to.

The matter was put off for consultation until, I think, 27 January. That was two weeks ago. Regrettably, only today are we handed a copy of the bill which the government now asks the parliament to deal with. I consider that to be not just immature conduct by the Attorney-General and totally disrespectful to the parliament but also very concerning given that, last Wednesday, the Attorney-General's office advised the opposition that there were a number of bills they wished to progress this week for which they sought priority. In response to the specific question, 'Are you bringing forward the child protection bill?'—asked, frankly, in full expectation that the government would do so, to ensure that this important issue would be canvassed, traversed and of course voted upon—the answer was no.

The first notice we had from the government was the Attorney advising the leader late last week—I think it was on Friday—that he could have a briefing on the proposed draft bill. Fine, excellent, thank you very much; I understand one has been scheduled for 1 o'clock today. However, minutes before we came into the parliament we find that not only is the government going to table it and hold us up for a half-hour speech by the Attorney until we even finally get a copy of it but he now wants us to debate it.

There are aspects of this bill—in its draft form, and assuming they are still there—that raise some concern for me. I am very concerned that tacked onto this bill is the remedying of a defect in our statutory child protection law with the Family Law Act which, frankly, has been sitting around for a very long time. It has just been tacked on today. It is a matter which does need to be remedied, but doing it on a formula of having a chief executive make a decision about whether they have consent will, frankly, just add another layer of bureaucracy instead of the one we have.

However, we will have a look at it, and we are happy to have a look at it to try to make sure that we best manage those sorts of issues, but the fact that we are the only jurisdiction in Australia that still has not attended to this just shows how lazy and inept someone is in the Attorney-General's Department in respect of the management of these issues. It should have been dealt with a long time ago.

The second thing I want to say—because I am sure our lead speaker will go through a number of the aspects of where we think there is an agreed improvement or where there is some legislative reform that needs to be added to—is that I want to address the omissions. For me, there

is a clear and stark omission yet again, after we have received the Nyland royal commission report and following the inquiry by His Honour the late Ted Mullighan QC, former judge of the Supreme Court, into child protection and care. Both recommended that there be a 'secure, therapeutic care model supported by legislation to permit children to be detained in a secure therapeutic care facility but with an order of the Supreme Court required before a child is so detained', etc.

I was reading from recommendation 152 of the Nyland royal commission report, which reflects almost word for word the concerns raised by His Honour Mr Ted Mullighan and his recommendation that you cannot leave children on the streets: it is too dangerous. We have to do something about that, and I find it unconscionable that here we are again mopping up this decade of completely inept management of the protection of children.

We have had two former Supreme Court judges, two people who would have to be seen as premier in their expertise and experience in relation to child protection, both saying to the government of South Australia, 'This is a necessary step if you are going to protect children, particularly those who either have parents who are unwilling or unable to look after them or those who are at large on the streets.'

How many times does the government have to hear this? Why does it not consider it? Has the government considered the option and rejected it? If so, why? I will tell the house why, and I think the parliament needs to reflect on this: the government always looks for the cheap, easy option. Providing secure, therapeutic care and providing security and safety for children in this environment, recommended by two royal commissioners but ignored by this government, will save lives—but it costs money. That is what this is all about.

I say it again: it is utterly disgraceful that the government has not only come in with an expectation that we debate this bill but it also has not made any commitment—in the brief perusal of this final draft—towards secure, therapeutic care. The government is walking around with blinkers on and hoping. It is a little bit like electricity: it knows there is a major problem, the lights have gone out a few times and everyone is in the dark and they are pretty shitty about it, but it wants to look at the cheap option.

Give the public reassurance that they are not going to have any more blackouts, that everything is going to be fine, and just keep your fingers crossed, but do not actually do anything about it. Make all the promises in the world. I say to the Attorney: do not treat this parliament with such contempt and disrespect.

The Hon. J.R. Rau: Like you.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: Understand the importance of the protection of children as the highest priority for those of us in leadership who need to make decisions on behalf of protecting these children. Do not come in here and treat us in a contemptuous way, which reflects the real view about the priority for the protection of these children. If they really cared about this, they would have prepared that draft as soon as the consultation was finished, sent us a copy of the draft, sat down and talked with us to make sure that we will not go through what will now be an endless program of debate and, more particularly, of questioning and going through the process. That should not be happening on this parliament floor; it should have happened before.

Look what happened when the Attorney-General was in charge of the planning bill. What a fiasco! He comes in and throws down a draft, and we have hundreds of our own amendments before we even get the bill out of this house, let alone by the time it reaches the Legislative Council. This is legislation being made in areas that now have the highest priority—namely, the protection of our children—on the run and in the dark, but that is where they have put us. We will work through this because on this side of the house it is really important to us that we get it right. However, it is scandalous that the government comes in and treats the parliament with such contempt.

Mr PEDERICK (Hammond) (11:46): I rise to speak on the Children and Young People (Safety) Bill 2017. I reflect on the comments of the deputy leader and I agree: the planning bill was an absolute disgrace, and this is a disgrace, the way it has been introduced to the parliament without

going through the proper processes so that we, on this side of the house, can properly brief ourselves on what is coming before us.

I note that in the planning bill we were in the committee stage, and we were at clause 50, when there were significant reforms put into the bill around planning legislation that affects everyone from Kapunda to Goolwa and in between, including the Rural City of Murray Bridge. It has been done sloppily. The deputy leader is absolutely right that child protection is first and foremost the priority, but we must get it right. For legislation like this to be put in front of our noses on the first sitting day, without prior briefings, is disgraceful. However, we will go through the process of debating this bill.

In regard to a legislative change I made—with support from the Minister for Education, the Attorney-General and their officers—to the Statutes Amendment (Rights of Foster Parents, Guardians and Kinship Carers) Bill 2016, I note that it was a long process because I had to find some people who would work with me, and I appreciate that. I came up with about nine different amendments, and I acknowledge the staff and the two officers, especially the close contact I had with one of the Attorney's staff, to make sure that I could achieve something that the parliament would agree to.

I note that part of the bill regarding the rights of foster-parents, guardians and kinship carers was an amendment to the Family and Community Services Act 1972 (namely, clause 85—Agreement for funeral arrangements of child under care) has come into this legislation under part 9, Miscellaneous, clause 103—Agreement for funeral arrangements of children and young people in care.

I am very pleased to see that as part of the legislation, but I would like clarification from the Attorney. I note his comments in his speech about the amendments to another raft of legislation associated with this piece of legislation. There is going to be talk about ratifying pieces around the amendment of the Births, Deaths and Marriages Registration Act 1996. This was also a very important piece of the Statutes Amendment (Rights of Foster Parents, Guardians and Kinship Carers) Bill 2016. Under 'Notification by court appointed guardians':

(1) A person may give notice to the Registrar that a person named in the notice was a court appointed guardian (other than a parent) of a person who has died at the time of the death.

(2) A notice under subsection (1) must—

(a) be given as soon as reasonably practicable after the death of the deceased; and

(b) be in writing in a form approved by the Registrar; and

(c) include a copy of the order of the Youth Court of South Australia placing the child under the guardianship of the person named in the notice; and

(d) include the information required by the Registrar.

(3) The Registrar may require a person giving notice under subsection (1)—

(a) to provide further specified information or documents within a specified time; and

(b) to verify, by statutory declaration, information provided for the purposes of the notice.

I get down to where we discussed, in this piece of legislation, clause 5, amendment of section 39 of the Births, Deaths and Marriages Registration Act 1996:

(3) If the Registrar has received a notice under section 38A, the Registrar must include the name of the guardian of the deceased named in the notice in the entry of the Register relating to the death of the deceased.

I am pleased to see one part of the legislation acknowledged. The births, deaths and marriages registration part may still be a stable under that act, but I would like some reassurance of that from the minister. As I said, we must make sure that our children must come first and foremost. I believe there are over 3,000 children in the care of the minister, who spend their time in accommodation other than foster care, and that is a tragedy.

There are many difficulties with foster carers. As I have mentioned in this place before, the minister and the Minister for Education would be well aware of good, solid foster carers. In making these comments, I am not going to reflect on guilt or otherwise, but it can be many years after an

alleged offence, when a former foster-child can lay charges, make allegations and put families through hell for at least two years before they even have the opportunity to present themselves in court.

The next place these people go for assistance is to their local member. I am sure other members have probably had examples of that. It is extremely distressing for everyone involved. I reiterate that the care and protection of the children must be foremost in our minds, and we must get that absolutely right. We must also acknowledge that there are many people who, out of the goodness of their hearts, take on the job of looking after children under foster care and then find themselves in one heck of a position.

Yes, I am assuming that some people are found guilty, although I do not have a list of offences in front of me. However, for those who go through the process and are then found innocent, especially in small communities, it is worse than debilitating. People can end up taking their life, and that is not a good outcome for anyone. I stress that the protection and the care of children are paramount, but somehow, when cases like these present, they at least need to be fast-tracked in the court system, if there is such a process, so that guilt or otherwise can be proven in a more timely manner because, as it currently stands, people are left swinging in the breeze and it is a terrible situation.

In saying that, I take my hat off to foster carers, the ones who do the job. It is not without its risks, and it is not without its challenges, as I have indicated, and I commend those who are willing to do it and put their hands up. I repeat that I would not put my hand up because of the risk of allegations down the track, and I have said that in this house before. We will see where this legislation progresses. I will be very interested in the contribution of our shadow minister, the member for Adelaide. As I indicated, we must protect the children, first and foremost, but in doing so we do not want a situation where we are looking after more than 6,000 children in motels.

Ms DIGANCE (Elder) (11:56): I rise today to support the passage of the Children and Young People (Safety) Bill 2017. The bill introduced today comes after the release of the Nyland royal commission report on 5 August last year. This preceded months of careful analysis, the acceptance of a number of recommendations and the drafting of a bill that was tabled late last year. After a full two months of public consultation, the government now introduces a further refined bill. There are a number of key features to this bill, and I will now move to highlight some of them.

Firstly, the priorities and principles for each person or body engaged in the administration, operation or enforcement of the legislation will be reset by placing emphasis on timely and efficient decision-making, the importance of stability with regard to placements and giving adequate consideration to the views of the child or young person, where possible. The bill makes absolutely clear, however, that the paramount consideration is to protect children and young people from harm above all other relevant considerations.

Next, custody and guardianship functions currently undertaken by the Minister for Education and Child Development will instead be undertaken by the Chief Executive of the Department for Child Protection. The current measures of removing and giving temporary guardianship to the chief executive of a child born to an offender found guilty of qualifying offences will be maintained. The bill also reverses the onus of proof in all proceedings before the Youth Court already in the custody and/or guardianship of the chief executive. I note that this does not apply to the Crown or the legal representative of children.

This acknowledges the importance of stability and permanence for children and young people and that all decisions made in the operation of the act will be pursuant to the paramount consideration of the child's safety. The bill ensures that there is express provision of legal representation of children and young people and enshrining in law the obligations of legal representatives acting in this capacity. Regulatory measures related to the provision of out-of-home care by approved carers, foster care agencies and licensed residential facilities have moved from the Family and Community Services Act 1972 into this bill.

The bill also ensures that the provision of information of approved carers is required, and enshrined is their right to participate in the decision-making process undertaken by those charged with applying and enforcing the legislation with respect to a child or young person in their care and

that the transition to long-term guardianship orders for approved carers currently known, as Other Person Guardians, is streamlined and the current onus of proof is reversed so that the objector will bear the burden of proof as to their objection. This applies to all proceedings before the Youth Court under the act.

Assistance to persons up to the age of 26 years who are leaving care will include assistance to find accommodation, employment and support services, to name a few. It is provided to ensure a better transition from care into independent living. The bill provides for the minister to establish a community visitors' scheme for children and young people in care. The bill also provides certainty in terms of internal and external review procedures, including the internal review of decisions by the chief executive or child protection officer, the scope of which will be defined by regulations and conferring jurisdiction upon the South Australian Civil and Administrative Tribunal to externally review certain decisions.

Schedule 1 of the bill is unrelated to the royal commission recommendations and this is because South Australia remains the only jurisdiction not to be proclaimed under section 69ZF of the Family Law Act 1975. Before a proclamation can be made, amendments to the Commonwealth Powers (Family Law) Act 1986 (SA) are required to extend the referral of power to the commonwealth for family law purposes. This is needed, as the current referral of power restricts the jurisdiction of family courts where a child is subject to orders under a child welfare law and prevents a family court from making parenting orders or child maintenance orders until the child welfare orders cease.

Sadly, no government anywhere can guarantee that all children will be safe at all times. This is distressing but it is a fact. However, this government believes that this bill will provide the necessary framework to the Department for Child Protection to enable its expert practitioners to do all they can to minimise the harm suffered by children in South Australia. While we cannot change the past, we can certainly shape the future.

Ms SANDERSON (Adelaide) (12:01): I note that I am the lead speaker on this very important bill. I reiterate these words from the member for Enfield's speech:

> The Children and Young People (Safety) Bill 2017 is a landmark piece of legislation which repeals the Children's Protection Act 1993 and creates a new child protection framework to implement recommendations made by the Child Protection Systems Royal Commission in its report 'The life they deserve'.

In his ministerial statement, he called it the largest piece of legislation and a landmark piece of legislation, yet it is introduced without notice and without warning. We received a copy of the bill in the chamber only 10 to 15 minutes ago. It is absolutely ridiculous that there would be no briefing for such an important piece of legislation.

The briefing, I believe, is offered to the Leader of the Opposition at 1 o'clock today. That is not very useful when we are expected to debate this in the house. We know that in the past, in relation to the development bill, the government made 300 amendments to its own bill and it went on for days and days. This is a ridiculous way to run a government and it is completely unacceptable.

There was absolutely zero consultation on the final bill. Yes, there was a draft bill for which consultation was open until 27 January, and I did have one briefing on that bill. However, as we have seen from other bills, so many amendments are made that, until you get the final bill, you really cannot comment on what has occurred, what consultation has been listened to and what has happened. There could be another 300 amendments coming, for all I know. This difficulty was noted even in the guardian's response to the draft bill. It said:

> Factors that have limited the Guardian's capacity to respond fully—

this was to the draft bill—

> include that—
>
> - there is no explanatory documentation for the proposed clauses and the policy decisions that support them (with the same applying to matters that have not been carried over to the draft)
> - …it is not clear what will happen to all elements of the Family and Community Services Act 1972
> - no framework is available outlining what is likely to be incorporated in regulations or perhaps appear as policy and thereby impact upon the exercise of delegations.

Even the Guardian for Children and Young People noted that there was no reasoning behind the draft bill, there was no explanation for what had been kept from the Children's Protection Act, what had come over from the Family and Community Services Act, why things had been dropped, what had been included from the royal commission and why, and what parts were not included and why.

It is ridiculous that we are given the final bill with no notice and with no explanation. We have had two speeches now from the government that certainly highlighted the reversing of the onus of proof, which is a principle that has definitely changed here. I have already had several lawyers raise that as an area of concern, because that is quite a change to a legal practice that is common in many other bills and other legislation. They are concerned about changing that in just one piece of legislation.

The genital mutilation clauses in the Children's Protection Act have been completely removed and there is definitely great concern around that. There was an opportunity to add in forced child marriages, which has not been included in the act, and I have already called for amendments to be made to insert that. There is no mention of foster care to age 21, which is a policy the Liberal Party has already released to support children properly.

There was mention of support to age 25, but that was around employment and housing, whereas a lot of children need a family environment and their foster carers need financial help to be able to feed them and put a roof over their heads. We know that 30 per cent of foster children who have aged out of foster care are homeless within 12 months, so we know the importance of keeping them in the family as long as possible. We also know from studies that it actually is a cost saving over their lifetime if you give them proper care when they are young.

I will read into *Hansard* some of the general statements and comments on the draft bill because no-one has seen the final bill in order to make a comment on it. There was a joint media release by SACOSS, the AMA(SA), CAFWA, YACSA and the Council for the Care of Children, which stated:

> A key issue of concern is that the draft legislation does not put sufficient emphasis on harm prevention. Despite the government's rhetoric about the importance of prevention, the Bill is effectively limited to responding to harm once identified, and has missed a golden opportunity to mandate provisions aimed at keeping children safe from harm. It also fails to address significant challenges for the state's child protection system, for example regarding specific measures to provide for the safety of Aboriginal children and young people, and their over-representation in the system.

A general comment from YACSA states:

> While we accept the Bill won't or can't include all of the elements that we believe are essential to underpin a holistic child protection system, we remain concerned that the government is still steadfastly focused on bolstering the response of a crisis driven system rather than seeking to prevent children and young people experiencing abuse and neglect.
>
> YACSA believes that a fundamental shift in focus is required by government from the existing crisis driven response. This response sits at the tertiary end of a system where the child or young person has already experienced (or is likely to experience) abuse or neglect. Government needs to consider the broader social environment of family and community strength and capacity building, the health and wellbeing of families, and the development of happy and healthy children and young people through the funding of prevention and early intervention services. This focus on prevention and early intervention has the potential to reduce the number of children and young people experiencing abuse and neglect in our communities and demands the same attention as the crisis driven response in legislation, policy, regulations and service planning.

AMA(SA) spokesperson Dr Michael Rice says:

> The Government has committed to establishing an Early Intervention Research Directorate. But we need to see action right now. Each reform initiative that does not see prevention as a vital part of the picture is a lost opportunity.

The Chair of the Council for the Care of Children, Simon Schrapel, said:

> We have a great opportunity to redefine how we protect children from harm but the legislative funding and system changes have fallen short. A failure to adequately invest in better supporting vulnerable families to care for their children will only result in a further ballooning in the number of children coming into and remaining in state care.

Connecting Foster Carers SA said:

> The importance of new legislation cannot be understated. Getting it right from the onset will see carers enjoy legal protection, ensure greater stability, reduce the expense to the system through improved recruitment and

retention, and less reliance on residential care services to name a few, and work towards achieving the ultimate goal: the best possible outcomes for children and young people.

Connecting Foster Carers SA has provided comments and proposed changes to areas of the bill in an effort to address, protect and improve carers' rights.

The following areas are of particular importance. Connecting Foster Carers SA seeks the right of the carer to be heard to be absolute, subject to the best interests of the child or young person and not discretionary. It is opposed to any risk of carers being imprisoned for any term whatsoever. It is opposed to any risk of carers being fined for any sum whatsoever, and it proposes amendments to allow for urgent hearings at SACAT, the South Australian Civil and Administrative Tribunal, in relation to matters that arise from the new legislation.

Grandparents for Grandchildren SA said:

As the peak body for grandparents carers in SA and unique within Australia, the volunteer staff and board of Grandparents for Grandchildren SA support the draft Children and Young People (Safety) Bill in principle and welcome its introduction. It also strongly supports the Connecting Foster Carers SA submission in response. That said, the bill falls short of adequately addressing the plight of our sector: grandparents who are unregistered in the system and struggling to care for their grandchildren at risk. Connecting Foster Carers SA quite appropriately advocates for those carers, foster and kinship, registered and therefore approved by the department, thus qualifying for financial and substantive support. Grandparents for Grandchildren SA carers have not necessarily achieved that status but have been informally or formally court sanctioned caring for their grandchildren for many years but without recognition or support. It is a fact that the majority of children in care in South Australia and, in fact, Australia, are in the care of their grandparents. The bill therefore needs to be modified throughout in its wording so that all reference to 'carers' means not only those foster and kinship carers registered with the department, but the vast majority that are neither registered nor even recognised.

The Guardian for Children and Young People's response was quite extensive, so I will not at this point read the whole submission into *Hansard*; however, I will read parts of it:

Elements of an effective child protection system were described in A Fresh Start, the government's recent response to the Nyland Royal Commission. Prevention will always be the best solution and families must be supported as soon as possible with evidence-based services and programs that are targeted to their needs. These services and programs extend beyond the statutory child protection system into our mainstream health, education and other wellbeing services. Noting this strategic context, the draft bill appears to do three things: it updates the Children's Protection Act 1993, adds some elements from the Family and Community Services Act 1972, and enables a number of new initiatives that respond to the Nyland Royal Commission recommendations. As such, while not a thorough revisioning of child protection, it should underpin incremental improvements to the existing system.

I have already noted that there was mention of factors that limited the guardian's capacity to respond fully, in that there was no explanatory documentation for the proposed clauses and the policy decisions that support them. It was not clear what will happen to the rest of the Family and Community Services Act. There was no framework available outlining what is likely to be incorporated in the regulations or perhaps appear as policy, thereby impacting upon the exercise of delegations.

There were areas that were specifically mentioned again by the Guardian for Children and Young People. Unfortunately, breakdowns in critical areas of the child protection system have been tolerated, which raises the questions: how do we know they will not recur? Does the bill provide aggrieved children and young people with adequate recourse to grievance procedures should this happen? Does it avail potential sanctions to help reinforce the accountability of those responsible for resourcing and managing the system?

One of the issues that was repeated many times by people and stakeholders in the industry was that simply transferring pieces of legislation from the existing Children's Protection Act into this new child safety act, when they were being ignored and not used previously, does not mean that they will be upheld just because the name of the legislation has been changed. What else has been put in place to ensure that if it states that there must be an annual review there will be an annual review and that if it states that there must be a case and care plan that there will be a care plan? We know that there has not been one.

In the recent Productivity Commission's report on government services, many statistics were not shown. From what I am hearing, the reason that the figures are not given is that they are so bad that the department does not want them reported. We have had the Auditor-General's damning

reports into how many children do not have a caseworker and how many children do not have annual reviews. Simply putting in a requirement for an annual review in a new bill from an old bill does not make children any safer, but we can only hope.

I have had the bill for less than an hour, and I have been in the chamber and so I have been unable to read it. When I have time to read the bill, I will be able to check it and make further comments during the committee stage. The Guardian for Children and Young People also stated that other matters need clarification. Some changes included in or absent from the draft bill will be included in the regulations. Others may not be carried over from previous legislation for policy or other reasons. The absence of explanatory notes for the draft bill means that the reasons are not transparent. The provision of properly informed feedback is therefore difficult in relation to some matters.

Other issues listed by the Guardian for Children and Young People include further matters requiring more consideration based on the draft bill. Of course, I have no idea if this has been listened to and acted upon or if it has been simply ignored. They include 'Protection from liability for voluntary or mandatory modification'. From the draft bill, section 12 of the Children's Protection Act was absent. It also includes 'Confidentiality in relation to notifications of abuse or neglect'. Clause 151 referenced the treatment of a notifier. Section 13 of the Children's Protection Act has been omitted.

In terms of the return-to-home requirement in clause 33 (the numbers have changed in the final bill, so these will not align), the standard of the best interests of the child to the bill's standard is that the child or young person 'be at risk'. In terms of 'Custody of removed child or young person', clause 34 sets a new limit of five working days for the required return home without any reason for the number of days nominated. I note that one lawyer, who works extensively in this area, stated that that is just too long, that lawyers are ready.

There are several lawyers who represent children and families at the last minute. I said, 'Surely, having a bit more time for you to present your case would be of benefit to the parent.' I was assured that it was not, that the existing time period, which I think is 48 hours, was enough because they do this regularly, that they know what they are doing and it is important for the child and the parent that this is dealt with swiftly and that they did not want the children to be held in temporary accommodation, particularly if it is emergency motel accommodation. They wanted this to be swiftly dealt with.

As the guardian has mentioned, no reason was given as to why that was extended out to five days. The investigatory requirement (clause 29(3)): the detail in section 19 of the Children's Protection Act is not carried over to the draft bill, which simply refers to the fact that regulations may make further provisions in relation to an investigation under this section. Compulsory investigation, examination or assessment measures: the implications of the bill's proposed arrangements are difficult to compare to the equivalents in the Children's Protection Act.

Persons or class of persons who/that may be exempted by regulation from the operation of a specified provision or provisions of this act: insufficient detail has been provided. Several others are listed, but I am sure the government has seen them, so it will just be a matter of what has been listened to and what has not, because there are no explanatory notes with the bill that say what amendments were made, why they were made and on what it was based.

Now I will read the proposals that were not supported by the guardian, and they include aspects of referral of notifications to a state authority. Whilst acknowledging the constructive intent of clause 28, the proposed section 28(7), 'Capacity for the chief executive to give directions or guidance in relation to a matter to the state authority to which the matter is referred' is not supported as currently constructed. It is not appropriate for the chief executive to give direction to an independent statutory officer, such as the guardian, who is nominated as a state authority in the draft bill, as this conflicts with the guardian's independent statutory role.

The minister currently does not have an equivalent power with the Children's Protection Act, stating that, in section 52AB(2):

> The Minister cannot control how the Guardian is to exercise the Guardian's statutory functions and powers and cannot give any direction with respect to the content of any report prepared by the Guardian.

Incompatibility of the proposed section 28(7) with existing legislation is reinforced by section 21(2) of the Children and Young People (Oversight and Advocacy Bodies) Act of 2016, which guarantees that:

> The Guardian is independent of direction or control by the Crown or any Minister or officer of the Crown.

The relevant clause in the draft bill therefore should exclude the capacity of the chief executive to direct an independent statutory officer. The capacity should be to request such assistance. The guardian was also concerned about the removal of the child safe environment provisions. However, I note that that has been put back in, so it is good that the government has listened on that point. I need to go through and make sure it is exactly the same, but it appears that it has been included.

Other areas of concern to the Guardian for Children and Young People include the removal of female genital mutilation as a child abuse issue. Sections 26A and 26B of the Children's Protection Act 1993 do not carry over to the draft bill, which removes female genital mutilation (FGM) as a matter warranting explicit attention as a form of child abuse. The guardian urges that FGM provisions be retained to maintain a focus on this unacceptable practice within the child protection sector, in accordance with relevant international and national standards, not the least of which is the international Convention on the Rights of the Child.

This should happen irrespective of the prescription of FGM in other legislation. Mirrored coverage applies to other matters in the draft bill, an example being the cross coverage of section 79—Unlawful taking of child or young person, with parallel provisions in the Criminal Law Consolidation Act 1935.

Comments of note mentioned by the guardian were actually from children, given that the voice of the children is an important part that was mentioned in the Nyland royal commission, that they must be heard. Things that the children felt were important to have in this bill, and suggestions for amendments, were as follows: call the children's helpline; talk to someone who could make a difference; more resources; siblings to remain together; friends over; more family contact; equal; where am I going?; will I see my parents again?; support ; empathy; love; and education.

As you can see, a lot of effort has gone into the draft bill by a lot of people, yet the final bill has not been given to any of these same stakeholders for them to make final comment, which I think is a definite flaw in our democratic system because this is an extremely important piece of legislation. We had the opportunity to work in a bipartisan manner had we been briefed on, or even given, the bill.

I found out about this bill being introduced this week on the radio yesterday, and then at 10.15 this morning a staffer from minister Rau's office came to tell me that not only would standing orders be suspended so that this could be introduced, but it would actually be debated immediately, and I had not even seen it. I rang parliamentary counsel, and at 10.55am I was told that three minutes earlier it went up on the portal; however, it was a different copy from the one that has been tabled in parliament. I do not know if the one that I have been given in parliament is the correct and latest version, so it sounds like there are still changes being made. It is just ridiculous that I should be expected to finalise my comments on a bill that I have never seen before, that I have not had time to read and that has had no third party consultation at all.

To go through Anglicare's feedback, which I have not mentioned yet, they had quite a lot of changes that they wanted, and they presented theirs in a table, which is a much easier format. It would have been handy if the government had presented a table with the new bill that said this proposed section replaces section whatever from the Children's Protection Act, or this is from the families and communities act, or this is from the Nyland royal commission because then we could have all understood exactly what was going on, where it came from, what was the whole point of it, and we could actually debate and get proper legislation.

As much as I am unhappy about the process, I am certain that the government wants to protect our children—and we do, too—so why are we not working together? Giving no notice is completely disrespectful and not how you get somebody to work with you in the best interests of children. Other stakeholders who have read this bill have made the comment that the draft bill was more of a butt-covering exercise and more about protecting the government and the minister rather

than protecting the children. I do not know if that has been changed in the final bill, but I will read it with great excitement later today when I have time.

Referring to Anglicare's submission, AnglicareSA welcomes the state government's proposed Children and Young People (Safety) Bill 2016 (which will now be 2017) and believes it will make a significant contribution to improving the quality of care and outcomes for children and young people in care. In particular, we commend the government on its commitment to amplifying the voice and views of the child or the young person, embedding timely and early decision-making processes to support stability and permanency, prioritising family based placements as a preferred option of care, and increasing the ability for foster carers to be involved in the daily decision-making.

Anglicare strongly supports sections 4A and 4B—the duty to safeguard and promote the welfare of the children and young people—which demonstrates a whole-of-government commitment to the protection and wellbeing of children and young people and their contribution to strong communities and a thriving state. Anglicare's feedback reflects our experience in child protection and organisational expertise with working with vulnerable families, children and young people across South Australia.

In reference to part 2, clause 6, Anglicare welcomes the inclusion of the paramount consideration guiding the administration, operation and enforcement of the act. This affirms the government's intent to translate the bill's intent into quality practice and implementation. However, they are concerned about this clause, which provides:

> The paramount consideration in the administration, operation and enforcement of this act must always be to ensure that children and young people are so far as reasonably practicable protected from harm.

The recommendation is to delete 'as far as reasonably practicable'. There are definition issues. In part 3, clause 8(1)(b) the recommendation is to include provision for the Commissioner for Children and Young People to represent children and young people in care to express their views, including children and young people who are at risk or not yet on an order.

Also in part 3 clause 8(1)(c), the recommendation is to reference the placement of children in care with a disability to the Disability Discrimination Act and potentially the national disability standards. Again, in the same clause, the recommendation by Anglicare is for the proposed Children and Young People (Safety) Bill to adopt the culturally and linguistically diverse (CALD) placement principle in line with the Aboriginal placement principle. Culture is mentioned many times but we are a multicultural society now and there are many cultures and religions and disabilities, as mentioned in this recommendation, that also need to be taken into account when placing our most vulnerable children. The recommendation is to reword clause 10, part 2, consistently with clause 10(3)(b) to include:

> Maintaining the connection of Aboriginal or Torres Strait Islander children and young people with their community or communities, family and culture.

There is also a recommendation to adopt the commonwealth definition of 'Aboriginality'. There is a further recommendation to include a commitment to a statutory body assessing the risk threshold of all notifications for consistent assessment and responses. There is a recommendation to delete chapter 4, part 2, clause 23, and replace it with a provision for statements made during family group conferences to be admissible in court. I have heard from many people who are against that idea.

The idea of a family group conferencing meeting is that it should be used early on to stop the child from being removed in the first place and that members of the family—and perhaps a schoolteacher or their local priest if they go to church—can get together and speak frankly about what is going on and how they can help and support the child to not have to be removed from the—

Members interjecting:

The DEPUTY SPEAKER: Order!

Ms SANDERSON: —parents in the first place. The thought of that being admissible in court would stop people from being able to speak frankly. Whilst that is an Anglicare recommendation, I have also had a counterview from other people regarding that recommendation. There is a recommendation to define 'serious harm' and 'no reasonable practical alternatives', to develop operational guidelines with clear definitions and parameters to guide practice and implementation,

and to provide resourced alternatives to a child's removal, including an obligation and resourcing for practitioners to put safeguards in the home when there are no options for removal.

A further recommendation is to consider retaining guardianship responsibility with the minister. For the children who have been removed, that could be quite an important change. Whilst I see that it is in keeping with what has happened in all the other states, I had a very emotional meeting with a lady who was here for a child protection rally. She had been, back in the day, a ward of the state—which is what they were called—and she is in her 30s now. She told me that when she left care at age 18, she had nobody. She had no family at all and the only adult in her life was her case worker who she did not particularly like but who was the only person she had.

The only highlight of her childhood was meeting the minister. She told me all about the one time she met the minister and how big an effect that had on her. In taking out the minister as the guardian, my concern is: is it that exciting to meet the CEO? I do not know.

I was really looking forward to someday being the minister—the guardian for these 3,300 children—so I see it as sad to lose that responsibility because ultimately, as the representative elected and the minister appointed, it is truly a great honour to be the guardian for these children. I can see the risks involved and I can see the other states have moved away from this, but I also see it as sad for the children to no longer have a minister who is their guardian.

There are also recommendations from Anglicare to remove charging fees for foster carer applications from the bill and to develop operational guidelines articulating how this will be monitored and enforced. I would have to agree about charging foster carers when we have such a shortage and we are trying to encourage, develop and nurture those relationships.

The last thing we want is to charge them for doing us a huge favour. They are volunteering their life, their time and now, under this new bill, putting themselves at considerable risk of imprisonment and fines. They do that great job on our behalf and with our most vulnerable and sometimes most difficult and challenging children, yet we also want to charge them for the privilege. I have to question that, although I have not seen the final bill to know whether that provision is in it.

Another recommendation by Anglicare is to revise the penalties to reflect the intent and objective of the bill. For example, the maximum penalty in the 1993 Children's Protection Act was $10,000, which could be adjusted to reflect inflation; $50,000 appears excessive and could be a hindrance to implementing the bill as intended. Further recommendations include for the bill to define 'placement agency' and include provisions for the Department for Child Protection to be responsible for prescribing and releasing the child or young person's information to foster care agencies or relevant intermediaries for disclosure to carers.

Further recommendations are for the bill to define 'placement agency' and for the Department for Child Protection to be responsible for prescribing and releasing information—this sounds very similar to the last recommendation, but it is different—to foster care agencies or relevant intermediaries for disclosure to carers. This relates to a different part of the act. A further recommendation is to define the least preferred option and the level of accountability in evidence needed to demonstrate this.

We know we are now defining that the guardianship of the minister or the CE is the least preferred option. However, the concern is that children may be left in more dangerous situations than they are now because there is no exact definition of exactly what that means. The safety of the child must always override that, of course, but Anglicare wants more information around that and a definition of exactly what that means. We do not want the pendulum swinging back too far.

We seem to go from one to another. There was a focus on keeping children together, so children were left in danger, but now some people might say too many are removed. We do not know. I know it is very difficult. As the shadow minister, I have over 100 cases ongoing in my office, and I can see the difficulty and complexity. It is not like I can read one and say, 'It has been handled 100 per cent completely wrongly.' I can see that there are always two sides to a story and that I do not always have all the information, but having definitions makes it a little bit clearer as to what that exactly means.

Another recommendation is to reconsider the definition of a foster carer agency as an agency that identifies, recruits, trains, recommends and supports foster carers and foster care placements. There is a recommendation that the bill specify the frequency of regular assessments, together with guidelines for foster care assessments. I read something about the CE requiring them to be done every 12 months, but I am not sure if that was for this section.

The final recommendation by Anglicare is to legislate the opportunity for all young people in care to have the option to, firstly, stay in or return to family-based care or supported independent living arrangements with access to the standard supports until they are 21 and, secondly, access ongoing support such as housing, financial, education, training, legal, etc., until the age of 26. I mentioned earlier that a Liberal Party policy is to have foster care to the age of 21 as the reports show not only are there better outcomes for the child emotionally, financially and education-wise but also our whole society is better off to have children who are not homeless and who end up in our juvenile justice system.

As the shadow minister for social housing, I was at a housing forum a few years ago. I was shocked to hear that a survey they did of people sleeping rough in South Australia showed that 30 per cent of those people had been in prison; prior to that they had been in juvenile justice and prior to that they had been under the guardianship of the minister.

We know where the children go and we know what happens to them. Kicking children out of home at 18 is not the done thing for normal families anymore. Years ago, people might have been married at 16, 17 or 18, but not anymore. We have high unemployment and jobs are hard to get. Children who are not working or studying need help, and they need foster care to be available until the age of 21 so that they can have a better start to life. Even though that requires funding, I think in the long term it is definitely the best thing for everybody—the child as well as the community.

I will now summarise some of the feedback, chapter by chapter. Of course, given that I have not seen the final bill and we are expected to debate it immediately, in order to allow time for other members of the opposition to speak, I will continue my remarks. In chapter 1, the changes were mainly from the Guardian for Children and Young People, and I have already read most of those comments into *Hansard*. In chapter 2, the changes mentioned were by YACSA to start with. YACSA states:

> The prevention of abuse and neglect experienced by children and young people is paramount and legislation that provides an instrument to guide a government response to prevention and early intervention, as well as processes and services to prevent children and young people experiencing further harm is vital. Disappointingly, this Bill only seeks to respond to children and young people at immediate risk of abuse and neglect or those who have already experienced harm.
>
> In order to prevent child abuse and neglect, government must focus on providing intervention services and programs that seek to strengthen all families, particularly those who may be the most vulnerable. We believe that the Bill requires a greater emphasis on prevention and early intervention to better align with the 'Child Protection: a Fresh Start' report (page 2) which describes the importance of early intervention and family supports as integral to preventing abuse and neglect. If prevention and early intervention—as a foundation of the child protection system—is not captured in this legislation, it will be unlikely that the new system will deliver improvements for children and young people who have experienced harm or are at risk of experiencing harm.

CAFWA-SA has comments on chapter 2. They state:

> The fundamental objective for the reform of the state's child protection system must be to assist families to provide safe and nurturing environments for their children, and to have the necessary services and supports activated (secondary and tertiary prevention) before a family reaches crisis point.

In reference to the United Nations Convention on the Rights of the Child, CAFWA-SA states:

> As Australia is a state signatory to the UNCRC and has ratified it as an instrument of international human rights law, CAFWA-SA suggests that all Australian jurisdictions, wherever possible, articulate in statute law its commitment to the principles and articles of the Convention. CAFWA-SA calls for a preamble to the Bill that references the UNCRC and which commits the government to uphold the relevant provisions therein.

With respect to part 3, YACSA makes the comment that:

> While the government response to the Nyland report commits to putting children and young people at the centre of the child protection system and ensuring that they can participate and influence the decisions that affect them, this is not spelled out within the legislation. The legislation instead includes the intent of article 21 of the UN Convention of the Rights of a Child as a 'Principle of Intervention'. (Part 3, section 8 (1)(b) stating that a child or

young person should be given the opportunity to express their own views 'on the matter that concerns their care' if the child or young person 'is able to form their own views on the matter'. YACSA is concerned that this provision is open to interpretation and has the potential to exclude the opinions, needs and participation of children and young people.

YACSA would like to see a stronger and less passive commitment to the engagement of children and young people within the Bill and in the child protection system in general. This demonstrates that we view children and young people as valued citizen's and as the experts in their own lives as well as fulfilling our international obligations to uphold the rights of children and young people.

YACSA advocates strongly for the participation of children and young people in the child protection system to be regular and meaningful and that their views, opinions and needs are given due weight to inform and influence their care. Providing the policy and service environment in which children and young people are expected to participate in the decisions that affect them will lead to both improved services and better individual outcomes.

Also commenting on part 3, chapter 2, part 3, clause 8(1)(c), Connecting Foster Carers supports the inclusion of the principles of intervention, in particular that account should be taken of those persons 'in whose care children and young people have been placed'. CFC-SA accepts that this would include foster and kinship carers.

With respect to chapter 2, part 3, clause 9, Connecting Foster Carers SA supports the inclusion of the placement principles, in particular the inclusion of a stable and secure environment, and that the existing relationship is considered of importance. However, CFC-SA would like to see clause 9(1)(b) amended to read 'approved carers are entitled to be, and must in so far as it is practicable to be, involved in decision-making relating to children and young people in their care'. It has also advocated and continues to advocate that, in many cases, the strongest relationship a child or young person has in care is with their carer.

Connecting Foster Carers believes that, if the government wants to recruit and retain volunteer carers to care for highly vulnerable and damaged children in secure, stable and inexpensive home-based care, then the government must protect and empower carers for the benefit of the children for whom they care. CAFWA makes further comments in relation to part 3, clause 10, stating:

CAFWA-SA supports the inclusion of an Aboriginal Child Placement Principle in the Bill, however calls for the current inclusion to be strengthened significantly. The provisions must be more robust and provide a greater level of accountability to the Department for Child Protection to ensure that Aboriginal children maintain close connections with family and culture wherever possible, and that all efforts are made to retain contact with kin. The provisions made in the Bill don't necessarily need to provide for a prioritised system of placement types or outcomes, as it should be the role of the delegated, Gazetted Aboriginal organization to ensure that case-by-case decisions are made in the best interests of the child in question. A provision for a delegated, gazetted Aboriginal organization to be involved in all placement decisions of Aboriginal children must be made.

Chapter Two of the bill (Guiding Principle) refers only to Aboriginal culture in the context of removal and placement of children, and must be strengthened to include principles for working with Aboriginal children, young people, families and communities in a preventative manner.

These principles must reflect how the department for child protection and the chief executive as legal guardian, will engage and work alongside aboriginal people and communities to strengthen family and community functioning, such that the removal of children is reduced. this engagement of gazetted aboriginal organisations will be critical for ensuring the success of this work.

The guardian also commented on part 3 and part 4, which I have already read into *Hansard*.

Chapter 3 relates to the feedback from Connecting Foster Carers. In relation to clause 12, they welcome the inclusion of the definition of 'approved carers' in the bill. The definition of 'family' is cause for some confusion, however, and arguably could extend to include carers. If it is not the intention of the bill to include 'approved carers' in the definition of 'family', it should expressly exclude them to avoid any such confusion.

In relation to clause 13, Connecting Foster Carers welcomes the extension of the meaning of 'harm' to include mental and emotional abuse. This clause highlights the need to genuinely support carers in the provision of long-term, stable, permanent, family-based care to achieve the best possible outcomes for children and young people. Carers are supporting the most vulnerable children and young people in this state to address emotional, social, behavioural and educational needs and will benefit greatly from various support initiatives aimed towards sustaining their caring responsibilities and connecting with other carers.

The guardian has comments on these areas, as well as CAFWA, in relation to clause 14, part 1(e). In close consultation with CREATE Foundation in South Australia, CAFWA-SA has noted in chapter 3—Interpretation, that a child or young person is identified as anyone under the age of 18, but when defining the meaning of 'at risk' in chapter 3, clause 14(1), the bill states:

For the purposes of this act, the child or young person will be taken to be at risk if:

(e) the child or young person is under 15 years of age, and is of no fixed address.

CAFWA-SA and CREATE agree that, for the purposes of consistent definition interpretation, a child or young person should be deemed to be at risk up to the age of 18.

The feedback received from CAFWA in relation to clause 14, child and family assessment and referrals network, states:

1. Refocusing on the government's additional commitment of $432 million over four years to deliver enhanced early intervention and dedicated family support services through the reallocation of a further $50 million over four years into a new early intervention services fund. This could be achieved in part by diverting funding away from the Early Intervention Research Directorate, which is a function that could be performed by the Australian Centre for Child Protection in partnership with government, and other research institutions.

2. Expanding the proposed pilot child and family assessment and referral networks to four locations incorporating one dedicated regional network, and ensuring that three of the four networks are run by respected non-government agencies in nominated regions.

3. Including non-government agencies involved in child and family welfare interventions as an integral member of the expanded child protection and family pathways which effectively operates as a front end of the child protection system.

4. Committing to incorporate early intervention and prevention provisions and statutory obligations in the Children and Young People (Safety) Bill, or to ensuring these provisions are included in a revised Family and Community Services Act.

Connecting Foster Carers welcomes the inclusion of persons who have a close association with the child or young person to be entitled to attend family group conferences. However, CFC would like the clause to extend beyond those who should attend, in the opinion of the coordinator, to expressly include carers who have had the child or young person in their care for some time. CFC believes that approved carers who have had the care of the child for some time should have the absolute right to attend family group conferences.

Carers are often best able to speak on matters that may have an impact on the child or young person in their care because they spend significantly more time with the child or young person than any other person in the child protection system. They witness the real-life consequences that decisions made by the court, the department and agencies have on the child or young person. The definition of 'family' may cause some confusion in this section of the bill, as mentioned earlier. Also, the carers are trained and required to comply with all relevant policies and directives prescribed under legislation, regulations, directives, policies, procedures and mandates of the department and any such delegates.

Clause 20 relates to Connecting Foster Carers. Again, the definition of 'family' may cause some confusion around the bill. Regarding clause 22, based on experience, it is not uncommon for an agreement to be reached about an action to be taken by the department, but there is no follow-through and nothing happens. It would seem to be equitable for there to be a remedy against the department as well as against other parties to the family group conference. That was feedback by a carer.

There are more CAFWA recommendations on clause 23, part 1:

With specific reference to section 23, part 1, CAFWA is concerned about the provision that evidence of statement made at a family group conference is not admissible in any proceedings. Whilst we understand that written records of decisions made at family group conferences will continue to be admissible in proceedings, we are concerned that certain important information or insights that may not be included in a written record of decisions will not come before the court, where in fact such information may be crucial in ascertaining what would be in the best interests of the child in question.

There are obviously many different views on different issues.

As to case planning, CREATE and CAFWA noted that chapter 4, part 3, deals with case planning issues and the content of case plans. However, clause 25, part 2, of the bill provides that 'a case plan does not create legally enforceable rights or obligations on the part of the chief executive, the Crown, the child or young person, or any other person'. We strongly support a greater level of accountability being provided in the act for the department's obligation to ensure that case planning and case reviews occur in conjunction with the child or young person where appropriate, and that case reviews take place at least on an annual basis.

Regarding chapter 5, CFC feedback, carers are considered to be mandatory reporters and must undertake relevant courses. Rather than relying on the regulations, it would seem logical to cover them in the law. Regarding part 1, clause 27(2)(a), reporting suspicions of abuse and neglect, CAFWA is concerned about the provision that:

> 'a person need not report a suspicion under section 1 if the person believes on reasonable grounds that another person has reported the matter in accordance with that subsection'. Whilst CAFWA understands that there is an impetus to reduce the overall number of unsubstantiated reports being made to the statutory agency, this particular provision may well result in people abrogating their responsibility to a court where they believe without substantive evidence that another person has made such a report. Further consideration needs to be given to provision and the potential implication that situations of abuse and neglect go unreported.

I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

Sitting suspended from 12:58 to 14:00.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

The following reports have been received and published pursuant to section 17 (7) & (8) of the Parliamentary Committees Act—
- 558th Report of the Public Works Committee entitled Western Adelaide Wastewater Network Upgrade (Paper No. 295)
- 559th Report of the Public Works Committee entitled South East Flows Restoration Project (Paper No. 296)
- 560th Report of the Public Works Committee entitled Adelaide Women's Prison Redevelopment of Women's Centre (Paper No. 297)
- 561st Report of the Public Works Committee entitled Kilburn Sportplex (Paper No. 298)

Local Government Annual Reports—
- Adelaide City Council Annual Report 2015-16
- Adelaide Hills Council Annual Report 2015-16
- Alexandrina Council Annual Report 2015-16
- Burnside, City of Annual Report 2015-16
- Charles Sturt, City of Annual Report 2015-16
- Coorong District Council Annual Report 2015-16
- Gawler, Town of Annual Report 2015-16
- Holdfast Bay, City of Annual Report 2015-16
- Kingston District Council Annual Report 2015-16
- Light Regional Council Annual Report 2015-16
- Lower Eyre Peninsula, District Council of Annual Report 2015-16
- Loxton Waikerie, District Council of Annual Report 2015-16
- Mallala, District Council of Annual Report 2015-16
- Marion, City of Annual Report 2015-16

Mid Murray Council Annual Report 2015-16
Mount Barker, District Council of Annual Report 2015-16
Mount Gambier, City of Annual Report 2015-16
Mount Remarkable, District Council of Annual Report 2015-16
Norwood, Payneham and St Peters, City of Annual Report 2015-16
Peterborough, District Council of Annual Report 2015-16
Playford, City of Annual Report 2015-16
Port Pirie Regional Council Annual Report 2015-16
Prospect, City of Annual Report 2015-16
Renmark Paringa District Annual Report 2015-16
Roxby Downs Council Annual Report 2015-16
Salisbury, City of Annual Report 2015-16
Streaky Bay, District Council of Annual Report 2015-16
Tea Tree Gully, City of Annual Report 2015-16
Tumby Bay, District Council of Annual Report 2015-16
Unley, City of Annual Report 2015-16
Victor Harbor, City of Annual Report 2015-16
Wakefield Regional Council Annual Report 2015-16
Wattle Range Council Annual Report 2015-16
Whyalla, Corporation of the City of Annual Report 2015-16
Yankalilla District Council Annual Report 2015-16—
Yankalilla District Council Annual Report 2015-16—
Yankalilla District Council Annual Report 2015-16

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

Courts Administration Authority—Annual Report 2015-16
Legal Practitioners Disciplinary Tribunal—Annual Report 2015-16
Legal Profession Conduct Commissioner—Annual Report 2015-16
Listening and Surveillance Devices Act 1972—Annual Report 2015-16
South Australian Civil and Administrative Tribunal—Annual Report 2015-16
State Coroner—Annual Report—2015-16
Summary Offences Act 1953—
Dangerous Area Declarations Report for Period 1 October 2016 to 31 December 2016
Road Blocks Report for Period 1 October 2016 to 31 December 2016
Regulations made under the following Acts—
Criminal Law (Forensic Procedures)—Blood Testing for Diseases
Cross-border Justice—Young Offenders
Justices of the Peace—Youth Court
Recreation Grounds (Regulations)—Central Oval
Victims of Crime—
Revocation of Criminal Injuries Compensation
Transitional
Work Health and Safety—Miscellaneous Amendment
Rules made under the following Acts—
District Court—Fees—No. 3
Magistrates—Fees—No. 3
South Australian Civil and Administrative Tribunal—Amendment No. 2
Supreme Court—Fees—No. 3
Youth Court—
Children's Protection
General
Young Offenders

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

Regulations made under the following Acts—

Development—
Low Impact Entertainment
Miscellaneous No. 2
Residential Code

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

Managing Risks in Stevedoring—Code of Practice Report for Period December 2016
Regulations made under the following Acts—
Return to Work—Guarantee

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

Independent Gambling Authority—Annual Report 2015-16

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

Regulations made under the following Acts—
Health Care—Reporting of Cancer

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
Electricity—Miscellaneous
Gas—Miscellaneous
Mining—Miscellaneous

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

Regulations made under the following Acts—
Fisheries Management—
Abalone Fisheries
Demerit Points—
Pipi
Vongole
Fish Processors—Vongole
General—Vongole
Lakes and Coorong Fishery—Vongole
Marine Scalefish Fisheries—
Pipi
Vongole
Rock Lobster Fisheries—Vongole
Vessel Monitoring Scheme Amendment

By the Minister for Investment and Trade (Hon. M.L.J. Hamilton-Smith)—

StudyAdelaide Charter—Signed on 20 December and 23 December 2016 Report December 2016

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

Local Council By-Laws—
Municipal Council of Roxby Downs—No. 8—Interim Cats
The Rural City of Murray Bridge—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs

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

TAFE SA—Ministerial Charter Report
Regulations made under the following Acts—
Animal Welfare—
Companion Animals
Miscellaneous Amendment—No. 2
Green Industries SA—Revocation of Zero Waste Regulations
Local Nuisance and Litter Controls—
Amendment of Act Schedule No. 1
General
Natural Resources Management—Financial Provisions Amendment
Wilderness Protection—Nullarbor Wilderness Protection Area

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

New Route Service Licence—Adelaide—Port Augusta—Adelaide
Parole Board of South Australian—Annual Report 2015-16
Regulations made under the following Acts—
Motor Vehicles—Miscellaneous No. 3
Road Traffic—
Ancillary and Miscellaneous Provisions No. 4
Australian Road Rules
Light Vehicle Standards Amendment
Miscellaneous Amendment—No. 2
Miscellaneous Amendment No. 3
Rules made under the following Acts—
Road Traffic—
Light Vehicle Standards Amendment
Road Rules—Ancillary and Miscellaneous Provisions No.3

The SPEAKER: The deputy leader's seeking for the Parole Board report seems to have been answered.

Ministerial Statement

SOUTH ROAD TRAM OVERPASS

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.C. MULLIGHAN: On Wednesday 18 January of this year, just before 7am, the Department of Planning, Transport and Infrastructure's Traffic Management Centre received reports of debris falling from the South Road tram overpass. Department personnel were immediately sent to inspect the structure and, in the interest of public safety, tram services were stopped, access to the pedestrian and cycling overpass was blocked and traffic was diverted away from that section of South Road.

Following inspections by structural engineers, the bridge was deemed safe for the return of tram services, but not access to the affected part of the bridge: the concrete beam section underpinning the cycling and walking path. Around-the-clock work began to design and construct a purpose-built solution to brace the beam and make the bridge safer for traffic to return to the closed section of South Road. This work was completed overnight on Sunday 22 January, enabling the road to be reopened from approximately 7.30 that morning.

On Monday 23 January, the department appointed national and international consulting engineering firm Aurecon to complete a thorough and comprehensive external review of the South Road overpass. Aurecon, which has a significant presence in South Australia, has more than

50 years of experience in all forms of bridge design, including large span bridges, rail and road bridges and bridges for cyclist and pedestrians. Aurecon also has a range of bridge specialists, none of whom were involved in the original design or construction of the structure.

I was advised yesterday that Aurecon's review to identify the cause of the issues associated with the movement of the pedestrian and cycling pathway is continuing. I was also advised that the report is expected to be completed within weeks. As I have stated previously, the report will be made public. I can also advise that the Small Business Commissioner continues to work with businesses impacted by the closure of South Road, following the state government's offer of compensation to affected businesses.

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. A. PICCOLO (Light) (14:11): I bring up the second report of the committee, entitled 'Annual review of the Crime and Public Integrity Policy Committee into public integrity and the Independent Commissioner Against Corruption'.

Report received and ordered to be published.

Question Time

POWER OUTAGES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My question is to the Minister for Mineral Resources and Energy. What contingencies are in place to protect South Australian power consumers from the imminent closure of the Hazelwood power station, and the subsequent loss of supply through the interconnector, following AEMO's warning that last week's situation could have been much worse if Hazelwood had not been supplying the National Electricity Market?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:12): The first point to make about the event last Wednesday is that it was completely avoidable. It was completely unnecessary, it didn't need to occur and, as far as the government is concerned—

Mr Pisoni interjecting:

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

The Hon. A. KOUTSANTONIS: —and indeed as I think a large part of the country is becoming aware, AEMO dropped the ball. They dropped the ball and they admitted as much in the Senate inquiry, when Mr David Swift said to the Senate inquiry that they got the demand forecast wrong. When you get your demand—

Members interjecting:

The Hon. A. KOUTSANTONIS: When you get your demand forecast wrong, it is very hard to then have generators turn on to meet that demand, given the notice they've been given. I do note—

The SPEAKER: Point of order.

Mr GARDNER: Standing order 98: the minister is debating generally about topics related to electricity supply, not about contingencies for when Hazelwood shuts down, which is the specificity of the question.

The SPEAKER: I'm sure the minister will get to that.

The Hon. A. KOUTSANTONIS: The Australian Energy Market Operator is tasked with dispatching available demand to meet our needs. That's their job, that's their charter, that's their constitution, and it is framed under, quite frankly, the privatisation of ETSA. They are the ones who now manage our electricity market. When the national operator gets its demand forecast wrong and finds it easier to load shed South Australians rather than direct, in advance, another generator on, we are right to lose faith in that market operator. We are right to put our own measures in place. As the Premier announced last Thursday, no more would this state allow itself to be at the mercy of the

market operator and the market forces members opposite have subjected the people of South Australia to.

Members interjecting:

Mr PISONI: Point of order, sir.

The SPEAKER: Before I come to the point of order, I call to order the member for Mount Gambier, the deputy leader, the members for Davenport and Schubert, and the member for Chaffey has put himself on the list. Point of order.

Mr PISONI: No, I think not.

The Hon. A. KOUTSANTONIS: As the Premier announced last Thursday, given the market operator can't seem to ensure supply to South Australians and that private operators are finding it more convenient to leave generation idle rather than to serve South Australians, regardless of the price signals being sent into the market by the private operator—that is, even though they've set the highest possible price in the market, they don't turn on—that's market failure. It's market failure because it wasn't what people expected from their energy markets.

Energy, electricity, is a public good. South Australians demand and expect it to be there when they need it, and that's why that premier, in a previous time, made sure it was in public hands. What we are trying to do, is of course—we need to intervene into this market now to make sure that what happened to South Australia last Wednesday never happens again. When we announce our plans to dramatically intervene into this market and unpick the damage done by members opposite through the privatisation, it will be dramatic.

The SPEAKER: Point of order.

Ms CHAPMAN: Clearly, under 98, the Attorney—

The SPEAKER: No, I think actually the Treasurer was, after two minutes, moving into the relevant zone. Treasurer.

The Hon. A. KOUTSANTONIS: Given the announced closure of the Hazelwood coal-fired power station, which is now, I think, the ninth in a long list of disorderly exits from the Australian energy market because the commonwealth government refused to place a price on carbon or refused to put a market mechanism in place to have an orderly transition to meet the Paris agreement—wait for it—that they signed, not us, we have always supported a price on carbon, as did Malcolm Turnbull. I have to say that when Hazelwood exits the market, South Australia, as the Premier announced, must put measures in place to ensure that we have supply for our citizens. We will be making an announcement very soon about our dramatic intervention into the market to unpick the privatisation of members opposite.

Members interjecting:

The Hon. A. KOUTSANTONIS: I heard the Leader of the Opposition say that he was in school when ETSA was privatised in 1999, so that means he is either lying about his age, or lying about being in school.

Members interjecting:

The SPEAKER: The member for Adelaide is called to order. The members for Mount Gambier and Unley are warned a first time, and the members for Morialta and Unley are warned a second and a last time.

ELECTRICITY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): What are the implications on electricity prices and grid stability for South Australians when the Hazelwood plant closes?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:18): The best forecast we have, of course, is from the ASX forward prices and the OTC prices. The over-the-counter markets, which is a majority of the contracts written in the market, I am advised, support contracts

between counterparts. We don't get much of an idea of what those contracts are, other than when businesses actually show us what those contracts are. The exchange-traded markets, which are an electricity futures product, are traded on the Australian Securities Exchange. Participants, including generators, retailers, speculators, banks and other financial intermediaries, buy and sell future contracts. Terms and conditions of the OTC contracts are confidential.

Mr Marshall: He's reading it.

The Hon. A. KOUTSANTONIS: I anticipated your question; that's how easy you are to read.

The SPEAKER: The Treasurer is called to order for a gratuitous remark, and the tenor from Altavilla will stop interjecting.

The Hon. A. KOUTSANTONIS: The terms and conditions of the over-the-counter contracts are confidential, so it's hard to know what prices they are being traded at, so it is hard to get a measure of the impact of the removal of such a large amount of generation. Remember that the Northern power station made up roughly 8 per cent of the competitive market in South Australia, whereas Hazelwood makes up 20 per cent of the Victorian market in terms of competition. The futures market allows parties to lock in a fixed price to buy and sell, given the quantity of electricity over a specified time. Each contract relates to a nominated time or day, and it is a very complex and difficult matter to explain. In particular, the important part about this trading is that it gives an idea of what these prices will be.

In regard to the recent electricity base load futures prices, I can advise that in the first quarter of 2017—of course the futures market factors in the withdrawal of supply going forward—you can see that in South Australia they were traded at $121.25 a megawatt hour. That is unacceptable; that is a high rate. Let's compare that with some other jurisdictions. In comparison to the same quarter, electricity based on futures in New South Wales, Victoria and Queensland last traded at $135 a megawatt hour, $81.13 a megawatt hour and $210 a megawatt hour respectively. In the futures market, Queensland has overtaken South Australia.

On a further note, the futures market often factors in that the actual prices paid are much lower. In terms of the impact of the instability of the national grid and the absence of policy certainty, meaning that people are not prepared to invest, it's creating a risk in the market. Quite frankly, despite the Prime Minister telling us that clean coal is the solution (much like his safe cigarettes policy), what we are going to see is no investment in the electricity market and futures prices getting worse and worse.

Interestingly, it is not renewable-rich South Australia that is bearing the brunt of this; it is coal-rich New South Wales and Queensland, which destroys the argument that renewable energy is more expensive than coal. Don't believe me, believe the market. Don't believe me, believe the ASX. The Prime Minister said we need some socialist paradise; this is a privatised market that operates entirely at market forces. How socialist is that?

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is called to order for an earlier offence.

ELECTRICITY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Has the minister received any advice from his department as to the likely increase or change in the average electricity price in South Australia post the Hazelwood closure?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:22): As I said in my previous answer, the futures market is the best way of anticipating that. What we are seeing is dramatic increases—

Mr Marshall: Table your advice.

The Hon. A. KOUTSANTONIS: Well, (1) I am not going to table advice I have received because there is a long-term precedent in this place that we don't do that. If the opposition wants me to start—

Mr Marshall: You don't want tell people what bill shots are about to hit them?

The Hon. A. KOUTSANTONIS: Again, misinformation, just after I showed the house—

Mr Marshall interjecting:

The SPEAKER: I give the Leader of the Opposition every scope to lead his party, but he is now abusing that freedom. I call him to order. If there is any repeat of what I just heard, he will be out. Treasurer.

The Hon. A. KOUTSANTONIS: The best indication is what happens to the futures market. If you look at the *Hansard*, at the previous questions the opposition have asked me to try to talk about future prices, it's the ASX. Interestingly, the Leader of the Opposition seems to think that South Australian householders pay the spot price for their electricity. They don't pay the spot price. I have to say, Mr Speaker, I think what you are seeing is the rest of the nation catching up to where South Australia was, if not exceeding it. Had it not been for our renewable energy coming on cheap, and if we were completely reliant just on fossil fuels, prices would have been a lot higher than they are now.

Members interjecting:

The SPEAKER: Before the leader asks his question, I call to order the member for Mitchell. I warn a first time the member for Schubert and the member for Mitchell, and I warn a second and a final time the members for Schubert and Mitchell. And, I wonder why is it that the member for Bright manages to behave in a gentlemanly and orderly fashion every parliamentary day? He's an exemplar!

PELICAN POINT POWER STATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): He took a seat off Labor, sir. He's an exemplar! My question is to the Minister for Mineral Resources and Energy. How long does it take for ENGIE to turn its second 250-megawatt generator on at Pelican Point?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:25): I'll get back to the house with an answer. I will ask ENGIE—

Members interjecting:

The Hon. A. KOUTSANTONIS: It is important to note that 25 per cent of the time when gas-fired generators attempt to start they fail, because, again, this is not like flicking the switch on your gas heater at home, despite what members opposite might think. Most gas-fired generators have to start with another form of fuel to heat up, of course, which is the part that concerns me the most about AEMO's forecasting.

The people in New South Wales were given up to 36 hours of potential load shedding when they eventually load shed the second largest smelter in the country because their base load coal couldn't meet their demands. It is important to note that they had a lot of time to give notice to allow that demand to be managed. We had no notice.

Now, given that most gas-fired generators that are brought in to a quick start 25 per cent of the time, I am advised, fail to start, an hour's notice, 10 minutes notice, is not enough. But, I have to say that everyone thinks, except the Leader of the Opposition, that the Energy Market Operator did a bad job on Wednesday. The opposition thought that it did good job when it load shed South Australians.

AUSTRALIAN ENERGY MARKET OPERATOR

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): Well, we don't know the answer to that one. My question is to the Minister for Mineral Recourses and Energy. At what time did the minister contact AEMO to request ENGIE to bring its second generator online?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:26): I'll go back and check, but I understand my first conversations with ENGIE were in the afternoon, well before the load shedding, given that we were thinking that demand was going to be very tight. My agency was in

contact with AEMO, but I will get a detailed report for the house so that members can see exactly what we did.

I would also add that my conversations with the chairman, Mr Markson, about the load shedding, when I was informed officially by AEMO that it was load shedding, were after they had begun. Now, I have to say that, if that were to occur in the North Shore of Sydney, there would be outrage. I think that the market operator has treated us very badly, and I think that they have let South Australians down.

Now, I know a lot of the people who are involved in the AEMO organisation, and I had a great deal of time for Mr Matt Zema who passed away last year. We were in constant contact about the management of AEMO. I am concerned about—with respect to the intervening period between Mr Zema's untimely death and the appointment of a new chief executive—the operations of AEMO, as I think a lot of people are, especially given what occurred in New South Wales.

Now, I think that when you contrast the two methods of operation—New South Wales and South Australia—and the amount of time and effort that went into making sure that residents weren't load shedded in New South Wales, you had the ACT minister and the New South Wales minister out giving plenty of advanced warning, asking the people of New South Wales and the ACT not to turn on certain types of power in their home if they didn't need to and trying to rush around to meet with industry that could voluntarily come off supply. They had time to try to manage the loads.

We were given none of that warning, yet we see from the reports that the relationship between AEMO and the Bureau of Meteorology needs to be improved, I would have thought, since the September blackout. There would have been a lot more of that. And I have to say the idea that we were given almost no notice of load shedding and the first contact I had with the chairman, I have to say is unacceptable. If the opposition wants us to run our electricity system why did they sell it?

The SPEAKER: Before the leader asks his next question, I call to order the members for Stuart and Hartley. I warn for the first time the members for Chaffey and Finniss, and I warn for the second and final time the member for Chaffey.

PELICAN POINT POWER STATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:29): I have a question of clarification. The minister in his answer said that he would come back to the house and advise how long it takes to turn on the 250 megawatt generator at Pelican Point. On 9 February, he told a broadcaster that it takes an hour. Does he stand by that statement made then?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:29): Again, I will get more advice from ENGIE but, like I said on radio, it all comes down to demand management. If you are the market operator, you plan for demand. You look at supply and you look at demand. People involved in the industry know that ENGIE owned Pelican Point and they owned Hazelwood, so they have positions in the market that they need to protect.

It is prudent that they will be planning to turn on that second unit at Pelican Point to protect their position once Hazelwood closes. Of course—surprise, surprise—they were. How do we know that? Because on Thursday, when the market operator directed a second unit on, like they should have on Wednesday, they were ready to go. Why? They had been prepared to de-mothball that plant. The question is: why didn't AEMO forecast better on Wednesday the lack of available supply and direct that second unit on? Why didn't they do it? We want to know. If the market operator can't guarantee supply under a privatised system, we are going to intervene and unpick the mess they created.

ELECTRICITY GENERATION

Mr VAN HOLST PELLEKAAN (Stuart) (14:31): My question is again to the Minister for Mineral Resources and Energy. Why did the minister claim that ENGIE had offered extra generation to avoid last Wednesday's power rationing, given it has said it has no gas contracts in place for the second generator, meaning it was unable to make the plant available through the bidding system

under market rules agreed by the owners of AEMO ,which include the South Australian government, and also given that AEMO said to a Senate estimates committee that it did not happen?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:31): The question makes no sense, but I will try to answer it. You can buy gas on the spot market, and if you read AEMO's public pronouncements they also said that ENGIE could have put gas on the spot market. The public statement that ENGIE put out said that they have no contracts but were in negotiations and hadn't finalised contracts and that was why they were bidding in. That just shows you the confusion of the National Electricity Market when you have a generator and a market operator arguing about when they should turn on.

Meanwhile, 90,000 South Australians were without power and members opposite are arguing about who said what to whom. Really! Who said what to whom—that is their major concern rather than people being left without power. The fact is that the market they designed is broken, it doesn't work. Privatised power works in the interests of the people who own the privatised assets, not in our interests, and that is why we need to reintervene in this market. We are not going to sit by and watch private operators make more money when people are load shed than turning new generation on. It is unacceptable behaviour. Why members opposite are trying to blame us, rather than the generators and the market operator and the system that they have foisted on the people of South Australia, is beyond me.

RENEWABLE ENERGY TARGET

Mr HUGHES (Giles) (14:33): My question is to the Minister for Mineral Resources and Energy. Minister, can you explain to the house the operation of the state-based renewable energy target and its commonwealth equivalent?

Mr Wingard interjecting:

The SPEAKER: The member for Mitchell will withdraw for the remainder of question time under the sessional order.

The honourable member for Mitchell having withdrawn from the chamber:

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:33): I thank the member for his timely question and his continued support to seek initiatives to address the global challenge created for all governments by decarbonising to meet the challenges of climate change. There is no denying the threat of climate change—no denying it—and the proof we have is that our own Prime Minister from a conservative party has signed the Paris agreement to try to decarbonise our electricity grid.

Mr Tarzia interjecting:

The Hon. A. KOUTSANTONIS: I note the member for Hartley saying, 'That did a lot.' Well, the Prime Minister signed that Paris agreement on behalf of all of us and he did so with the very best intentions. You may want to attack him—we won't—for signing that Paris agreement. In 2014, this government set South Australia's renewable energy target at 50 per cent of power generation by 2025, subject to the commonwealth government retaining its renewable energy policy.

More than $7 billion has been invested in renewable energy projects in South Australia, with about 41 per cent of that in regional South Australia. That means investment in jobs, economic activity in South Australia, and our renewable energy sector now employs nearly 1,000 full-time equivalent jobs. The only financial incentives to invest in renewable energy in South Australia are the renewable energy certificates issued by the commonwealth to pay renewable power generators to operate—a commonwealth subsidy for renewable energy.

By 2020, these certificates aim to double the amount of large-scale renewable energy generated in South Australia. They want to double the amount of renewable energy in this country, so our state is an attractive destination for potential investors seeking to benefit from these certificates because of our topography, abundant sunshine, abundant wind resources and a pro-investment government.

Seventeen wind farms operate in South Australia, with a total capacity of more than 1,500 megawatts, all subsidised by the commonwealth Liberal-National government, so I understand that members opposite are confused when their masters in Canberra disagree with the very technology they are underwriting each and every day of the week. They underwrite the investment they are attacking, which is possibly why there is a confused state here amongst some potential policy being advocated that would put at risk billions of dollars of investment in South Australia to take advantage of those generous commonwealth government subsidies. What is the rationale for turning your back on renewables?

We learnt the other day that the Prime Minister ignored a private report given to him on advice saying that renewables were not responsible for the statewide blackout. The Clean Energy Council reported that 20 large renewable energy projects are either already under construction or will start this year in Australia. That's more than $5 billion in investment that is expected to deliver approximately 2,250 megawatts of new large-scale renewable energy in 2017—the most investment since the Snowy hydro scheme—and will create nearly 3,000 jobs. However, in our investment posturing as a state before an election, the opposition says to that investment, 'You're not welcome in South Australia. Take your filthy money somewhere else. Take those jobs and take that investment somewhere else.' That's your policy, not ours.

ELECTRICITY GENERATION

Mr VAN HOLST PELLEKAAN (Stuart) (14:37): My question is again to the Minister for Mineral Resources and Energy, particularly in light of his previous answers about the AEMO. Does he stand by his statement made in this parliament on 29 September 2016? With your leave, sir, and that of the house, I will explain.

> We are the lead legislator for the National Electricity Market. We have a lot of in-depth, in situ advice given to us constantly by world experts based here in South Australia—people whose lives have been dedicated to the management of the National Electricity Market and its establishment…We have designed it, we have built it...

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:38): Of course, the context is 'we' because every single piece of legislation—

Members interjecting:

The Hon. A. KOUTSANTONIS: We are the lead jurisdiction, and when I say 'we' I mean members of the opposition, the government, the government of Victoria, the opposition of Victoria, the government of New South Wales, the opposition of New South Wales and the same in Queensland. This is a collective operation, and every single time we have moved legislation members opposite have voted for it. Not once have they opposed national reforms through the COAG process, yet here we are today and they are trying to say that they are not responsible in any way for the National Electricity Market.

The reason we have this NEM, the reason we have to have a collective operation of regulation, is that we don't own our assets anymore and we participate in a national market. Why is that? Why do we do that? What's the answer? Because they sold our assets, and then they have the audacity to complain about us being involved in national processes. We are compelled to be, but those national processes aren't working for us anymore; in fact, they have let us down terribly.

In fact, the operation of AEMO has let us down terribly. Ever since Matt Zema passed, we have seen AEMO make mistakes that are, quite frankly, inexcusable. We need to rectify that, and the way we are going to rectify it is through dramatic interventions in the National Electricity Market in the interests of South Australians, much like former premier Tom Playford did when he realised that the privately-run electricity operators weren't serving the interests of regional South Australians. That's what we are going to do as well. We have made a decision that the private operators of our electricity market do not serve the interests of the people of South Australia and we are going to intervene.

POWER OUTAGES

Mr VAN HOLST PELLEKAAN (Stuart) (14:40): Again, to the Minister for Mineral Resources and Energy: why did the minister say on ABC radio on 9 February that the South

Australian government is not responsible for the list of customers to be cut off when electricity is rationed under load shedding, when it is actually done based on advice from the Office of the Technical Regulator?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:41): When I say 'government', I am talking about ministers. I have to say that it is much better that this is done independently of me to make sure that there is no political opportunism. Imagine the outrage from members opposite if the load-shedding list had a list of Liberal-held electorates. What would the cries be then?

Of course they are done independently of me. I don't direct where they should load shed. I leave that to the experts to make sure that they can design the list. We don't do this on a political level, and members opposite should know that but, of course, if they want me to, I will. Quite frankly, I would have thought, after his demotion, he would have known better than to check.

Members interjecting:

The Hon. A. Koutsantonis: Keep on asking. Is that it? No wonder you got demoted.

The SPEAKER: The Treasurer is warned. The deputy leader.

FEDERAL BUDGET

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:42): My question is to the Premier. Did the Premier or any person acting on his behalf have discussions with One Community representatives before the organisation applied for the $750,500 of South Australian taxpayers' money to fund its participation in the 2016 federal election campaign?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:42): I don't know, but I wouldn't be surprised if they did because we made it very clear when we set up the Federal Cuts Hurt task force, which was to deal with the health and education cuts which emerged from that fateful 2014 Hockey-Abbott budget, that we would establish a—

Mr Knoll: Why were you too embarrassed to put your own name to it?

The Hon. J.W. WEATHERILL: In fact, we did. If you look at the website, it says, 'Funded by the Department of the Premier and Cabinet,' so it was hidden in full view from the community. Better than that, at the press conference that many of those in the media attended where we emerged from the Federal Cuts Hurt task force, we said we would run a community campaign.

This represents the difference between Labor and Liberal in this state. We stand up and fight for South Australia when it's under attack and we don't discriminate, whether the federal government is Labor or Liberal or whether the forces arrayed against us are public or private. We campaigned for a better deal for the River Murray against a federal Labor government. We campaigned—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is on two warnings.

The Hon. J.W. WEATHERILL: We will always stand up for South Australia against powerful interests. We certainly approached community groups to assist us in pursuing that campaign in much the same way as we pursued our Australian-made defence when we supported the Defence Teaming Centre to run a community campaign, and we had a great victory there as we secured the future submarines project. We are a campaigning government. We make no mistake about it; we disclose it fully. Do you remember those two lovely old ladies doing that ad, the pensioner ad where they are having that little chat over a cup of tea?

Mr Knoll interjecting:

The SPEAKER: Will the Premier be seated. The member for Schubert is showing no compunction about my earlier calls to order. I believe from standing orders there is an oubliette in the parliament available to accommodate people who disrupt the proceedings of the house. That is the last warning. The Premier.

The Hon. J.W. WEATHERILL: Thank you, sir. I wouldn't want to get between you and the exercise of discipline. I think they are quivering with excitement on the other side at the prospect. Leaving that small matter aside, the truth is that we have always been prepared to stand up and fight a public campaign. Do you remember those two lovely ladies who were having a cup of tea discussing the cuts to pensions? That was a powerful campaign.

Ultimately, we joined with all my federal counterparts, the premiers and chief ministers from the other states, famously including the New South Wales premier, Mr Baird, and now his successor, who has recommitted herself to fighting off these federal cuts. We achieved a partial victory. We received in excess of $100 million of additional health-care funding. It is not enough. It is less than 20 per cent of what was cut, but for the relatively modest contribution which held this federal government to account for its cuts, we receive benefits. The truth of this is that Senator Birmingham has a glass jaw. When he got tickled up by One Community, he started to squeal, as the federal Liberal Party do.

They do not like it when you hold them to account. What they then do is get very upset, and they start ringing around people. I understand that a few phone calls were made around the place to put pressure on community groups to stop saying nasty things about the federal Liberal government and their cuts to education—$335 million in cuts to South Australian schools. So, instead of coming in here and questioning me about what I am doing to campaign against these cuts, why don't you add your voice against these cuts?

The SPEAKER: The Premier's time has expired.

GLOBE LINK FREIGHT AIRPORT

The Hon. A. PICCOLO (Light) (14:47): My question is to the Minister for Investment and Trade. Can the minister advise the house of the impact on future investment plans of a proposal to build a freight-only airport in South Australia?

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) (14:47): I thank the member for his question. Yes, I can. It took only a couple of hours for the leader's grand plan for a freight-only airport at Monarto to be pilloried and pulled apart, not by us, but by the peak body that represents the industry that the opposition was claiming to help.

Mr Whetstone: How's Toowoomba going?

The Hon. M.L.J. HAMILTON-SMITH: I'll come to that. I'm glad that was mentioned. You will regret that interjection. The grand plan was called Globe Link, but might more aptly have been called the 'Monarto Mirage'. I give the member for Dunstan due credit for finally having a policy on something, but here's the tip: first talk to people who might support your idea. As members may be aware, the SA Freight Council's Evan Knapp explained to the leader on radio that, firstly, the majority of air exports from South Australia and every other capital city airport go in the belly of passenger aircraft.

Secondly, it is a combination of both passengers and freight that makes the air service viable. He also pointed out that freight-only airports have to be very, very large to be viable, such as the global logistics company DHL's hub that handles half of America's postal freight. It needs to be that big to be viable—strike one. Next up was the developer of a regional passenger and freight airport in Queensland, John Wagner. Wagner's $100 million airport in Toowoomba was said to be the inspiration for the Monarto Mirage, but he scotched the plan immediately, telling Queensland media, 'You need to have a mix of passenger and freight; you would never pay for an airport just on freight.' So I thank the shadow minister for his interjection—strike two.

As the mirage lost its shimmer and sheen, attention turned to the impact such an airport, such a poorly-constructed policy, would have on the business and investment prospects elsewhere in the state—and this is where it really hurts. The Australian Airports Association, which is the national industry voice for 260 airports and aerodromes in Australia, has written to the state government and advised that it was not consulted, that it threatens the viability of current facilities, and that it will have a negative impact on future investments. So with that triple play that is strike three, and Globe Link is headed back to the dugout.

The Airports Association's chief executive, Caroline Wilkie, points out that airfreight is a tiny fraction of Australia's freight sector, accounting for 0.1 per cent of Australia's international freight by weight. Due to the small volumes involved, airfreight is ideally suited for carriage in passenger aircraft, the association says. All this could have been found out by the leader before he announced the policy.

Airlines rely on both passenger and cargo revenues for route viability. So why has the opposition leader chosen Monarto for his airport mirage? Perhaps he considered it appropriate for a freight airport because it is in the middle of a zoo. What better way to care for jumbo jets? Put them in the middle of the zoo, the leader's jumbo jet airport in the middle of the zoo. There is a danger, of course, that the giraffes might have to duck. He did tell Chinatown that it was the Year of the Fire Monkey, not the Year of the Rooster; they may be at risk.

In summary, the Globe Link airport idea is a dangerous dud. No consultation, no research. It is not viable. It is wok-in-a-box economics yet again. Not only that, it is unnecessarily putting at risk 12,000 workers at Adelaide and Parafield airports. I say to South Australian businesses and workers: if you are involved in work at the airport, the leader is putting your jobs and your future and your business at risk.

ONE COMMUNITY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): My question is to the Premier. Given that the Premier believes he did have discussions with One Community, will he check when he had those discussions and with whom, and report back to the house?

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is on full warnings.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:52): The Deputy Leader of the Opposition has been in this place about 15 years and continues to perpetrate the same offences that she has continually engaged in over those whole 15 years. That is not what I said at all. I said that I didn't know but that I wouldn't be surprised there were discussions had. I didn't suggest I had any discussions, I didn't say that I had had discussions, but I wouldn't be surprised—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: So what if I did?

Mr Marshall: Rule it out, just rule it out.

The SPEAKER: The leader is warned.

The Hon. J.W. WEATHERILL: The Leader of the Opposition is erecting a straw man and then seeking to bash it down. The simple truth is that in a display of seeking public support for a campaign against these federal cuts, we made it clear that we would be making a federal campaign. Indeed, we said we would lead a national campaign. We then said publicly that we would support a community group to actually pursue that campaign. Then, when we did support the community group, we put it on the website suggesting that we did fund that community group, so—

Mr Bell interjecting:

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

The Hon. J.W. WEATHERILL: At every level we disclosed our intentions. We explained our intentions, and then when we carried out our intentions we were accountable for them.

Ms Chapman interjecting:

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

The Hon. J.W. WEATHERILL: At every step of the way we have been publicly accountable. I wish the opposition would show as much energy and verve in pursuing this government on the question of One Community as they did in pursuing the federal government for the cuts. If they put as much energy into that, we might actually get somewhere in getting this federal Liberal government to back down on these cuts.

Let's just take one electorate. For Adelaide High School, the federal cut over two years will be $1.624 million. Walkerville Primary School, in the Adelaide electorate—$782,000.

Ms CHAPMAN: Point of order: the question was very specific as to whether the—

The SPEAKER: Yes, I got what the question is; you are saying that the Premier is not being relevant?

Ms CHAPMAN: That's correct, sir; yes.

The SPEAKER: I uphold the point of order.

Ms CHAPMAN: Thank you, sir. Have you finished?

The SPEAKER: Is the deputy leader asking a question?

ONE COMMUNITY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): I do have another question sir, if I may. My question is again to the Premier. Was the Premier aware that the taxpayer-funded One Community was approved by his department on the very day of the formal application for which it was made?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:55): No, I am not aware of the circumstances of the approval. All that I have been assured of is the approvals were carried out in accordance with proper processes. But that is a matter that will be reviewed by the Auditor-General, and we will abide his observations in that matter. The simple truth of the matter is that we have routinely funded community groups to stand out and fight for South Australia, and we will continue to do so. I expect proper processes to be observed, and I have received no advice that suggests anything other than that.

ONE COMMUNITY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): Supplementary: have you asked whether the proper processes have been complied with?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:55): Yes, and I have been given that assurance.

GRANTS AND SUBSIDIES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:56): I have a further question to the Premier. Could the Premier identify any grant or subsidy provided by his department which was approved on the same day that it was applied for, other than to One Community?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:56): I haven't had the opportunity of trawling through every single grant application, but I don't think it is unsurprising at all. In fact, I have—

Members interjecting:

The Hon. J.W. WEATHERILL: I can't recall—

Members interjecting:

The Hon. J.W. WEATHERILL: Generally speaking, what happens is that the grant applications—

Members interjecting:

The Hon. J.W. WEATHERILL: The formal process—

Members interjecting:

The Hon. J.W. WEATHERILL: Would you like an answer or would you like to speak amongst yourselves?

Members interjecting:

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

The Hon. J.W. WEATHERILL: What commonly occurs in relation to grant applications is that there is a series of discussions that occur when community groups approach the government seeking support. Generally speaking, at the end of that process, there is usually a request for that to be formally documented in writing. Often, the negotiations predate the actual formal application. So, it wouldn't be surprising that the actual approval, given that there are discussions that predated the actual letter of application, would occur relatively instantaneously. I understand that's what occurred in this case, and it wouldn't surprise me if there were many cases that fell into this category.

ROAD AND RAIL FREIGHT

Mr GEE (Napier) (14:57): My question is to the Minister for Transport and Infrastructure. Can the minister advise the house of any studies conducted on Adelaide's road and rail freight network, including options to relocate road and rail freight traffic from metropolitan Adelaide?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:58): What a great question. Some members will be undoubtedly surprised to learn that significant studies have already been undertaken to underpin the nearly $3 billion worth of road and rail freight projects committed to by both state and federal governments. Let's start with studies regarding rail freight.

In 2008, the commonwealth department of infrastructure, transport, regional development and local government provided $3 million to undertake the Adelaide Rail Freight Movement Study. This independent study was undertaken by global engineering group GHD to determine how Adelaide's rail freight network could be made more efficient and also to increase capacity to cater for higher freight volumes in the future. It included an assessment of moving the freight line out of Adelaide. The study was released in June 2010 and is freely available online, and considered five options available for the future management of rail—

Mr KNOLL: Point of order, Mr Speaker: saving me from doing any work, the minister has just admitted the fact that the information is freely and publicly available online.

The SPEAKER: No, he admitted that a particular report was available online—quite different from the answer he is giving to the member for Napier's question. Minister.

The Hon. S.C. MULLIGHAN: Indeed, Mr Speaker. Even the most cursory glance at Google would have uncovered the evidence of the report, and the report options 2, 3 and 5 in the study broadly resemble the rail bypass put forward by those opposite in their, as the member for Unley calls it, '#globlink proposal'. Perhaps it's 'globs and growth'. So what did the study say about these options? Firstly, that the capital costs outweigh the benefits. In fact, 'significant negative net present value' was what the report said, that there would be modest operational benefits, and the social benefits, particularly in those key Adelaide Hills seats, would be marginal.

Mr Marshall interjecting:

The SPEAKER: The leader is on his final warning.

The Hon. S.C. MULLIGHAN: It's like fishing in a barrel. Infrastructure Australia also has had this report since 2010 and has not included it in their infrastructure priority list released just late last year. Instead, Infrastructure Australia recommended the $440 million Goodwood and Torrens Junction upgrades to the rail freight line to improve efficiency and also to increase future freight capacity of the freight line. Interestingly, it had a benefit cost ratio, which was positive, of 3.2. These projects were jointly funded between the state Labor government and commonwealth governments, both Labor and the current Coalition government, with the Goodwood Junction delivered in 2013 and the Torrens Junction project now underway.

It is not just rail freight that has been comprehensively investigated; it is road freight as well. In 2013, the federal government, first under former federal transport minister Albanese and then under assistant minister Briggs, funded the north-south corridor 10-year strategy. The strategy was completed and published in the first half of 2014 and has informed decisions taken by the state Labor government and the federal Coalition government to invest $2½ billion into upgrading three sections of the north-south corridor.

These upgrades are necessary because 80 per cent of heavy vehicles travelling west on the South Eastern Freeway from Murray Bridge are bound for Greater Adelaide; that is, they pick up or they drop off within metropolitan Adelaide. Further, only 10 per cent of heavy vehicles use existing roads to bypass metropolitan Adelaide, indicating there is already a viable road freight bypass of Adelaide. As the minister said in his earlier answer, not only were people not consulted with but the freight council has bagged this proposal and, indeed, local councils including the Coorong Council have called this 'a short-sighted Liberal policy'. So that's what it does for regional communities.

The Hon. J.J. Snelling: 'JokeLink'.

The SPEAKER: The Minister for Health is warned. The deputy leader.

ELECTION DAY MATERIAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:02): My question is to the Premier. Was the Premier or his office consulted regarding versions of the election day materials and/or the television advertisements by One Community?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:02): No. There is only one issue at stake here and that is the sensitivity of the federal Liberal Party, and they whistle up their mates here in South Australia and get them to do their bidding. It is as simple as that.

Ms CHAPMAN: Point of order: the Premier has actually answered the question.

The SPEAKER: Has the Premier finished?

Ms CHAPMAN: In which case, the answer—

The SPEAKER: I'm sure the Premier will come to the substance of the question soon.

Ms CHAPMAN: Well, he actually answered no straightaway, so he's answered my question and everything else since then is debate.

The Hon. P. Caica interjecting:

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

The Hon. J.W. WEATHERILL: Maybe those opposite could give details of the telephone conversation that occurred from Senator Birmingham when he requested to be rescued by the local Liberal Party.

Ms CHAPMAN: What has this got to do with the One Community advertising campaign, of which the Premier has said he has had no conversations?

The Hon. T.R. Kenyon interjecting:

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

The Hon. J.W. WEATHERILL: The federal Liberal government felt the heat in the last election campaign because a community—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, you asked about an election.

The SPEAKER: I would like the Premier to develop his answer and then I can make an assessment.

The Hon. J.W. WEATHERILL: The deputy leader asked about the election campaign and how-to-vote cards. Ultimately, the sharp end of this debate occurred in the context of an election campaign, an election campaign where contending points of view were put by community groups about public policy issues. The Liberal Party federally could have saved itself some grief in relation to this issue if it had simply kept its promise to honour the Gonski funding. If it had reversed the $335 million cut, it could expect that community groups who represent the interests of educators would stop campaigning against them.

Don't complain about the fact that people are campaigning against an idea in circumstances where you continue to advance policies which act against their interests. That is the definition of a

glass jaw. If you are going to cut $335 million, expect that somebody is going to get a bit angry about it, expect that they are going to raise a campaign against it and expect this government to back them.

If those groups decide to put pressure on federal Liberal candidates, then that is their judgement about achieving their goals, just as they put pressure on us in relation to gambling issues, just as we put pressure on our federal Labor counterparts in relation to questions concerning the River Murray. The difference here is that we act in South Australia's interest and those opposite get whistled up by Canberra to do the bidding of their Canberra mates.

Ms Chapman: Point of order.

The SPEAKER: Yes, the Premier has finished. Had the point of order been made, I would have upheld it.

POLLING BOOTH STAFFING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): Thank you, sir—how generous. May I also ask another question to the Premier? When the Premier's personal approval—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned.

Ms CHAPMAN: —was given for One Community to be given the $757,500, was he aware that this funding would support the staffing of polling booths in four federal seats?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:06): The first thing is that the leader once again misrepresents me by using the phrase 'personal approval'. This was dealt with by officers in relation to my agency. We made the policy call that we would support a campaign against these federal cuts. We also made a policy call, I must say, in conjunction with a range of community groups, where we publicly said we would campaign, through community groups, to resist these cuts. Thereafter, it is a matter for agencies to implement that policy. We make the policy directions. We supply the resources to permit them to make those policy directions. We don't get involved in the operational decisions that are made about these matters.

POLLING BOOTH STAFFING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:07): Which government guideline allows taxpayers' money to be spent on staff at polling booths at federal elections?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:07): I don't accept the premise of the question. I don't have any awareness of whether any members of these community groups, the community group itself, were participating directly in that way in the election campaign. I simply have indicated the nature of our support for this campaign and the fact that we support community groups that pursue it. If it has the unfortunate effect of damaging the interests of the Liberal Party, then own it. Just own the fact that you are out there cutting $435 million in funding. Don't come bleating in here because somebody has called you on it and somebody is going to campaign against you on it. Don't come in here doing the bidding of Senator Birmingham because he's got an upset feeling.

I can tell you why this debate is occurring, Mr Speaker. This debate is occurring because the community group designed an app. The app requires that you type in a school and then it pops up, and in the case of the member for Dunstan he should know that Trinity Gardens comes up with an $839,000 cut—a $839,000 cut to the Trinity Gardens primary school. That's why—

Mr GARDNER: Point of order: standing order 98. The question was about the guidelines allowing taxpayers' money to be spent on staffing polling booths for the Labor Party.

The SPEAKER: I uphold the point of order.

The Hon. T.R. Kenyon interjecting:

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

ONE COMMUNITY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:09): My question, again, is to the Premier. Did the Premier have any discussions with Mr Brad Chilcott about the taxpayer funding of One Community?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:09): No, but I understand that Mr Chilcott has come in for some criticism in relation to his very effective campaigning in relation to this matter, and it is no surprise that Senator Birmingham has taken exception to Mr Chilcott's campaigning efforts because they have been effective in embarrassing the federal Liberal government. They have also been very effective in embarrassing Senator Xenophon into shifting his position.

So, don't take it personally. Everybody is getting lobbied. If you want to avoid the pressure, if you want to avoid the embarrassment of cutting $335 million out of schools, reverse the cut or, if you can't reverse the cut, join us in campaigning against it and that might get you off the hook, but, of course, you will never do that because you always put party before the state.

ROYAL ADELAIDE HOSPITAL CONSTRUCTION SITE INCIDENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:10): My question is to the Attorney-General. Will the Attorney-General assure the house that the withdrawal of workplace safety charges against the Royal Adelaide Hospital contractor, HYLC, and SRG, re the death of Mr Castillo-Riffo was not a term or condition of settlement of the civil dispute between the government and the consortium?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:11): Absolutely, and that is an absolutely outrageous allegation. It is a slur upon the independence of SafeWork SA, and to suggest that in any way it would have anything to do with resolving the commercial matters between the government and SAHP is an absolute slander.

In any case, the charges, as I understand it, were against the builder and the builder, HYLC, is not a party to the agreement between the government and SAHP. So, not only is it a slander but it is also materially incorrect.

ROYAL ADELAIDE HOSPITAL CONSTRUCTION SITE INCIDENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:11): My question then is to the Attorney-General. Given that answer, Attorney, can you explain why it took two years of valuable court time before the prosecution acknowledged that there was no case to answer?

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) (15:11): Well, Mr Speaker—

Ms Sanderson interjecting:

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

The Hon. J.R. RAU: I thank the deputy leader for that question, and can I reinforce the remarks made by my colleague the Minister for Health. The suggestion that there can be any connection between the two is appalling.

The answer to the question is this: it is not uncommon in prosecutions for matters to be appraised along the way, and at some points in time advice is received—

Ms Chapman: Come on!

The Hon. J.R. RAU: Sorry, can I answer the question, please? At some points along the way advice is received by the prosecuting authority from their legal advisers to the effect that, given that the Crown is a model litigant and—

Ms Chapman: That's a joke!

The Hon. J.R. RAU: Well, I'm sorry, they are, and given that the Crown makes decisions about prosecution based on an exercise of prosecutorial discretion, which is not vested in the government—that is, in particular, in me but in public officers who have responsibility in relation to these matters—they take advice and they act in good faith and as a model litigant should based on that advice.

One of the things which has been of concern to the government generally and which is something we have been concerned about—and I think it is a matter that probably would have been of concern to you, Mr Speaker, when you were occupying the role of Attorney-General—is that it is an unfortunate fact that, for various reasons, a nolle prosequi, for example, is entered in court proceedings in the District Court or Supreme Court from time to time.

The Hon. A. Koutsantonis: Give me more Latin.

The Hon. J.R. RAU: Do you like the Latin?

The Hon. A. Koutsantonis: I do.

The Hon. J.R. RAU: Okay. Unfortunately, from time to time this happens, but I make the following point. What would be much worse than a withdrawal of a prosecution in circumstances where it appeared to the prosecuting authority that there was not a reasonable prospect of success in such a matter, what would be much worse and extremely embarrassing—and I could not excuse it—would be for the government or prosecuting authorities to pursue people in circumstances where they had sound advice to the effect that the prosecution was not likely to succeed.

Just think about where that road leads, where government prosecuting authorities are free to proceed against citizens in circumstances where they are of the fair opinion that there is no reasonable prospect of succeeding in that prosecution. Is that the sort of place we would like to be in? All of us on this side are deeply concerned about the fact that a man lost his life in tragic circumstances in the construction of the hospital. All of us are deeply disappointed and upset about that, and obviously we are deeply concerned about his family, but that does not mean prosecutions occur without sound foundation.

Ministerial Statement

CRYSTAL METHAMPHETAMINE TASK FORCE

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:16): I table a copy of a ministerial statement relating to crystal methamphetamine made earlier today in another place by my colleague the Minister for Police.

Grievance Debate

POWER INFRASTRUCTURE

Mr VAN HOLST PELLEKAAN (Stuart) (15:16): Mr Speaker, you know as well as every other member of parliament and every South Australian know what a dreadful situation we have across our state in regard to electricity. South Australians are suffering with the most expensive and least reliable electricity in the nation. The great tragedy of this is that it was not necessary. The South Australian government could easily have avoided this problem, and they know it. They were warned well in advance about this problem. They have created this problem through their own desire to play politics with this issue and all South Australians are suffering. From the smallest household to the largest employer, everybody in South Australia is suffering.

Back under former premier Rann, when he decided that renewable energy targets would support his government and would make him popular, he decided to start with a 20 per cent target, and people thought that was pretty good. Guess what? Everybody accepts that we must make a transition away from fossil fuels towards renewable energy. He started with a 20 per cent target, then he started thinking about increasing that to a 33 per cent target. He was actually warned when that happened that our electricity network would not be able to support that target. He was warned to be careful about increasing that target but he went ahead and did it anyway.

Under current Premier Weatherill, the government increased it from 33 per cent to 50 per cent, and again they were warned. They were warned by independent commentators, they were warned by Deloitte Access Economics, they were warned by Frontier Economics. They were actually warned by their own internal departmental advice that 50 per cent was going to be completely untenable. Now the situation we have is that we have a 40-plus per cent contribution of renewable energy to our electricity mix in South Australia, and that electricity is unreliable. That electricity cannot be counted on.

Of course, when it is windy and when it is sunny, it is exceptionally positive, but guess what? It is not always sunny and it is not always windy, and that is the problem. The government's policy quite deliberately forced out baseload electricity, like the Northern power station.

The government was warned that, if it allowed the Northern power station at Port Augusta to leave South Australia, prices would go up further and reliability would drop further. In June 2015, when the government heard that Alinta was going to close their Port Augusta power station, forward contract prices actually went up by 70 per cent, and since May 2016, when the power station actually did close, spot prices went up 105 per cent. The government was warned of this eventuality well in advance. The government knew this would happen, but they refused to support the Port Augusta power station to stay open.

Alinta asked for the government to contribute tens of millions of dollars so they could stay open for another 10 years. I am not suggesting that the power station needed to stay open for another 10 years, but it could have stayed open for two, four or six years to make a sensible, well-planned, well-managed transition away from fossil fuels and towards renewables. The government refused to support that well-managed transition and they also punished all South Australians in the process.

Since then, according to Business SA, the blackout on 28 September alone has cost this state $350 million. Add that to all of the subsequent blackouts and the extreme increase in prices that we are paying in South Australia and right now we are paying 20 per cent above the national average for electricity in South Australia and we are paying double what the Victorian government is paying.

The state of Victoria and the state of South Australia are both privatised electricity markets, so privatisation has absolutely nothing to do with this whatsoever. This is an issue that the state government has brought upon itself and, unfortunately, upon all South Australians. Every South Australian is being punished by this government's electricity policy and it must stop.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. A. PICCOLO (Light) (15:21): By ensuring that people with a disability and their carers receive full access to the support they need, the National Disability Insurance Scheme is dedicated to the vision of a community that values people living with disability. The NDIS was launched in July 2013, following years of discussion about the need for a major reform of disability services in Australia. It is a major and highly complex reform to the way in which disability support is funded, accessed and provided. It is jointly governed and funded by the commonwealth and participating state and territory governments.

The main component of the NDIS is individualised long-term funding to provide support for people under the age of 65 (and then until they enter aged care) with a permanent and significant disability or who are eligible for early intervention support. Participants will meet with the NDIS agency to identify a set of supports agreed as reasonable and necessary to meet their goals. Participants will be provided with funding for these supports and will have choice over how their needs are to be met, including a choice of provider.

When the NDIS is fully implemented, it is expected that around 460,000 Australians will receive support under this component of the scheme. The NDIS also has a broader role in providing information, coordination, referral and funding to assist people with disability, including those not eligible to participate in the main component of the scheme.

An important challenge to be faced in building the NDIS is whether disability service providers will have the capacity to meet the increased demand for support, and I will come to that point a bit later as it is very important. The question to be asked is: will small providers be able to adapt or will

the scheme be dominated by large providers? Will there be enough disability care workers to provide support? Again, this is another important issue.

Another challenge would be containing the cost of the scheme. Potential cost pressures over time may include higher than expected demand for support, expectations of NDIS participants about the level of funding that will be made available to them and the costs for providing services. The question now is: how does the federal government intend to deal with this? The answer is quite clear. It intends to cut the benefits to other welfare recipients. Playing one group off against another group in our community, when they are both very deserving of our support and are people in need and vulnerable, is both disgraceful and grossly unjust.

The Disabled People's Organisations Australia is both alarmed and concerned that the federal government is linking budget cuts in the omnibus bill now before the Senate with funding for the National Disability Insurance Scheme. In other words, if you want a National Disability Insurance Scheme, other people in the community who are the most vulnerable have to accept cuts. To quote Therese Sands, the Director of DPO Australia:

> We are shocked and troubled about this announcement from Treasurer Scott Morrison that once again links cuts to social security with funding for the NDIS.

She goes on to say:

> We have campaigned over the last year against the creation of an NDIS Special Savings Fund because of our fear that it would be used in exactly this way, creating an expectation that the NDIS will be funded from ongoing trade-offs against other equally important human services expenditures.

She says further:

> The NDIS provides essential ongoing support for many people with disability in Australia. These same people with disability will also be hurt by the proposed cuts to income support, childcare and family payments. These cuts are counterproductive to the aims of the NDIS, and it is simply unacceptable that funding for the NDIS should be linked to measures that will see so many other people in our community worse off.
>
> The Government must stop this kind of politicisation of the NDIS and restore certainty to people with disability across Australia by taking the funding out of the budget cycle…

This certainty is very important, and I will come back to that in a second:

> Trading off essential and vital disability support with cuts is a false economy that will hurt many people with disability and is simply not on, completely unfair, and goes no way to ensure the long term sustainability of the [scheme]…

She goes on to say that the scheme should not be a 'political football'. This uncertainty is unfortunately very unhelpful when trying to attract the required investment into this sector to make sure we have a very viable and sustainable sector in the long term to support people with disability. It is undermining the people's willingness to invest in the area, and it is also very economically unjust. One factor fuelling resentment in our society is economic injustice in our communities, and the cuts to this sector just add to that.

POWER INFRASTRUCTURE

Mr WHETSTONE (Chaffey) (15:27): I, too, would like to echo the sentiments of the shadow energy minister. His contribution should be heard by every South Australian. South Australian businesses and homes currently face a diabolical situation with this unprecedented electricity crisis.

We have had 15 years of this current government, and it shows the culmination of disaster after disaster and bad decision after bad decision. This transition from fossil fuel energy production to renewable energy has been made without any consideration of what it means to South Australians, what it means to the businesses, to confidence and to investment, and what it means to the future of this state.

Many people right around the country are, once again, using South Australia as the butt of a joke. It is all about: are the lights on? When will the lights go out again? Every time there is a hiccup, we hear the government come out and blame someone else. They blame the federal government or the national market regulator. They blame someone else, such as a private enterprise. They use the 1999 sale of ETSA as the excuse for their mismanagement of power here in South Australia.

The Premier and Treasurer were warned by industry experts two years ago that too many wind farms in South Australia will drive up electricity prices and reduce reliability, but they did nothing. I know that the shadow minister for energy and the Leader of the Opposition have again pleaded with both the Premier and the Treasurer to address their transition process, which was ill-fated right from the word go.

I know that, in our regions, we have seen homes and businesses without power not just for hours but for days. The economic backbone of South Australia is made up of small businesses, medium-size businesses and our regional enterprises, and they are the businesses that are suffering in South Australia.

One of the regions hardest hit by the recent power blackouts, the continual brownouts and the continual unreliability has been the electorate of Chaffey. If we look at one of the businesses in the electorate—the Central Irrigation Trust—the CEO, Gavin McMahon, has been a strong advocate for the power issues here in South Australia, and he also came out very early in the piece to say what the government's strategy of transitioning from fossil to renewables would mean to his business.

The cost of power to that business is currently $5 million, so over the last seven years they have seen an increase of 82 per cent. They are servicing 5,000 customers. Whether they be commercial customers pumping water for irrigation or households, everyone in that business, every customer in that business, is paying the price. Almondco, a national leader in exports, is now looking at setting up a new facility in New South Wales, and they are currently there convening a new almond hulling and shelling plant. That is a massive investment that was going to happen in South Australia, but they have moved it into New South Wales—and that is a direct result of power prices.

Another direct impact is the reliability of power that all these regions were built on. They were built on affordable power and reliable power, which they currently do not have. Almondco is considering using their almond hull and shell facility as a biomass power plant, and they are also looking at solar power. Why are they doing that? With the huge amount of investment that should be there for exports and investing in upgrading their plants. As a horticulture industry, almond is currently one of the biggest boom sectors and great shining lights of this state.

Kingston Estate winery—a private, family-owned winery in the Riverland—is another great success. Their power bill is $1.6 million, and there has been a 50 per cent increase in the last 12 months. They have to compete internationally because they export 95 per cent of their product. Being internationally competitive is not happening in South Australia. So, what is Kingston Estate doing? They are looking at their options interstate because, from the Riverland, they can drive 30 kilometres into Victoria where they are paying half the cost for power—there is a disincentive if ever I have seen one. As the shadow minister for investment, I am always looking for ways we can better promote South Australia for businesses internationally or domestically to either invest or reinvest, and in South Australia that is not happening.

Time expired.

GET WASTED RECYCLING SCHEME

The Hon. S.W. KEY (Ashford) (15:32): I am very pleased today to report on some feedback I have had from constituents in Ashford who have come back very enthusiastic about the Get Wasted recycling scheme in West Torrens. 'Get wasted' has a different meaning these days, which is probably quite good. The Get Wasted recycling tour, I am told—and I must say I am very enthusiastic about going on one myself—takes people from the community to the different recycling centres available in the metropolitan area, particularly in the western suburbs.

I might have given information to the house before about how I was brought up to very much value the fact that we need to recycle our waste. My father was a very keen recycler. They say you end up being like your parents. I have ended up being quite an enthusiastic recycler myself, but for me there is a fair bit of education that has needed to go with that.

For example, it took me quite a while to work out what could happen with energy-saving light bulbs and fluorescent globes. I am very pleased to say that quite a few places, certainly in the western suburbs, and also in some regional centres, as I understand it, will take energy-saving light bulbs

and fluorescent lights. Any Banner or Mitre 10 hardware store takes up responsibility, as do True Value Hardware stores. In our area, Metro Waste at Thebarton takes up that responsibility.

There have always been lots of questions asked with regard to organic waste—I am very proud to say that at our house I have a compost system next to the veggie garden—but there are also a lot of things we have always had question marks about. I am very pleased to hear that the green bin—certainly in our area—not only takes the normal lawn clippings and cut flowers and weeds but also takes food waste. I guess it was news to me that you are able to put in cake, cheese, yoghurt, coffee grounds, bread, egg shells, oyster shells, nut shells, fruit, hair, meat scraps and bones (both cooked and raw), paper, shredded paper, tissues, paper towels, pizza boxes that are heavily soiled, seafood (raw and cooked), teabags, takeaway foods and vegetable scraps.

The question has then been raised with me by constituents: what do you do with animal poo? It is commendable that when people take their dog for a walk there are all these little plastic bags all over the place for people to put their animal's waste in, but what happens to it after that? What do you do when you get home? Apparently, depending on what the animal poo is wrapped in, there is an opportunity in the waste bin to dispose of that product; if there is an organic bin, particularly if it is wrapped in paper, then that is the place to put it. I remember the old days when my family had an incinerator, and a lot of things were incinerated, but there are also seemed to be a lot of holes dug in the veggie garden where all sorts of things, like animal poo and all the rest of it, were placed.

I was also asked a question about dead animals. On the 'A to Z Guide to Waste and Recycling'—and I recommend this to people, because you can look up a whole lot of issues and find out the best way to dispose of those waste products—it says 'small animals in small quantities only' may be put in the organics bin (if you have one), or the waste bin if there is no organics bin. I guess that will be quite handy for a number of people.

There is also soft plastic. I am very pleased to say that you can actually place all your soft plastic, such as plastic wraps and also plastic bags, at Coles in Kurralta Park and Woolworths at the Brickworks, and they are disposed of together in a proper way rather than going into landfill.

GOVERNMENT PERFORMANCE

Mr PENGILLY (Finniss) (15:37): What a mess we have in South Australia. The great, green giant has successfully emasculated this current Labor government and left the place in a debacle. Electricity, the core of what people want in their homes, the core of what business wants, is just unaffordable for many families. Many families turn to candles. We used to have electricity before we had candles, for the information of those on the other side. The bridges are falling down. The wheels have fallen off the government.

We have had poor old Reggie Martin scurrying around the corridors today trying to sort out the mess with preselections in the Labor Party. We have members from here going into the other place, and we have other people coming in here from there apparently. We have all sorts of fun in Elder. The member for Elder suggested that she might go into Badcoe, but it would appear she is staying in Elder. We have the mouth from the South running around having a fair bit to say on everything. We have the member for Florey being told she is going whether she wants to go or not, and it appears that she is going—

Members interjecting:

Mr PENGILLY: Well, if media reports today are right that is what is happening.

The DEPUTY SPEAKER: Do you believe everything you read in the paper?

Mr PENGILLY: We have the member for Waite proceeding to give us lectures on how to run the Liberal Party after he made a complete cock-up himself, and we have the member for West Torrens running around giving us a lecture on just about everything. The member for West Torrens is the only member of the government who has any energy left. They were downcast, completely downcast looking over there today—

The DEPUTY SPEAKER: Order! I think you are reflecting on members in the chamber. You are sailing perilously close. I know you have your good ear this side, so you can hear what I am saying. Do not pretend you have not heard the ruling.

Mr PENGILLY: The reality is that the government members are embarrassed. I can tell you that here and now. The body language says it all, looking over from this side of the chamber. Outside, people are hurting; they are hurting desperately. Plenty of people in my electorate are hurting. There are families in desperate trouble. They cannot pay their power bills, they cannot pay their water bills, and they have to pay an increased emergency services levy. You have had 15 years to do something about this and you have done nothing. You have left a complete mess.

On top of that, I cannot believe that we regularly have former premier Mike Rann, who is the great architect of all things sustainable and the architect of all your sustainable energy (which is great; do not get me wrong. I have solar energy myself at home)—where is he living? In the UK, using nuclear power; what a joke—tweeting about everything that we should be doing in South Australia. I cannot believe it. Some of the comments are absolutely laughable. I like Mike, actually, and I always have. I got on well with him, but he and former 'King Kevin' went ahead and wrote the script for the debacle we have in South Australia at the moment.

We have jobs going left, right and centre. We have businesses leaving the state. I know this from my own perspective. Our children are leaving the state. One has gone to Darwin, and the other one and his wife are about to go there too, because there is no opportunity for them in South Australia. They can get permanent jobs in Darwin, they can get higher-paid jobs in Darwin and they can have a better standard of living than they are currently having here. It is a joke. This is a decadent government who have no answers. They have been there too long. They are decaying and close to being very, very smelly. It is a disgrace that South Australia has come to this. Today, the Treasurer had the nerve to point to Sir Thomas Playford and tried to use him as an example of where to go.

Mr Griffiths: Twice.

Mr PENGILLY: Twice, did he? Thank you, member for Goyder. Congratulations to my colleague the member for Goyder, who today made the announcement that he would be leaving. He will be a sad loss to this place. The member for Goyder has made the choice to go next March. There are some in this place who will no doubt go and it will not be their choice whatsoever, but we will turn to that in 12 months' time. I congratulate the member for Goyder; he is a mate of mine, so good on him.

I seriously question how we are ever going to get out of this mess. The government seriously have no answers to the electricity problems. Generator sales are through the roof, candle sales are through the roof, brownouts are common and power failures are happening all too often.

Time expired.

NEWSPAPER ARTICLES

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) (15:42): I rise today to correct the public record in relation to two articles which appeared in *The Advertiser* on Saturday, 3 December 2016 and Thursday, 15 December 2016 respectively, the relevant contents of which are false and highly defamatory.

The first article on 3 December 2016, written by Ms Sheradyn Holderhead, implies that I failed in my duty to make public disclosure of 'extensive overseas travel' in my ministerial capacity. Prior to this article going to print, Ms Holderhead was advised by my office of the circumstances in which the Department of State Development (DSD) website failed to publish the information which my office had previously supplied to it regarding my overseas travel. Ms Holderhead was well aware that any failure on the part of DSD's website to publish, and in a timely manner, what my office had provided to it, was an error on the part of DSD, not me or my office.

I had at all times complied with ministerial reporting obligations and proactive disclosure of overseas travel details, which are purely voluntary. Despite knowing this, Ms Holderhead's article, both in its headline, 'Marty trips over paperwork', and in the body of the article itself, gives the reader the clear impression that I had been less than candid in the provision of the travel information. Ms Holderhead goes on to report false accusations by the member for Schubert that I kept my 'travel costs a secret from the people of South Australia', and that I had 'not been open and honest about the costs' of my travel with taxpayers. It was an oversight on the part of the department alone that

not all of these details appeared on its website, and there is no basis to the false and defamatory accusations made against me.

The second article, headed 'Major Marty's claim bombs', written by Mr Daniel Wills and published in *The Advertiser* on 15 December 2016, relied on an unauthorised English translation of a letter written in Chinese and disseminated here by Friends of the Earth, a lobby group. The Friends of the Earth translation claims the letter stated that recent newspaper coverage of possible Taiwanese interest in investing in nuclear storage facilities in South Australia was 'false information'.

The article contains a series of factual errors, based in part on the mistranslation of the Chinese documents and an earlier article from *The Advertiser* which wrongly had stated that representatives of the Taiwanese government had indicated that they 'would', as opposed to merely 'may', invest in a nuclear facility in South Australia. When I spoke with Mr Langenberg about the matter prior to publication of the first article in mid-November 2016, I told him that the Taiwanese representatives has said that they 'may' consider investing in the project, and he used the word 'may' in quotes attributed to me. The main body of the story, however, paraphrased that to say that I had claimed that they 'would', despite my making the subtle but important distinction several times to Mr Langenberg.

Prior to publication of the second article, I reminded Mr Wills that, during my informal discussions in Taiwan, interest in the potential to work together on nuclear waste storage and investment had been raised by local representatives. Minutes were kept and several South Australian public servants were present. No official position was sought or offered by anyone. The Friends of the Earth group was seeking to debunk a position that I had never taken and refute a comment I never made. The Hon. David Ridgway MLC then authorised a tweet on 15 December 2016, attaching a copy of the article and stating, 'MHS lies about Nuke dump interest.'

There can be no more serious allegation against a minister of the Crown than that he or she has lied or engaged in any form of dishonesty. Mr Ridgway made no effort to seek information from me or my office regarding the article and its content. It should have been clear to someone with his political experience that the article was based on an unauthenticated version of a letter disseminated by the Friends of the Earth. The article contains errors based in part on the mistranslation of the Chinese documents and also on the earlier article from *The Advertiser* inaccurately stating that representatives of the Taiwanese government had indicated that they 'would' rather than 'may' invest.

In summary, I was accurate in my comments regarding the meetings in Taiwan and I was never dishonest in supplying details of overseas travel. The record needs to be corrected, and I would hope for a higher standard of accuracy, professionalism and decency in public debate. The false and defamatory accusations made by the member for Schubert and Mr Ridgway are a disgrace and a totally inappropriate way to engage in public debate. They will both receive letters from my legal representative shortly.

Members interjecting:

The DEPUTY SPEAKER: Order! That's it. Minister, you are called to order and so is the member for Chaffey, and you are already sitting on two.

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Of course, if you want to have something to say, that would move you out of the chamber. You are not going to say anything? That would be a good idea.

Condolence

HETZEL, DR. B.S.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:47): By leave, I move:

That the House of Assembly expresses its deep regret at the death of the Hon. Dr Basil Stuart Hetzel AC and places on record its appreciation of his long and meritorious service to the South Australian community in the fields of medical research and education and as a Lieutenant Governor of the state.

Dr Basil Hetzel was a great South Australian and a world-renowned medical researcher. He passed away earlier this month at the age of 94. Dr Hetzel was one of the state's most distinguished and

accomplished citizens. He was loved and respected for his intelligence, his compassion, his vision and his exceptional record of service. Given the breadth of Dr Hetzel's work and the scale of his achievements, it is not easy to fairly summarise his extraordinary career, but I will seek to give the house a sense today of the life of this true son of South Australia.

Basil Stuart Hetzel was born in London on 13 June 1922. His parents, Elinor and Kenneth, were South Australians, but they were living in London at the time because Kenneth, an anaesthetist, was working at University College Hospital. Young Basil was schooled at King's College and St Peter's College. Very much his father's son, he studied medicine at the University of Adelaide in the 1940s, and in the 1950s he carried out research in, amongst other places, New York and London.

Dr Hetzel established a virtually lifelong relationship with our Queen Elizabeth Hospital as part of his becoming Adelaide University's first Mitchell Professor of Medicine in 1959. Soon after, he embarked on what in time would be recognised as his great achievement, and that would have an immeasurably large and positive impact on our world.

Through research partly conducted at The QEH and through fieldwork carried out in Papua New Guinea, Dr Hetzel made a discovery that was to profoundly change the lives of generations of people, especially the poor, the disadvantaged and those living in the Third World. He found that certain forms of endemic brain damage in babies and children, including cretinism, were caused by iodine deficiency in the mother. He demonstrated that the taking of iodised salt during pregnancy could eliminate the risk of such damage.

Not content to have simply made this breakthrough, Basil became an energetic international advocate for iodine supplementation. His campaigning lives on today, including in the form of an international NGO called the Iodine Global Network, which he established in the 1980s. As some observers have suggested since Dr Hetzel's passing, his efforts in relation to iodine alone were probably worthy of a Nobel Prize.

In Australia, Dr Hetzel's work was highly influential and often went beyond the field of medicine. In 1968, he was appointed Foundation Professor of Social and Preventive Medicine at Monash University. In 1971, he delivered the annual ABC Boyer Lecture, entitled 'Life and health in Australia', and in the process helped make modern health discoveries more understandable to everyday people. Subsequently, he became the inaugural chief of the CSIRO's Division of Human Nutrition.

In South Australia, Dr Hetzel was prominent, active and always constructive. For example, he sought to improve the lives of Aboriginal people. He helped establish a 24-hour telephone crisis support service known as Lifeline. He raised money for the treatment of poor people in India. He was of course Lieutenant-Governor of our state for eight years from 1992. He was Chancellor of the University of South Australia during its early formative period. He was a leading advocate for the establishment of the Bob Hawke Prime Ministerial Centre at the University of South Australia and was the centre's chair from 1998 until 2007.

It is no surprise that one of the University of South Australia's nicest buildings, located at its City East campus and fronting Frome Road opposite the RAH, is named after Basil Hetzel. There is one major medical institution in Adelaide that bears his name, and it is one with which I have the connection. It is the Basil Hetzel Institute for Translational Health Research. The institute is on the main street of The Queen Elizabeth Hospital at Woodville and is therefore within my electorate of Cheltenham.

I remember taking part in the official ceremony on 1 March 2009 at The QEH research building, of which the Hetzel Institute is a part. Dr Hetzel spoke powerfully and inspiringly on that day. I was conscious, while listening to him, of being in the presence of one of South Australia's finest researchers and scientists, someone very much in the calibre of Howard Florey, Helen Mayo and the Braggs.

From my experience, Basil Hetzel was always gracious, considerate and wise, always an old-fashioned gentleman. Time does not permit me to list all the local, national and international awards and honours that have been bestowed upon him, but it is worth noting that in June 1990 he

was accorded our country's highest honour by being made a Companion of the Order of Australia for 'service to Australian and world health, particularly in the field of human nutrition'.

Professor Ian Olver, the Director of the Sansom Institute for Health Research at the University of South Australia, wrote an excellent piece in *The Australian* this past week about Dr Hetzel's many achievements. He ended that article with the following words:

> I will remember him...as a gentle, charming man who set a towering example to young researchers of achieving stellar success with humility, and to those of us who crossed his path of selfless service to communities throughout the world.

Our state has lost a man of compassion, determination, curiosity and global influence and standing with the passing of Basil Stuart Hetzel. We South Australians are indeed privileged to be able to call him one of our own. On behalf of members on this side of the house, I today honour this great man and extend my condolences to his family, friends and colleagues around the world. I look forward to attending a public memorial service for Dr Hetzel at the University of Adelaide's Bonython Building on the afternoon of Monday 24 February 2017.

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:54): I rise to join the Premier in marking the passing of Dr Basil Hetzel and to acknowledge the great contribution that he has made to the people of South Australia and, indeed, much further.

South Australia has punched well above its weight in the scientific world—the names of Florey, Bragg and Oliphant come readily to mind. Just like them, Basil Hetzel's contribution in his own field has had global significance. He is remembered around the world for his pioneering work on iodine deficiencies and thyroid disease. As a result of that work, he transformed the health of hundreds of thousands of children in many countries.

In his earlier years, he had won a Fulbright Scholarship. He studied in New York. He returned to start his medical career at the Royal Adelaide and Queen Elizabeth hospitals. It was after visiting the highland villages of Papua New Guinea in 1964 that he became in international advocate for iodine supplementation. He embarked on a global campaign to establish international health programs in developing countries to spread the word about iodine deficiency.

His influence continues today through the Iodine Global Network. In his name it will be maintained here in his home state through the Basil Hetzel Institute for Transitional Health Research at The Queen Elizabeth Hospital. Basil Hetzel also made significant contributions to the community and the intellectual life of our state. He served as the lieutenant-governor. He was the Chancellor of the University of South Australia during its formative years.

On behalf the opposition, I express our deep appreciation for his lifetime contribution to our state and to world health, and I also extend our most sincere condolences to his friends and to his family.

The DEPUTY SPEAKER: The honourable Dr Basil Hetzel was indeed an amazing man. I ask members to rise in their place in silence for one minute as a mark of respect.

Motion carried by members standing in their places in silence.

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The DEPUTY SPEAKER: The member for Adelaide is on her feet as the lead speaker continuing her remarks, plural.

Ms SANDERSON (Adelaide) (15:57): Thank you very much, Deputy Speaker. I will just wrap it all up now and give other people an opportunity to speak on this very important bill.

It is clear from stakeholders that there is an imperative need for a fundamental shift from this government away from the existing crisis-driven responses. Yes, we need to have a system in place for children who have already experienced abuse or neglect, but we must also create a focus on

early intervention and the health and wellbeing of families so that children are not entering the child protection system.

It is clear from the responses of stakeholders to the bill that there are stakeholders, such as carers and grandparents, who felt ignored and disregarded by this government and who have had very serious concerns that appear not to have been addressed in this legislation. The child protection system in South Australia could not function without carers and grandparents, and it is about time their concerns were addressed.

I am deeply disappointed about how the government has gone about presenting this final bill to parliament. As parliamentarians, it is our job to represent our electorates and the people of South Australia in this chamber. It is completely unrealistic to believe that members of parliament can speak on a bill the same day to which it was presented to parliament with no prior briefing on the final bill or consultation.

Yes, a draft bill was out for consultation, but we all are aware of the drastic changes that often occur between a draft and a final bill. This is disrespectful to the stakeholders, who deserve the opportunity to comment on the final bill before it is tabled in parliament, and it is also disrespectful to the children of South Australia who deserve a bipartisan bill of an incredibly high standard.

Ms COOK (Fisher) (15:59): I rise today to support the passage of the Children and Young People (Safety) Bill 2017, which is but one of the legislative components of the government's response to the Nyland royal commission. Rather than amending the existing Children's Protection Act 1993, the government considered that a new legislative scheme was more suitable to implement those Child Protection Systems Royal Commission report recommendations requiring legislative reform. The further positive to this approach was that it provided an opportunity to revise and refine all of the existing provisions in the Children's Protection Act 1993 that were not the subject of the royal commission recommendations.

During the drafting process, input was also received from Department for Child Protection practitioners, who provided invaluable on-the-ground feedback. I note that a draft bill was publicly released on 29 November 2016. The government has consulted extensively. Formal consultation closed on 27 January 2017. I understand that a significant volume of feedback was received which commented not only on the measures in the bill but also reflected on the policy approach taken with regard to various provisions. All responses were collated and carefully considered. A number of these have today been read to you by the member for Adelaide, and it appears that she has not really had any prior consideration of these.

The member for Adelaide has suggested that a table identifying changes made in the current act and those clauses adopting Nyland recommendations would have been useful for her to consider, but I would have thought that, as shadow minister for child protection, the member for Adelaide would be able to recognise those changes without the provision of this said table. However, it may be useful to provide a summary of some of the changes made to the draft bill tabled in parliament.

Reinstatement of the child safety recommendations into the bill with new provisions that are updated to reflect modern practice and community expectations, such as requirement at clause 105 of the bill for policies and procedures to be reviewed every five years, forms part of these changes. Whilst it was always the intention to provide provisions for child safe environments, once consultation with the Department for Education and Child Development had been completed, the feedback received was overwhelming in its support for the continuation of these measures in this bill. It also deleted all references in the bill to prescribed fees and expanded the application of case planning to apply to all children and young people who come into contact with the Department for Child Protection, not just those under the custody or guardianship of the chief executive.

The amendment to the Aboriginal and Torres Strait Islander Child Placement Principle to require the chief executive or the court, as the case requires, where reasonably practicable to consult with and have regard to any submissions of a recognised Aboriginal or Torres Strait Islander organisation. The bill further defines 'recognised Aboriginal or Torres Strait Islander organisation' to mean one, which after consultation with the Aboriginal or Torres Strait Islander community, is declared by notice in the *Gazette* as being recognised for the purposes of this section.

We have seen an amendment to clause 28 (now renumbered in the settled bill to clause 29) to add a further measure which requires a state authority who has received a referred matter from the Chief Executive of the Department for Child Protection to deal with the matter in a timely manner, having regard to the need to ensure that children and young people are protected.

Another change is prescribing the jurisdiction to be conferred upon SACAT in the bill, clarifying that an internal review must first be completed identifying who is eligible to apply to SACAT. We have also seen a simplifying in the placement principles so that they are easier to understand and apply in practice by those persons or bodies who are engaged in the administration, operation or enforcement of the legislation.

I speak to this bill as a parliamentarian and also as a parent. I myself have been through a terrible experience as a mother having lost my child, and his life was lost as a consequence of the actions of a person who had so little respect for themselves that they had no respect for the life of others, so I have a vested interest in ensuring that these young vulnerable people in our community are looked after.

I speak as a mother who went out to look for answers as to why this might happen in our community. What I found was that worldwide—this is not isolated to Adelaide—young people who do not have the benefit of growing up in the family home, those who grow up in care, are the most likely to offend in our community, the most likely to become recidivist offenders, and also unfortunately the most likely to become victims. This group of vulnerable children has the most complex and heartbreaking of challenges. That is why commentary and opinion related to this group should be offered with great care and also based on evidence.

I now turn my comments to those made by the member for Adelaide. Commentary was made regarding the vesting of guardianship functions in the chief executive. I do not accept that children will be unnecessarily hurt by the government's policy to remove this function from the minister. There will continue to be a responsible minister and they will continue to be a presence in the lives of the children in the care of the chief executive, at least under this government.

I trust the incredible people working in this sector to provide many opportunities for young people in our care, opportunities that will ensure many highlights for our most vulnerable children. To be honest, it is actually a pretty ridiculous notion to oppose the separation of the role of the guardian from the minister based on it risking the removal of a highlight in a child's life.

I am confident that this bill is a vast improvement on the current legislative regime and, while commending its swift passage to the house, I would like to comment as well that improving measures to protect South Australia's children and young people, particularly our most vulnerable children and young people, is a priority not just for our government but for all the community. This bill is an important step in this process. The children and young people who will be most impacted by the passing of this bill rely on us, as a government and members of parliament, to make the best possible decisions for them, as often their circumstances predicate their not having a strong family or community base to make the right decisions for them.

Whilst this often requires a statutory intervention, which this bill now underpins, this should not predetermine a child's fate that assumes that they have less potential or less worth than others. South Australia's children and young people—all of them—are our future. They are our future teachers, doctors, professors, engineers, scientists and politicians. With my full support, I commend this bill to the house for the benefit of our young children and our young people who will be the deserved recipients of the policy and practice changes that will inevitably flow from its passing.

Ms WORTLEY (Torrens) (16:07): I am pleased to rise to speak to the bill today. The bill is the largest piece in a suite of legislative reforms that form part of the response to the Child Protection Systems Royal Commission.

Following the government's release of its response to the royal commission and the Children and Young People (Safety) Bill 2016 for public consultation, submissions and comments have been received from members of the public, government and non-government agencies. Listening to the feedback was important, and the government has made a number of changes. These included the reinstatement of the provisions regarding child safe environments. The government has committed

a significant increase in funding to early intervention and prevention. It announced the investment of more than $430 million to deliver a new child protection system in our state.

The Children and Young People (Safety) Bill 2016 promotes permanence and stability for children and young people who have been removed from their parents or guardians. It encourages decisions and actions to be made in a timely manner and, in the case of young children, as early as possible. It also contains a number of provisions designed to ensure that the child's voice is heard. Under the bill, children and young people must participate in decision-making and must have a reasonable opportunity to put their views to the court.

The interests of the child will always come first under the bill. Where there are competing interests, the child's safety will prevail. Where a parent, guardian or other person has an interest, it will be placed behind that of the child. I also note that the bill allows carers to be more involved in decision-making, and this is significant. It is very important. Carers will be able to participate in any decision-making process that relates to the health, safety, wellbeing and welfare of a child or young person in their care. I know that this has been an issue of great interest and passion for carers for some time, and I am pleased to see the government act to address these concerns.

This bill will provide a framework for a new approach to child protection in South Australia. The government has sought to enshrine in legislation key principles to guide the administration of child protection by experts within the system. The bill makes it clear that the safety of children is paramount in its administration and enforcement. The involvement of children and young people in the decision-making process and the increased rights and recognition of carers lays the foundation for alternative intervention avenues, including child and family assessment and referral networks and family group conferences. These are all positive steps. I commend the bill.

Debate adjourned on motion of Hon. T.R. Kenyon.

ELECTRONIC TRANSACTIONS (LEGAL PROCEEDINGS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 December 2016.)

The DEPUTY SPEAKER: Does anyone want to speak?

Mr TRELOAR: We might need to call attention to the state of the house.

A quorum having been formed:

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:13): Again, I regret to inform the house that the—

The DEPUTY SPEAKER: Sorry, deputy leader, are you the lead speaker?

Ms CHAPMAN: I am and, I think, probably the only one. I regret to inform the house that this bill—the second on the reopening of the parliamentary year—is laced with conduct by the Attorney that I consider to be reprehensible and, indeed, a repeat of the contempt for the parliament.

In this instance, it is not a question of not giving notice of the bill coming on or wanting to advance it in any rapid manner. In fact, the Attorney introduced this bill on 1 December last year and provided the usual advice to the opposition, and presumably to other members of the parliament, as to the current situation in respect of the use of electronic transactions and the reasons why we need to change. In this case, there is a need to modernise and be able to keep up with having, as best we can, an efficient sector for the provision and communication of documents between our courts, police, defendants, lawyers and the like. All of that was going swimmingly.

Indeed, from recollection, the Attorney himself hosted the briefing on this occasion and provided certain information. I may be wrong; he may not have been present on that occasion, but I certainly recall his principal adviser, Mr Evans, and Ms Morgan from the Attorney-General's Department providing particulars on it. In the course of that briefing, which was back on 7 June last year, I asked for certain material.

Firstly, having been given an assurance that there was considerable consultation on the bill and that there had been some comment made by some of the usual suspects (if I can put them in that category), I sought some qualification of the circumstances in which someone might be electronically forwarded documents without consent. They felt it was necessary to provide a clause for the defendant, or the party receiving it, to have the capacity to read electronically and to print. Secondly, I asked that some provision be made as to the circumstances of electronic communication as it occurs in our courts to date.

Disappointingly for me, when I asked for both a list of those consulted and the examples given, on around 8 February, by a letter dated 6 February by the Attorney, I was provided with a list of all the organisations and interested parties that had been invited to comment on the draft bill, a list of all of those who had forwarded responses and a summary of what currently applies in the courts. What the Attorney did not tell us was that this letter, as late as it had been received prior to the debate being listed for this week (in fact, it was first up this morning until proceedings on the child protection matters interjected), and what he did not address, was that the consultation with this great list of people was in respect of a draft legal proceedings bill and a second bill.

One bill was to amend the Electronic Transactions Act 2000 in respect of legal proceedings, and the second was to deal with the service of proceedings. That bill was the Summary Procedure (Service) Amendment Bill 2016. Does it make any difference? Does it matter that what the Attorney sent us is simply a list of what had been presented for consultation as a draft and not the final bill? In this instance, it is not terminal to the consideration of the matter and being able to work our way through it, but the problem is that when we go to speak to some of the stakeholders in this area, we say, 'We understand you have read the bill,' and they say, 'No. Has the Attorney tabled it?' 'Yes, he did table it back in December last year. I am led to understand that you have seen the bill.' 'Well no, we haven't.' There is a search through their records, and, 'But we did get consulted on two other draft bills.'

On examination of those, we were able to identify that the government had amended the legal proceedings bill and had apparently dumped the service bill, because we have not seen it, it has not been tabled in any form. There has been no indication by the Attorney in his second reading on this bill as to what happened to that. What has happened to the other half of what is being proposed here? Why was it aborted given that the concern, always, for a number of these stakeholders was the capacity for the recipient to be able to read the data or information being conveyed and/or the capacity to print it?

On the current bill before us, it appears it has been attempted to be dealt with by adding clauses to require an assessment to be made of the capacity of the recipient, in particular in respect of the proposed sections. Whether it relates to the writing or to signatures or to the production of documents, all add a clause to this effect. The proposed subsection X provides:

> …only applies if, before giving the information by means of an electronic communication, it has been ascertained that the person, or a legal practitioner representing that person, will be readily able to access or download and (if required) print, the information.

As I said, that is replicated in each of the different areas in the bill.

Having identified that has been included, I would have thought that at the very least the Attorney would write to the stakeholders, particularly those that had identified concerns, whether they represent Aboriginal communities or people who are in an impecunious state and need financial assistance through the Legal Services Commission, whether it is the commissioner for Aboriginal matters or the Law Society or others who have an interest in the efficient management of the courts but also in the protection of the interests of anyone involved in litigation, to ensure they are fully apprised not only of whatever they are being accused of or charged with or required to do in respect of attendance or production of documents but that they actually know what is going on.

It is one thing for the Attorney, or some of the people in his department, to sit there and work through, with a microscope, every possible little area of efficiency that might be to be achieved in the department or the courts, it is another thing to balance that off against ensuring that justice is applied. That is exactly why we have a court process, why we have the institution, why we have a judicial structure, to ensure that we protect people's rights—and that includes the general population.

The critical thing to remember in the process here is that the Attorney did not do that and, one by one, the parties who raised issues said to me, 'We haven't seen the bill that has been tabled by the Attorney at all.' Fortunately, I was able to do some of his job and give them some reassurance, I hope, that some of the clauses in the bill that was tabled in the parliament—given that we have never seen the first one—did in fact appear to have clauses in them that related to that. That gave them some confidence, I think, or allayed some of their concerns that the bill had been tabled without them knowing anything about it.

Unlike the circumstances this morning, where the government pushed ahead in a political stunt in respect of child protection, in this instance it has not been full and frank in what it is doing, and it should be. At first blush, when I listened to the Attorney back in December saying that there would be electronic transactions reform, I thought that was great. It is part of the normal contemporising of how we operate in our courts. As has been identified and confirmed by the Attorney's office—in fact, under his hand by this recent correspondence—we already have a registry online website through the Courts Administration Authority. There is the capacity for people to order transcripts and various other documents online, which is all pretty normal.

The Magistrates Court uses an electronic service for filing of some of their fines enforcement related matters and for filing of documents in civil matters. The superior courts (the District Court and Supreme Court) have an electronic case management system. Like most of the government's systems, it does not always run smoothly; nevertheless, it is an important innovation that enables an electronic filing service, provision of notices and, generally, to communicate for the parties. In the criminal divisions of the Supreme Court and District Court, service of some documents can be provided via email if email addresses are provided.

Largely, I think the system operates quite well in the civil jurisdictions. In the criminal jurisdictions, where there has been a consent recorded between the relevant parties—for example, the lawyer and the Legal Services Commission—who are active participants in these matters, it is clearly known to each other, it is recorded, and provides a convenient conveying of information. That is great. If that can be enhanced, explored and extended, that is fantastic.

But the problem is that when you are dealing with criminal charges, and perhaps I will compare it to a corporate case, where XYZ company nominates a particular legal firm to handle their legal matters and, in litigation, to receive service of documents on their behalf, etc. They file a notice of address for service, and that is used between lawyers—sometimes crown law in civil matters. Unfortunately, there are hundreds of cases at any given time between the government and other people, so we do know that there is obviously a lot of litigation happening in the civil area, outside of criminal matters.

In criminal matters, however, here is the practical position: firstly, the majority of defendants are young people. That is sad enough in itself, but the biggest pool of the population who come before our criminal system are young people. When I say 'young', I am talking about those aged 30 or 35 and under; they are often aged 20 and under. There is probably an even higher profile, relative to the population, of a percentage incarcerated in criminal matters who are of that very young age.

Some would argue that is because they are poorer; they are more likely to be in a public area, they get caught more easily, they do not have the money to spend on lawyers. Whatever the explanation, the reality is that crime is not the reserve of young people, but the criminal conduct of those who are caught is certainly a very high profile. Sadly, as we know, a very high level of incarcerated young males are Indigenous, reflected in the representation of their profile in the population—way above.

I think it is reasonable to assume that the policymakers, including the people advising the Attorney, would think, 'Okay, this is a fairly young cohort. They are probably going to be pretty tech savvy. They all have a phone or an iPad, or a communication tool with which they are familiar, and can restore and communicate data electronically. Great.' But, here is where the problem comes. The problem is that the young people in this category are also frequently poor, and they do not always have an account where their data is up to date and accessible on a phone. If they are homeless, they do not have somewhere to plug it in to recharge the batteries and receive information.

These are the sorts of things that affect some young people, particularly in the cohort of poor or homeless or who are at large, who do not have access to that electronic communication. It is all very well for us, any one of us, as we all have these things, and we can all afford to have them plugged in and connected to the world 24/7. We are talking about a group in the community that does not necessarily have the benefit of that, so we as policymakers, or the government as legislative sponsors of reform, need to understand what they are doing in the real world.

Secondly, there is every likelihood that that young person, as an offender who has been arrested, charged or whatever, is unrepresented at the initial part of the proceedings and certainly does not have a notice of address for service advising that XYZ company is their nominated lawyer for the purposes of receiving documents on their behalf, or getting information which might detail the particulars of the charge, the number of offences and accounts of the charge, etc.

This is back in the real world, and we are saying to the government, and I think it is certainly reasonable for some of the stakeholders to say, 'Understand that you are dealing with a population of people who are largely unrepresented, who may have had no experience with the court processes in the past, who do not have a nominated solicitor they know at the District Court they can get in touch with to deal with the matter and who may be in financial circumstances that minimise their capacity to receive this information and be assured that they are capable of receiving it.'

In a way, if we were to be perfectly frank about it, it is not a question of quicker service or identifying that you can transfer information across town more quickly electronically and do not have to have a clerk to deliver it from one chambers to another, or from the DPP's office across to a lawyer's office. We experienced this with fax machines and we now have electronic transactions—we are in the real world. The truth is that when you send documents electronically it does not mean that the recipient is in a position either to receive them and to store them, or to immediately retrieve them for the purposes of conducting their defence or putting in their responding material.

Why do I say that? Because the fundamental aspect of this legislation is about saving time and money because, in the end, someone else has to maintain the electronic equipment to receive and store it—not just read it but receive it and store it—and/or have the facilities to print it out and make the necessary copies for others, etc. Why do I say this? Let me give you a classic example of how unelectronic we are in the real world in our courts. Yesterday, I was at the Supreme Court listening with interest to the Full Court submission in a case of interest to most of us. The parties included the Electoral Boundaries Commission. It went all day in submissions and judgement was reserved.

In that case, which is a civil case, unsurprisingly a lot of the pleadings of the notice of appeal and so on filed by the ALP, etc., were electronically filed and served—easy. The first thing to happen when the Full Court came into courtroom 11 yesterday and sat down, counsel having identified who they were representing, was that the Senior Counsel for the ALP handed up five copies of the part of the constitution that was going to be argued . Even though we had all the appeal books, all the notices, all there electronically, and every judge had a monitor in front of them, they all said, 'Yes, that would be most helpful to have a hard copy.'

I do not doubt for one moment that that is the way it is. They do not have two screens. There is not a situation where you can have two screens in front of you, either at the bar table or on the bench, with both the statute and the other. Some are really clever because they can put in a little pocket of inserts, like you do on the screen. Most judges, let me tell you, cannot do that, and probably most at the bar cannot do it. I make the point that hard copies have to be found.

The next thing I see is that full reports of the select committee of the parliament from 1991, preceding the 1991 constitutional referendum and amendments in respect of electoral redistribution laws, were not conveyed electronically, but a large wad of them was handed out to all the parties and people on the bench.

What happens in the real world in most cases, even in civil cases, where there has been some significant advance in the use of electronic material—the recording of witness statements, affidavits, pleadings and obviously exhibits and the like—is that there is still a heavy reliance on the printed document. We all thought 20 years ago that we were going to move into a paperless world. What a joke! I do not know about you, but my office is wall to wall with paper. It is not because we

do not use electronic devices; it is because we cannot always rely on material being easily retrievable, accessible or marked up.

The DEPUTY SPEAKER: You also have to have power.

Ms CHAPMAN: The Deputy Speaker reminds me, of course, that you also have to have power to operate these things, which is another problem, but we will not go there today. What I am trying to point out is that there is the ideal, there is the fantasy world and there is the real world. In the real world, we still are very dependent on hard-copy documents. Again, picture the 20 year old who has been charged with an offence. He is sent the material on his iPhone, and he goes into the lawyer's office and says, 'Can I plug the phone in for the first two hours to recharge it and show you what I've been charged with?' 'Yes, that's fine,' and tick, tick, tick, goes the lawyer's bill.

Or he goes into the Legal Services Commission, and asks them to print it off so that they can then enter into electronic correspondence with the relevant parties, and then says to the lawyer, 'Well, okay, you've printed them off. That's great.' He can now be charged $1.90 a page, or whatever it is for photocopying these days, if he is not on legal aid. If he is on legal aid, who is going to pay for it? The Legal Services Commission presumably will absorb the bill, if they have in-house counsel or solicitors handling the matter, and it costs no extra money.

At the end of the day, these things are dressed up with, 'Let's be contemporary, modern, blah, blah, blah.' The truth is that it is a cost-shifting exercise because we still rely on paper, we still rely on documents, we still require amongst the parties to convert the documents in order to have some capacity to record on. Even the instruction from the lawyer to the person we are using as an example needs to leave the office with an identification of what he is or is not to do, what his conditions of bail will be, what has been negotiated, and that in some way has to be recorded. Sure, he or she can put that in the notes section of their iPhone but, again, it has to be retrieved in order to rely upon it.

Most importantly, we are still living in the twilight zone, where we have the benefit of some electronic conveyancing, but we do rely heavily on the written document, and I expect we will for some time. In reality, whilst this is a cost-shifting exercise, I expect that the Attorney will ensure that in this year's budget, before the implementation of this legislation, there will be some provision for the Legal Services Commission in particular to be covered for the costs of dealing with printing material. You might think that it is insignificant, but it involves thousands and thousands of pages and it is operating electronic equipment. The courts still demand it, the client is still entitled to it and the prosecution needs it.

I just say that, if they want to go into this era of requiring people to have to sign up or to opt out rather than opt in now, it does come at a cost. Someone is going to have to pay for it, and I think the Attorney should ensure that the estimated costs attached to that will be budgeted for and reimbursed. It may need to be done on that basis for the first year but, thereafter, there is some provision for that to occur, otherwise we just alienate people via the cost of justice in yet another way but in this case to the most financially vulnerable—those who are charged with criminal offences.

The position from the opposition is that we will not oppose the bill. Obviously, there are good aspects to it in the sense of its objective, but if it comes at a cost to the people who are most vulnerable then that needs to be remedied. It appears that, at this stage, those stakeholders we have been able to identify, at least by telephone communication, are accepting of the provision by virtue of the additions to the bill that we have read out to them. If there is any further comment formally put to us between now and the deliberations in the other place, we reserve the right to consider any further amendments; otherwise, we support the passage of the bill.

Ms COOK (Fisher) (16:41): I rise to speak in support of the Electronic Transactions (Legal Proceedings) Amendment Bill 2016. In speaking in support of the bill, I note the significant work that the Attorney-General has taken to reform and modernise the criminal justice system. We have heard how electronic communications have the ability to modernise the justice system, and I would like to give a couple of examples of how such a reform has already made an impact.

If you go into a courtroom today to view criminal proceedings, especially preliminary hearings such as directions hearings or bail reviews, often you will see audiovisual technology in use. This

means that the accused will appear in the courtroom via the audiovisual hook-up from their place of incarceration. This means that someone in the Yatala Labour Prison, for example, can appear in court from the prison itself, and it means that the prisoner does not have to be physically transported to the courtroom.

The audiovisual technology allows the prisoner to be present in the courtroom to observe the proceedings without the need for physical transportation The transportation of prisoners to and from court is a complex logistical exercise and it is not without its risks. Prisoners need to be discharged from prison, transported by secure vehicle to the court and held in the court cells while awaiting their matter to be managed by the sheriff's officers of the court. Following the conclusion of their matter, the whole process is repeated in reverse to get them back into prison. Avoiding this process for short interlocutory proceedings makes sense.

Since beginning to use audiovisual technologies in the courtroom, usage has now increased to a point where 57 per cent of all attendances are done in this way. This represents significant efficiencies in the criminal justice system. Another example of efficiency being created through the use of technology is the Legal Services Commission's Legal Chat program. Legal Chat enables members of the public to engage in online conversation with staff at the Legal Services Commission. This does not necessarily mean that complex pieces of legal advice are being given through an SMS-style chat window.

Legal Chat is particularly beneficial when a client's inquiry can be answered by sending a link to a website or an online form. Legal Chat operates alongside and was a natural progression of the Legal Services Commission's legal advice hotline where members of the community can ring up for preliminary legal advice. In the 2014-15 financial year, the legal advice hotline received over 80,000 calls. Legal Chat is a simple online measure that responds to a growing public demand for legal assistance.

We heard another example of the Legal Services Commission embracing technology in *The Advertiser* on Monday with a report that the commission will be accepting online application for grants of aids. This is a national first. The Legal Services Commission should be applauded for its willingness to embrace new technology and to find new and effective ways to make justice accessible for the South Australian community. This bill represents another opportunity for the justice system to embrace this modern technology and modern means of communication. I commend the bill to the house.

Mr ODENWALDER (Little Para) (16:44): I rise to speak in support of the Electronic Transactions (Legal Proceedings) Amendment Bill. I do so on the basis that it provides efficiencies and savings over the next few years and into the future. In 2015, the South Australian budget allocated $20.3 million over four years for the courts to develop and install a modern electronic case management system. This was a positive step in the modernisation of court processes in this state and will present great benefits, not only to the courts but to all users of the justice system in this state.

An advanced electronic case management system will mean that the courts can more effectively and efficiently manage their information. Not only will this result in efficiencies for the courts but it will also make things easier for the police, lawyers and members of the public who use the courts. It makes sense then, as the court processes are modernised through the development of an electronic case management system, that any legislative barriers to electronic exchange of information are removed. This bill removes one such barrier.

The South Australian community has well and truly adopted modern means of electronic communications; we use it all the time. Most people have smart phones, use email, send texts and so on, and we should be giving the courts the best chance to capitalise on the efficiencies to be derived from this type of electronic communication. The budget allocation for the development of an electronic case management system is one such opportunity, and this bill is another, and as such I commend it to the house.

Bill read a second time.

The Hon. S.E. CLOSE: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: Attorney, could you explain what happened with the sister bill that was consulted on with this matter, namely, the Summary Procedure (Service) Amendment Bill 2016? Why has that not progressed with this bill, and is it going to be? If so, when?

The Hon. J.R. RAU: I am advised as follows. There was consultation with interested groups, as I call them, because I do not like that other word. There was consultation with interested people on this and the other amending bill to the Summary Procedure Act. That bill has not been abandoned, but it is presently still being talked about and drafted. So, it has not gone away; it is just that it is not ready. Although it is a related subject matter, I am advised that the two are not interdependent, so it apparently will not cause any great harm if this goes forward and precedes the other one.

Ms CHAPMAN: You may not have been immediately attentive to this in the course of the debates—only because I am sure you were working on other important matters—but the question was raised about stakeholders being consulted on the two original drafts of the bills, which you confirmed in your letter eight months after I had asked for it. Why were the stakeholders not consulted on the apparent amendments to this bill, which included the capacity to assess receipt and printing of the person receiving the material?

The Hon. J.R. RAU: This is one of those situations where you put out a proposal, you consult on the proposal, you listen to the consultation, you come back, you agree with some things, you perhaps do not agree with all of them and then you put in your outcome. If you then take that out again, what you are basically saying to those people who have an interest in these matters is, 'Here's an opportunity to relitigate things that we have already dealt with.'

Yes, we do consult on things. Yes, we consult on proposals. In this case, there has been quite a lot of consultation but, ultimately, after the consultation, the government makes a determination in light of that how it wishes to proceed and goes forward. You do not then start the consultation again because you might wind up in a situation where you are just chasing your tail to some degree. I am also advised that the eight-month period mentioned by the deputy leader was not quite right. I am advised that the material that was asked for was asked for in December and it would have arrived earlier this month.

Ms CHAPMAN: Why then were the stakeholders not at least advised that the bill was progressing even though they were continuing to negotiate the second service bill?

The Hon. J.R. RAU: I am sorry if I—

Ms CHAPMAN: You said you were still negotiating.

The Hon. J.R. RAU: Negotiating internally—I should have been more specific. It is still being drafted. It is not as though the other one has gone back out. There has been feedback on the other one and the feedback on the other one is now being worked on. That has not yet got to the point where we have a settled draft. I am advised that it is still being worked through in the department. It is not our intention to go out on that one again either. The intention is that we have done all that conversation bit and now we are trying to get the final product.

Ms CHAPMAN: If, in fact, I am in error and 7 June is actually 7 December, which is quite possible, and it is seven weeks and not seven months, I apologise if that has been the case. It makes it all the more puzzling, though, why, when I did receive the letter dated 6 February last week, it referred only to those who were consulted on the draft bill, rather than saying, 'We did consult widely on the draft bill, but we have not consulted at all on this bill,' for the reasons you have just said. The letter is silent on that and purports to present to me, and therefore to the opposition, that the bill has been widely consulted on and that there have been responses from a number of people.

I place on the record that I expect that when we are briefed, which is designed to encourage members of the house to support the government's view on a matter to enable it to have its passage,

we are provided with information that is accurate and up to date and not in any way misleading, even if that was not intentional.

The Hon. J.R. RAU: I completely accept the proposition being advanced by the deputy leader. Obviously, it is in everyone's interests that we are as informative as we possibly can be about this. I can assure the deputy leader that I have no interest, in this bill or any other, in obfuscating about what we are doing. As far as I am concerned, the basic objective here is transparently sensible, which is to bring what is now ever-increasing electronic interaction into the world of the law.

We already have a situation now where people can buy and sell homes using electronic means. We have electronic means of identifying people through a whole range of reforms that have gone on. I can assure the deputy leader that I am not trying to cause any difficulty or confusion. If I have inadvertently, that is certainly not my intention.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

Ms CHAPMAN: Clause 5 proposes the addition of new subsections (2a) and (2b), and I refer to (2b), which is to be added to section 8. This is what I would call the qualifying clause to ensure that the recipient of the document has a capacity to receive and print data electronically. It states:

> …before giving information by means of an electronic communication, it has been ascertained that the person…will be readily able to access…

Who assesses that?

The Hon. J.R. RAU: I would assume it is the person seeking to engage with the other party. This is the sort of provision they would probably invoke if they were dealing with me, thinking, 'There is no point. He doesn't know how to use one of those things. We will have to use a more conventional method.' This would be incumbent on the court or whoever it is who is trying to engage with that party.

This raises something that concerns me a bit, where you find people, particularly in businesses—and I am thinking here, without being too particular, about businesses like banks or Telstra—which, of their own motion, decide that they are going to start communicating with their customers by email. They send the customer an email—and this is hilarious—saying, 'In future, we will communicate with you by email unless you contact us by email within the next couple of days to say no, thanks, you don't want to be communicated with by email.' My mother, for example, is not on email, and I am not really either. I have wondered why I have not been getting bank statements for years.

Ms Chapman: You haven't got any money.

The Hon. J.R. RAU: That is part of it.

Ms Chapman: You have spent it all.

The Hon. J.R. RAU: That is part of it but—

Members interjecting:

The CHAIR: Order! Do you need my protection, Attorney?

The Hon. J.R. RAU: I am wondering, Madam Chair, when my mum is going to have her phone cut off because she has not paid phone bills, only to discover that, unbeknown to her, she has been receiving emails for the last couple of years warning her to hurry up and pay her phone bill. I think it is very important that we avoid that sort of behaviour and, hopefully, that is what (2b) does.

Ms CHAPMAN: That answer does not fill me with comfort, I have to say. Obviously, this is replicated in all the different forums, whether it is writing, signatures or for production of documents under a similar clause, so I think it is reasonable that the parliament has, at least before we get to the other place, particulars of how this is going to operate, how that assessment is done, whether it

is subjective or objective, and what the guidelines are going to be, if there are going to be any, as to how that is identified.

Again, as I said in my contribution, it is not just a question of having the technology or the equipment to receive something. It has to be stored, it has to have the capacity to print, and there are going to be costs attached to that. Obviously, that could be a difficulty with someone who is in an impecunious state. If they are in gaol, at least I suppose someone will be there to receive it, but if they are at large, homeless or poor, these are all circumstances in which they may not have the capacity to qualify for that.

The sender of the material may make a reasonable assumption, for example, if they had been provided with an email address, that someone would have the equipment to receive it—not necessarily to print it. I am not sure how they are possibly going to make that assessment, especially if they are not physically able to identify it, unless they have had a written consent from the party. Remember, this whole procedure is being imposed on people with an opt out, a bit like your mother's situation. If she finally realises she has an email, has the capacity to open it, reads it and then has any capacity to communicate with the person sending it to her, she has to have all of those skills and capacity to do that.

Just having an email is not an open invitation to the world that all notices are to be served in that manner. We have been through the issue of how we might make it easier for the Legal Services Commission, the Crown Solicitor's Office, the DPP, police prosecutions, etc. My next question is in relation to the costs. Who is going to meet the extra cost for printing the material now that there is an obligation to have the capacity to print?

The Hon. J.R. RAU: First of all, this legislation is not seeking to mandate the use of electronic methods. What it is seeking to do is to remove impediments to the use of electronic communication. Ultimately, it is not mandating it, although—

Ms CHAPMAN: No, it is.

The Hon. J.R. RAU: It is basically saying that these things can be—

Ms Chapman interjecting:

The Hon. J.R. RAU: I am advised that the way the scheme is intended to operate is that, if they are not convinced there is capacity for a person to do this, then the default position is they are back on paper. I think it does necessarily presuppose that there is a communication between the agency and the individual at an initial point just to establish the initial capacity of the individual. I am happy to talk more about this because I share that concern. I do not want anybody to be in the position where they are deemed to have received something and they have no actual knowledge of it. That would not be appropriate. As I said, I am personally quite affronted by the behaviour of telcos and banks for doing exactly that. I would not want to see that happen.

Ms CHAPMAN: I have some reassurance from that, Attorney, but before we get to the other place I would certainly like to know how this is going to work. At the moment, we have a fairly simple procedure. One party advises the other that they have documents to serve or information to convey. 'Do you wish us to forward this by courier pigeon, camel, post, email?' Obviously, many people who have the service tick the box and say, 'Please forward future correspondence or documents by email'—happy, fine, easy. That is what we have at the moment.

What we are doing here is introducing it on the basis that the party who is going to be forwarding the material is going to make an assessment. I am not quite sure how. If it is only on the basis that somebody has supplied them with an email address, and it is then presumed that they are capable of receiving and have that available to them, then that is not a threshold that is acceptable to me, and from what the Attorney is saying it is not acceptable to him. So, let's get this right before it gets started.

The Hon. J.R. RAU: Can I just say, and I cannot emphasise it enough, that I find some of the presumptions that are afoot in the world about technology and people's technological literacy quite offensive, because they are all directed at me—that I know what I am doing in this area. I am very sympathetic to the position that the deputy leader is putting forward. I would be happy for us to

continue talking between the houses, because I cannot think of anything more unreasonable than a person being confronted with this Buckley's choice type of situation, if indeed the person is not just being clever.

That is another situation, where the person is being a bit cute and wants people to jump through hoops just so they can make their lives difficult. That is another counterbalancing situation. The unfairness of this has been the subject of television programs. I think the first episode of *The Hitchhiker's Guide to the Galaxy* commences with this very problem. I am on board.

Ms CHAPMAN: Finally, if there are costs associated with the printing (for example, to the Legal Services Commission) is it the intention of the government to underwrite those extra costs? I would expect they and the DPP, for example, are going to be the worst hit, at a legal services level, as will the courts. The judiciary will need to have extra copies of documents other than electronically. Any of those agencies are going to say that if they have extra costs in paying people to stand there and copy material or print them off, then they are going to need to have that. Anyone who thinks it is just a simple exercise of pushing a button needs to go and put a brief together for a Supreme Court appeal and you will soon know what I am talking about.

The Hon. J.R. RAU: My understanding is there may have been, with the legal services people anyway, some discussion of potential costs, but I think it is one of those things where it does mean some consumables, ink and paper, essentially—

Ms Chapman: And time.

The Hon. J.R. RAU: —and time, yes, sure. As I am presently advised, in and of itself that is not such a monumental issue that it is likely to be a great problem. If it does turn out to be a problem then obviously they will feed that back to me and we will deal with that.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HISTORIC SHIPWRECKS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 November 2016.)

Mr SPEIRS (Bright) (17:08): I rise to speak on the Historic Shipwrecks (Miscellaneous) Amendment Bill 2016. I would like to advise that I am the lead speaker on this bill. It is the first time that I have been a lead speaker, and what a riveting bill with which I get to start my shadow ministerial career. This is a fairly straightforward piece of legislation and I will not be speaking about it at length, apart from making a few brief remarks to indicate to the house that the Liberal Party will be supporting this bill, as we did when it moved through the other place a couple of months ago. The bill before us is essentially a piece of legislation which seeks to update an earlier bill to make some contemporary modifications to the Historic Shipwrecks Act 1981.

It is quite interesting to look through the history of this legislation. The 1981 act, the original act, was brought into law following the 1976 commonwealth legislation for shipwrecks in commonwealth waters, which itself was really initiated in response to the growth in scuba diving in Australia and people's interest in historic shipwrecks that lie off the coast of Australia. There was

concern that these shipwrecks were being damaged, that some of them were being plundered, as people were more and more able to access them. The commonwealth legislation came in in 1976 and corresponding state legislation was introduced in 1981.

The miscellaneous amendment bill has its genesis following the introduction of marine parks in South Australia. With marine parks, there has been more vigilance around the policing of what happens within these parks, and that has led to more attention being paid around what happens to the shipwrecks that lie off South Australia's coast, in particular the wreck of the *Zanoni*, a 135-year-old vessel located off the coast of Ardrossan and found in the offshore Ardrossan marine park sanctuary zone.

That wreck is one of the most complete examples of a merchant vessel shipwreck in South Australia and possibly in Australia. Wrecks such as the *Zanoni* are fragile, and activities such as dropping an anchor or lying near them can cause damage. Recent prosecutions show that the compliance provisions and penalties under the act are outdated, and these prosecutions came up as a result of increased policing around those marine park sites, particularly in relation to the *Zanoni*.

The miscellaneous amendment act looks to update the current penalties found in the 1981 act, increase them to be more in line with modern-day expectations, and make the penalties required for breaching the provisions of the act more substantial. Obviously, in 1981 the figures were quite substantial, but that has dropped off as the value of our currency has changed over time.

As well as making some updates to the financial penalties under the act, the miscellaneous amendment bill also makes a few other minor amendments, including the streamlining of the declaration of historic shipwrecks, historic relics and protected zones under sections 4A, 5, 6 and 7 of the act. It makes changes under section 22 of the act in relation to the powers of inspectors, which are being rewritten and broadened to bring them into line with other contemporary pieces of legislation containing similar provisions. There are also some changes made in relation to delegation, amending the minister's ability to delegate any duties, functions or powers conferred to him or her under other acts.

With that brief overview of this piece of legislation, I would like to reiterate Liberal Party's support for the legislation and commend it to the house.

Mr PEDERICK (Hammond) (17:13): I wish to speak to the Historic Shipwrecks (Miscellaneous) Amendment Bill. This bill will amend the Historic Shipwrecks Act 1981 to better protect South Australian shipwrecks and relics of historic importance.

The original act, the Historic Shipwrecks Act 1981, was introduced to protect South Australian shipwrecks and their relics from removal, damage and exploitation. Currently, any wreck in South Australian waters that is at least 75 years old is automatically classified as historic and protected under the act. The minister may also make a declaration regarding a shipwreck prior to the 75-year period accumulating.

The development of scuba diving equipment throughout the 1950s led not only to the discovery of many shipwrecks but also to their exploitation. Many wrecks were pillaged for scrap metal or souvenirs, while others were illegally blown apart with explosives. Back in 1976, the federal government recognised the need to protect the integrity and future of these shipwrecks and introduced the Historic Shipwrecks Act 1976, and South Australia followed a few years later with the Historic Shipwrecks Act 1986, with the express purpose of protecting vessels in South Australian waters.

There are currently two protected zones in South Australia: one for the recreational dive site, the HMAS *Hobart*, and one for the *Zanoni*, which is a 35-year-old vessel and the most complete 19th century merchant shipwreck in South Australia. With the introduction of the marine park sanctuary zones the Department of Environment, Water and Natural Resources has become more aware of illegal activities in and around the zones.

Currently, a permit is required to enter a zone, either by vessel, diving or other means. As these relics and shipwrecks are typically very old and delicate, even simply dropping anchor or line fishing may cause damage. Furthermore, shipwrecks tend to attract diverse marine life, which in turn increases the appeal for fishing.

The amendments include increasing the penalties under the act, introducing an expiation fee of up to $750 (and that will be done by regulation), amendments to powers of authorised officers, administrative changes to enable the minister to transition classification from declarations to the 75-year period and amendments to delegation powers. There will also be amendments to the information provisions of the register.

We have been informed that the government has consulted with the community and various stakeholders on the proposed amendments, and obviously this includes sectors of the boating, fishing and scuba diving groups, the Local Government Association, the South Australian Maritime Museum, the Australasian Institute of Maritime Archaeology, the Department of Archaeology at Flinders University, Australia's International Council on Monuments and Sites, and other relevant state and commonwealth government agencies.

Public consultation seeking feedback on the bill commenced in May last year and closed on 24 June last year. There was a consultation survey on YourSAy, a public advertisement and letters were sent out to key stakeholders. From all advice, it appears that people were quite supportive of the bill. In regard to budget estimates and a question I asked the Minister for the Environment on marine parks and the matter of historic shipwrecks, the minister replied to a question from me in relation to marine park expiations. In part of the reply, the minister indicated:

> …there were a number of incidents related to a historic shipwreck. I can advise that, as of July this year, there has been over 3,000 shore based, 280 vessel and 70 aerial compliance patrols. That has resulted in the issuing of 31 educational letters…240 formal warnings, six expiations and 23 prosecutions.

That is a significant number of contacts under the Historic Shipwrecks Act. It is good that we are seeking to protect these shipwrecks. We need to acknowledge that those of us who were not here with the first peoples all arrived by boat, and some by plane in latter years. For those who came out with their families in the 1800s—and my family travelled here by ship in the 1840s—far too many vessels were destroyed off the coast of South Australia and, in fact, right around the nation. There is quite a bit of history surrounding those tragic events and it is certainly a part of our history that we need to acknowledge.

In talking about acknowledging history, I want to mention a ship that thankfully has not become a wreck but could have been, and that is the clipper ship *City of Adelaide*. This ship was very important in the history of South Australia. It was built in Sunderland in the United Kingdom in 1864 to carry passengers and cargo to and from the City of Adelaide. The ship completed 23 return trips between London and Adelaide.

The *City of Adelaide* is the only remaining sailing ship which provided a return service from the United Kingdom to South Australia. It is quite unique in that it is only one of two remaining clipper ships in the world, with the other being the *Cutty Sark*. It is the world's oldest composite clipper ship that has a wooden hull with iron frames. It is estimated that some 250,000 Australians can trace their ancestry through passengers who travelled on the *City of Adelaide*.

In 1923, the ship was purchased by the Royal Navy. It was then converted into a training ship and renamed HMS *Carrick*. Up until 1948, HMS *Carrick* was stationed in Scotland before being decommissioned and towed into central Glasgow. Under its name at the time of *Carrick*, it remained on the River Clyde until 1989, when it was damaged by flooding, and in 1991 this clipper ship sank at its mooring. Once it was retrieved, the *Carrick* was placed under the control of the Scottish museum. Restoration work was being undertaken, but ceased in 1999 due to funding lapses.

With people having a good look at what could happen with this ship into the future, rescue proposals were being considered by groups in Sunderland and South Australia. In 2010, it was confirmed that the ship would be moved to Adelaide and preserved as a museum ship. There was quite a bit of toing and froing in regard to this vessel: a squatter got on board and reckoned he was not going to move—a Scottish character.

In the end, the save the *City of Adelaide* group based in South Australia, including Peter Christopher, the Chapman family from The Marina Hindmarsh Island and many others, got on board to save this ship and managed to get control. It included a lot of work by industry here in South Australia where people made frames to bring the ship home. This involved companies from not just urban Adelaide but also regional South Australia, including Bowhill Engineering from my electorate,

which made a cradle to bring the ship back to South Australia. There was some excellent work, and much work was donated. Many hundreds of thousands of dollars, probably approaching into the millions of dollars now, were put into this project to bring this ship home.

The ship was brought into London up the Thames. I cannot remember the exact date, but the Duke of Edinburgh and Andrew Chapman were at the ceremony and, from what I understand, it was renamed the *City of Adelaide*, so it certainly had royal assent. From then on, it was transported to the Netherlands by barge in preparation for its move to South Australia. In late 2013, the *City of Adelaide* departed for Adelaide and arrived in early 2014.

I must acknowledge that there are quite a few people who have had something to do with the ship. If I have not been to every function, I cannot think of too many that I have missed in regard to raising funds or knowledge about the clipper ship *City of Adelaide*. When it came in on the barge in 2014, I know that the member for Port Adelaide was present, and I know that the member for Newland and the deputy leader have had an interest—

The DEPUTY SPEAKER: What about me—and I remind you that it is not really an historic shipwreck, and I know you are going to get back to the topic shortly. It is a wide bow, as in bow of a ship, and if you start naming members who are interested in the ship you need to name us all.

Mr PEDERICK: Yes, there were many members involved in some of the events around this ship, and it is so pleasing that it did not become one of the shipwrecks off our coast that we are protecting with this piece of legislation.

The DEPUTY SPEAKER: Very good, back to the bill.

Mr PEDERICK: But I do hope that it does not become a relic and get to the bottom of the depths in finding a permanent home for it at Port Adelaide. Fletcher's Slip was put up and that seems like it is not happening but I have noticed there has been some work done in the background so that the *City of Adelaide* does not join these rusting, rotting hulks on the bottom of the sea, to become a partner in this legislation. I certainly hope it stays well above the surface. I want to note and congratulate all of the people involved in this restoration and wish them all the best into the future. With that slight distraction—

The Hon. P. Caica: You were distracted for a long time.

Mr PEDERICK: Yes, a little while. I would just like to acknowledge this bill and what it will do for the protection of historic shipwrecks. I think too often we forget about the history that has made this state and if we do not reflect on the past we will not get better into the future. I commend the bill.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:27): I rise to speak on the Historic Shipwrecks (Miscellaneous) Amendment Bill 2016 and indicate, of course, that we are supporting this, as our newly appointed shadow minister has represented to the parliament. This is to ensure that we make amendments to our Historic Shipwrecks Act 1981 which currently makes provision for vessels that are automatically protected if they at least 75 years old. It seems that the advent of the marine park sanctuary zones has meant that we need to introduce some amendments.

Some of the penalties might be a bit harsh, but this legislation generally, as does this amendment, recognises the important value of South Australia's assets in its historic ships. Largely the ships protected by this bill are sitting at the bottom of the ocean but, as has been pointed out by other speakers, we have the *City of Adelaide* or the remnants of it which now sit at Port Adelaide perched on a platform still waiting for a home, sadly. But, nevertheless, the Department of Transport and those responsible for it, wade their way through the rules and regulations and provision of funding, presumably, to ensure that the *City of Adelaide* has a home. I, for one, will be very pleased when that happens. There has been a dragging of the chain or anchor for too long and we do need to deal with it, because the ship is rotting.

Millions of dollars have been spent on restoring this ship and getting it to South Australia from Scotland, and many hours and much energy put into the fight to try to secure it from the Scottish in the first place to bring it here, so it is incumbent upon all of us to make sure that we encourage the government to get on with doing it. I, for one, would have gone to the developers of the Newport Quays development number 2 or 3 or whatever we are up to, who have been given an exclusive

opportunity to develop some of these areas under the Newport Quays proposal (the parts of it that have now been let out to develop) and asked them to incorporate our historic ships in the development to make sure that we do not lose this great maritime history.

The *Falie* and the *One and All* are sitting there getting barnacles on their hulls and expensive to continue to survey. They, too, need to be put to productive employment and use. As a former member of the trust for the *One and All*, I am bitterly disappointed at what has happened since the Hon. Kevin Foley took control of that ship and took it away from the trust. It was used as a plaything, it did not actually pay its way and it ended up sitting down at Port Adelaide, a wasted resource, yet it was a valuable training source opportunity, particularly for children in schools, for learning teambuilding and the like.

I remember when I was on the board that a group came to us asking, 'Can we use it also for children who might be out at the children's prison at Magill?' Well, that was a bit of a hard call because once you are on a boat out in the middle of the ocean you cannot afford to have kids smoking or damaging facilities, particularly if a fire starts. There can be some limitations on what it was available for.

The *Falie* was used regularly for recreational fishing and opportunities in tourism. These are really important assets of the state. It is a bit like having a heritage building: unless you actually occupy it and maintain it, it crumbles. I urge the government to make sure that they have a plan, a future and funding to ensure that these ships are protected. There are many people in the community who have supported and will continue to support, even financially, securing the maritime history of the state. It is terribly important that we work together on this.

When I read about this bill, it reminded me of my late father's cousin Gifford Chapman, who was a former abalone diver and who operated an abalone business in South Australia for many years. He also undertook recreational diving to inspect the numerous vessels that are now shipwrecks at the bottom of our ocean, particularly around Kangaroo Island. His 1972 book, titled *Kangaroo Island Shipwrecks*, which is an account of ships and cutters wrecked around Kangaroo Island, is a masterful compilation of dozens of shipwrecks, most of which are unheard of but some of which are very famous around Kangaroo Island, which has some of the roughest water around any of the coast of Australia, particularly through the passage between Penneshaw and Cape Jervis.

I recognise him. He passed away recently. He had recorded, for our benefit, some of the incredible stories of the ships that had gone down. I will pick out one to refer you to, which is called *Island Girl*, which went down about five kilometres north-west of Western River on Kangaroo Island. It was a ship built in Port Lincoln in 1960 by A.A. Stenross and Co. For those interested in these things, it had a plywood deck, measured 44 feet long, and it had a 13-foot beam, a 6.9-foot draft and weighed 15.65 tonnes.

I am going to tell you about this ship because it went down as a result of a fire. We need to be really careful in South Australia not only about bushfires but about obviously anything catching on fire while on the water. The vessel was originally built for E.F. Hendry and Sons of Edithburgh and it was powered by a Kelvin diesel engine.

At the time that it went down, it was owned by Mr Gavin Buick, who using it for rock lobster fishing. The ship was renamed the *Island Girl* under his ownership. It departed Snug Cove on 18 February 1987 to pull rock lobster pots. The book continues to tell the story in relation to that venture one morning. It states:

> ...Mr. Buick left the wheelhouse to boil the kettle in the forecastle galley, to make a cup of coffee prior to pulling the pots. About five minutes later he came up on deck from the forecastle, and noticed smoke coming from the engine room.
>
> Running to the wheelhouse, Mr. Buick opened the engine room hatch, which was in the wheelhouse floor. The engine room was full of black acrid smoke and quickly filled the wheelhouse. Both men ran to the forecastle and grabbed the fire extinguishers...to put the fire out. The extinguishers were emptied...By this time the fire had a good hold and was spreading. Mr. Buick was worried that the fuel tank may explode....

Nevertheless, the men left the ship and, sadly, the whole thing burnt from end to end. Luckily, it was fully insured. It was valued at about one-quarter of a million dollars. The stories about these ships

tell us a lot. If anybody with scuba diving experience has the chance to dive on these wrecks, it is a great opportunity and I commend it to you.

Certainly in terms of the vessels that are sitting and wallowing in water below the surface, many international tourists visit these wrecks. They are also particularly attracted to the Western River area, which I most familiar with, because of the abundance of seahorse. The leafy sea dragon is of course our state's marine emblem and highly sought after for photography. Fortunately, they do not eat them anymore, which is good.

An honourable member interjecting:

Ms CHAPMAN: I don't care so much about the cuttlefish. Nevertheless, Gifford did at least record for us fascinating stories about these vessels for anyone interested in maritime history generally and in the lighthouses around the coastline of South Australia, which is the third longest coastline of any state in Australia, I point out, so we have plenty of them. If anyone looks at the Cape Borda lighthouse at the end of Kangaroo Island, they will know the history of how it was built to alert Adelaide of the approach of the Prussians, when we were at war with them in the 1800s.

We have a rich maritime history. I agree that it is important to contemporise this legislation to upgrade and protect other vessels that are shipwrecks. However, be under no illusion: it is also important that we protect our other maritime infrastructure and assets for future generations. Thank you, Gifford.

Debate adjourned on motion of Mr Picton.

STATUTES AMENDMENT (SURROGACY ELIGIBILITY) BILL

Final Stages

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. New clauses, page 2, after line 11—Before clause 4 insert:

3A—Amendment of section 3—Interpretation

Section 3—after the definition of *recognised surrogacy agreement* insert:

registered objector—see section 8(3).

3B—Amendment of section 6—Eligibility for registration

Section 6—after its present contents (now to be designated as subsection (1)) insert:

(2) The fact that an applicant for registration has a religious objection to the provision of assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status is not, of itself, grounds for finding that a person is not fit and proper to be registered.

3C—Amendment of section 8—Registration

(1) Section 8(2)—after paragraph (b) insert:

(ab) if the person notifies the Minister that the person has a religious objection to the provision of assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status—that fact; and

(2) Section 8—after subsection (2) insert:

(3) A person referred to in subsection (2)(ab) may, for the purposes of this or any other Act, be referred to as a *registered objector*.

(4) The Minister must publish the Register on a website maintained by the Minister for the purpose.

No. 2. Clause 4, page 2, line 14 [clause 4(1), inserted paragraph (ba)]—

Before 'a condition' insert 'subject to subsection (1a),'

No. 3. Clause 4, page 3, after line 6—After subclause (3) insert:

(4) Section 9—after subsection (1) insert:

(1a) Section 9(1)(ba) does not apply to a registered objector but, in that case, it is instead a condition of the registered objector's registration that the registered objector take steps to refer the person seeking assisted reproductive treatment to another person who is registered under this Part.

No. 4. Clause 5, page 3, after line 17—After inserted subsection (2) insert:

(2a) Despite subsection (2), the refusal by a person who is a registered objector within the meaning of the *Assisted Reproductive Treatment Act 1988* to provide assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status will not be taken to be refusal of a service to which this Act applies.

No. 5. Clause 9, page 4, lines 29 to 32 (inclusive) [clause 9, inserted subsection (2a)(e)]—

Delete paragraph (e) and substitute:

(e) either—

(i) it appears to be unlikely in the circumstances that a commissioning parent would become pregnant, or be able to carry a pregnancy or give birth (whether because of infertility, other medical reasons, risk to an unborn child or for some other reason); or

(ii) there appears to be a risk that a serious genetic defect, serious disease or serious illness would be transmitted to a child born to a commissioning parent; or

(iii) there appears to be a risk that becoming pregnant or giving birth to a child would result in physical harm to a female commissioning parent (being harm of a kind, or of a severity, unlikely to be suffered by females becoming pregnant or giving birth generally);

At 17:39 the house adjourned until Wednesday 15 February 2017 at 11:00.

Answers to Questions

STATE EMERGENCY SERVICE

241 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 5, page 43—what is the State Emergency Service Map Book System, how is it utilised for bushfire prevention and the prescribed burning program, and what are the benefits?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): The Minister for Sustainability, Environment and Conservation has received the following advice:

- The Emergency Services Map Book series, previously known as the Country Fire Service (CFS) Map Book Series, is published by the Department of Environment, Water and Natural Resources (DEWNR), and presents topographic maps for each region.
- The maps display information about the region including roads, tracks, railways, buildings, streams, dams, vegetation, elevation and many other features in the landscape.
- The books are an operational tool for the CFS, and are also used by other emergency service organisations, including State Emergency Service, Metropolitan Fire Service, SA Police, and state and local government departments, business and recreational markets.
- Bushfire suppression and prescribed burning requires a comprehensive representation of the landscape to undertake operations, and the map books help emergency services position crews, determine the current and forecast location of fire fronts, and show locations of resources, especially water resources.

CARERS SA

257 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, page 114, has the state government provided funding in 2016-17 to—

(a) maintain and extend funding for local and regional dedicated specialised Carer Support programs supporting carers of people with disability under 65 years of age;

(b) provide ongoing resources to Carers SA;

(c) provide a triennial report to Parliament on the Government's effectiveness in meeting its obligation under the Carers Recognition Act 2005 and We Care Plan;

(d) support young carers, under 25 years of age, in obtaining employment and/or tertiary education; and,

(e) ensure access to online services, digital literacy, information and supports for carers and their families who are in rural and remote regions or who are geographically isolated?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

(a) Yes. Funding for existing local and regional carer-specific SA HACC service providers in 2016-17 has been maintained and agreements with service providers will be extended from 1 July 2017 to 30 June 2018.

(b) Yes.

(c) There is no requirement for the Minister to report to Parliament. Under the *Carers Recognition Act 2005*, relevant agencies, including the Department for Communities and Social Inclusion, are required to report on meeting their obligations under the act in their agency's annual report.

(d) Yes. DCSI funds a number of carer support organisations in South Australia that support young carers including Raw Energy (eastern and southern metropolitan regions of Adelaide), Breakthru (northern metropolitan area, Barossa and the lower north region) and Carers SA (western metropolitan, Eyre, River Murray and Mallee, northern country and south east regions).

(e) Yes. In 2016-17, the state government will support a number of agencies and initiatives to ensure access to online services, digital literacy, information and supports for carers and their families who are in rural and remote regions or who are geographically isolated.'

COMMUNITY SUPPORT SERVICES

271 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, volume 1, page 96, which agencies funded by the Community Benefit SA did not achieve the agreed outcomes as defined in service agreements in 2015-16 and why?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

In 2015-16, Community Benefit SA funded a total of 211 projects. Of these, 18 projects received a low evaluation rating (1 or 2) at completion of the project.

Under the rating system, projects may receive a low evaluation rating if they report:

- a lower number of participants than planned
- the needs of disadvantaged people were met to a limited degree
- a lower than anticipated number of people benefiting than anticipated
- the implementation of the project was only partially achieved
- insufficient information to enable the department to determine if funds were spent in accordance with their service agreements.

There are some instances where organisations receive a low rating due to reports being received late or, in some instances, not provided at all. In such cases, organisations are contacted by the Department for Communities and Social Inclusion (DCSI) and outstanding reports requested.

DCSI does not publically release the names of organisations that received a low rating for projects funded by Community Benefit SA.

DOMICILIARY CARE

272 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, volume 1, pages 103 and 104—

1. Why is Domiciliary Care Service only now addressing some of the issues created as a result of changes to Commonwealth Home Support Programme which were made on the 1st July 2015?

2. What will the changes be to services for existing Domiciliary Care clients and Aboriginal clients?

3. Have these changes to services been communicated to Domiciliary Care clients and, if not, why not?

4. What are the implications for potential new clients to Domiciliary Care and is there information available for the potential new clients about Domiciliary Care services, and if not, why not?

5. What are the impacts on Domiciliary Care staff as a result to changes to services?

6. Has the Domiciliary Care Aboriginal Team been made redundant or disbanded?

7. What are the redundancy and redeployment options for existing Domiciliary Care staff and why may they be made redundant?

8. Will the current Domiciliary Care review identify improvements in efficiency and effectiveness of the Commonwealth Home Support Programme?

9. Has the Domiciliary Care Commonwealth Home Support Programme had a quality review and if so, how many of the Community Care Common Standards were met?

10. Has Domiciliary Care kept up to date with its financial reporting requirements to the Commonwealth Department of Health and if not, why not?

11. Has Domiciliary Care kept up to date with its data reporting requirements to the Commonwealth Department of Health?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. Domiciliary Care, within the Department for Communities and Social Inclusion (DCSI), has made changes to comply with the new requirements and funding parameters of the Commonwealth Home Support Programme and was ready to accept clients under the new arrangement from 1 July 2015.

2. Domiciliary Care has continued to provide services to existing clients, including Aboriginal and Torres Strait Islander clients. Agreements between the South Australian and commonwealth governments ensure clients with higher needs continue to be supported while appropriate home care packages are implemented. Those Domiciliary Care clients who have case management needs will transfer to home care package providers, when packages are available.

Case management services are no longer provided by Domiciliary Care, including for Aboriginal clients, as a result of changes implemented by the commonwealth. An alternate approach to supporting Aboriginal clients in line with the commonwealth Home Support Programme guidelines is in development and is expected to begin implementation in 2017. Domiciliary Care services must be provided within the funding envelope provided by the commonwealth and consistent with commonwealth guidelines and requirements.

3. Yes, Domiciliary Care has communicated the reforms to clients through letters and face-to-face visits from staff.

4. In the new national system managed by the commonwealth, potential clients first contact the national call centre. They then submit an application through the My Age Care portal, after which an assessment is conducted by a regional assessment agency. Following assessment, potential clients may be referred to Domiciliary Care.

Domiciliary Care has promoted its services to the regional assessment agencies, to ensure awareness of the type of service that Domiciliary Care provides.

5. Staff reductions have occurred due to the shift of responsibility for case management and assessment functions to the commonwealth.

6. No.

7. Domiciliary Care staff are subject to the redeployment and redundancy principles of the South Australian public service.

8. The state government is considering the future of Domiciliary Care future as a service provider. However, this does not include identifying improvements in efficiencies and effectiveness of the commonwealth Home Support Programme. Representatives from Domiciliary Care have been active contributors the national aged care reforms through a variety of co-design workshops, national committees and discussion sessions.

9. Yes. In May 2015 Domiciliary Care was successful in attaining all 18 expected outcomes of the Home Care Standards following a quality review undertaken by the Australian Aged Care Quality Agency.

10. Yes.

11. Yes.

GRANT EXPENDITURE

283 Dr McFETRIDGE (Morphett) (22 November 2016). With respect to the chief executive of each agency reporting to the Minister, is there a Chief Executive Discretionary Fund, a Ministerial Discretionary Fund and/or a Special Purpose Grant Fund and if so—

(a) what are the Fund's allocated budget for 2014-15 and 2015-16 respectively; and

(b) what are the details of all grants provided from the fund for 2014-15 and 2015-16, respectively?

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): I have been advised:

The allocated budget for the Minister for Veterans' Affairs Annual Allocation of Grants for 2014-15 and 2015-16 was $275,000 per funding year.

In 2014-15 the Veterans' Affairs portfolio allocated $275,767.69 in grants to the veteran community from the Minister for Veterans' Affairs Annual Allocation of Grants. This included a $100,000 grant to the Legacy Club of Adelaide and a $100,000 grant to the Returned and Services League.

In 2015-16 the Veterans' Affairs portfolio allocated $274,364.43 in grants to the veteran community from the Minister for Veterans' Affairs Annual Allocation of Grants. This included a $100,000 grant to the Legacy Club of Adelaide and a $100,000 grant to the Returned and Services League.

Tables listing individual grants are attached.

	MINISTER FOR VETERANS' AFFAIRS ANNUAL ALLOCATION OF GRANTS 2014-15	Amount
1	Vietnam Veterans Association Australia (SA Branch)—Vietnam Veterans Day 2014	$2,410
2	Royal Australian Army Corps—Defence Health Services Remembrance Service	$500
3	Veterans SA—Veterans Voice Newsletter: Spring Edition 2014	$3,570
4	Veterans SA—Bravest of the Brave Edit	$1,060.40
5	Veterans SA—Australasian Soldier's Dardanelles Cenotaph	$1389.41
6	Veterans SA—The Last Post	$510
7	RAR Association SA—Long Tan Commemorative Service	$515
8	RSL (Plympton Glenelg Sub-Branch)—Glenelg Foreshore War Memorial	$5,000

	MINISTER FOR VETERANS' AFFAIRS ANNUAL ALLOCATION OF GRANTS 2014-15	Amount
9	RSL (Henley & Grange Sub-Branch)—WWII Thank You Luncheon	$200
10	RAR Association SA—Veterans' Forum	$260
11	HMAS Leeuwin 8th Intake Organising Committee—HMAS Leeuwin 8th Intake Reunion 2017	$1,000
12	RSL—Ben Quilty Exhibition Reception	$3,000
13	RAR Association SA—Book Launch: A Duty Done	$300
14	RSL (Macclesfield Sub-Branch)—Flag Poles in Remembrance Garden	$5,340
15	WRAAC—RAANC Morning Tea	$600
16	3RAR—Battle of Maryang San Commemorative Service	$515
17	Army Health Services Historical Research Group—Reprint of Blood, Sweat and Fears	$3,000
18	The Repat Foundation—Research Paper Day	$3,500
19	RSL—Aboriginal Veterans Commemorative Service	$5,000
20	RSAR Association—10th/27th Battalion Centenary Parade	$850
21	RSL (Streaky Bay Sub-Branch)—Wheelchair Access Ramp	$2,000
22	Pozières Remembrance Association—Pozières Memorial Park	$500
23	22 Construction Squadron RAE—2015 Reunion	$1,000
24	Anzac Day Committee—Forgotten Heroes Travelling Exhibition	$5,000
25	RAR Association SA—Hat Dich Service	$515
26	AFOM—Seminar	$500
27	RSL (Kangaroo Island Sub-Branch)—ANZAC Day Events 2015	$2,000
28	RSL (Ceduna Sub-Branch)—Rising Sun Emblem	$2,000
29	South Australian Boer War Association—Commemorative Service for South Australians who served in the Boer War	$500
30	RSL (Peninsula Sub-Branch)—Yorke Peninsula Division 1 & Division 2 Gallipoli Commemoration March	$2,500
31	Findon High School—Connecting Spirits	$4,000
32	Barry Hills—Anzac Day Flyover	$1,000
33	Army Museum of South Australia—Premier's Anzac Spirit School Prize Function	$500
34	Wirreanda Secondary School—In Defence of Our Homeland War Memorial Project	$500
35	3RAR—Kapyong Commemorative Service	$515
36	Veterans SA—2015 Ex-Service Commemorative Calendar	$3,595.16
37	Veterans SA—Veterans Voice Newsletter: Autumn Edition 2015	$3,355.45
38	Fulham Gardens Primary School—Anzac Commemoration Garden	$2,000
39	RSL—ANZAC Sporting Medals	$1,767.27
40	Defence Force Welfare Association—National Executive Conference (NATEX)	$1,500
41	Australian American Association—Battle of the Coral Sea Anniversary Dinner	$500
42	Hills Christian Community School—Anzac Grove Project	$1,500

	MINISTER FOR VETERANS' AFFAIRS ANNUAL ALLOCATION OF GRANTS 2014-15	Amount
43	RSL—Annual Donation	$100,000
44	Legacy—Annual Donation	$100,000
	Estimate of Spend for 2014-15	$275,767.69

	MINISTER FOR VETERANS' AFFAIRS ANNUAL ALLOCATION OF GRANTS 2015-16	Amount
1	Consulaire De France Adelaide–On Flanders Field Poppy Trail	$909.09
2	Farina Restoration Group—Farina War Memorial Precinct	$2,750
3	Vietnam Veterans Association Australia (SA Branch)—Vietnam Veterans Day 2015	$5,000
4	Veterans SA—Australasian Soldier's Dardanelles Cenotaph	$2,172.32
5	Adelaide Cemeteries Authority—Restoration of the Cross of Sacrifice	$2,000
6	Veterans SA—43rd & 2nd/43rd Memorial Plaque	$3,306.36
7	SA Museum—A Century On: Aboriginal Soldiers of WWI	$2,500
8	Illuminart— Violet Verses	$2,500
9	RAR Association SA—Long Tan Commemorative Service	$515
10	Veterans SA—On Flanders Field Poppy Trail Parliamentary Function	$3,285.35
11	Two Wells RSL—Fallen Soldiers in Afghanistan	$4,700
12	3RAR—Battle of Maryang San Commemorative Service	$515
13	Veterans SA—2016 Ex-Service Commemorative Calendar	$6,892.18
14	Veterans SA—Veterans Voice Newsletter: Spring Edition 2015	$3,710.91
15	Veterans SA—Pozières Bayonet	$490
16	Veterans SA—Veterans' Advisory Council Reception	$3,651.86
17	RAR Association SA—Hat Dich Commemorative Service	$515
18	Veterans SA—The Last Post	$560
19	Pozières Remembrance Association—Pozières Memorial Park	$2,000
20	RAR Association SA—Bien Hoa Commemorative Service	$515
21	South Australian Boer War Association—Website Development	$2,000
22	Trojan's Trek—Train the Trainer Course	$5,000
23	RSL—Aboriginal Veterans Commemorative Service	$5,000
24	Australian American Association—Battle of the Coral Sea Anniversary Dinner	$500
25	Veterans SA—Veterans Voice Newsletter: Autumn Edition 2016	$4,086.36
26	Australian Peace Keeping Memorial Project	$5,000
27	Flinders Uni Art Museum—Wish Me Luck Exhibition	$2,500
28	3RAR—Kapyong Commemorative Service	$515
29	3RAR – Battle of Long Khanh & Operation Overlord Commemorative Service	$515
30	Veterans SA—Cheer-Up Hut Community Engagement Strategy	$760

	MINISTER FOR VETERANS' AFFAIRS ANNUAL ALLOCATION OF GRANTS 2015-16	Amount
31	RSL—Annual Donation	$100,000
32	Legacy—Annual Donation	$100,000
	Estimate of Spend for 2015-16	$274,364.43

CHILD PROTECTION DEPARTMENT

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (21 September 2016).

The Hon. J.W. WEATHERILL (Cheltenham—Premier):

1. As per the Chief Executive Performance Review process, Ms Cathy Taylor will be required to develop a Chief Executive Performance Plan, within three months of commencing in the role of Chief Executive of the Department for Child Protection.

The Chief Executive Performance Agreement includes, as part of the whole-of-government priorities, the requirement for Chief Executives that oversee agencies that have responsibilities for the health, safety and wellbeing of children to demonstrate inter-agency collaboration in child protection matters. The Minister responsible for Child Protection will have the opportunity to develop additional relevant Key Performance Indicators as part of the process.

2. The total remuneration package is $385,000. There is no provision for the payment of any bonus payment in the employment contract.

PATIENT ASSISTANCE TRANSPORT SCHEME

In reply to **Mr TRELOAR (Flinders)** (21 September 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries):

1. PATS applications are able to be fully completed on-line including authorisations from referring doctors and medical specialists or their delegates. These parties are required to be registered in the online system to authorise electronically. Paper based authorisations remain an option where doctors and medical specialists are yet to register. As of October, 2016, 134 doctors, medical specialists and delegates registered in the online system.

2. One million dollars was allocated over a two year period (2014-15–2015-16) to support the replacement of the PATS database. Developing the online portal involved a number of complexities, including multiple key stakeholder meetings and a rigorous selection and evaluation process to ensure that once launched, the new system met the needs of a range of users including regional patients and their carers; general practitioners; medical specialists and Country Health SA Local Health Network staff.

PUNJABI ASSOCIATION OF SOUTH AUSTRALIA

In reply to **Mr TARZIA (Hartley)** (20 October 2016).

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. The Punjabi Association of South Australia's application for funding, through Grants SA Medium Round 1 for its Multicultural Diwali Festival (Mela), was unsuccessful because it did not rank as highly as others in merit, when assessed by the Grants SA Assessment Panel.

All Grant SA applications are assessed independently by Assessment Panel members. The Assessment Panel members have experience and expertise in financial management, charitable or social welfare organisation administration, multicultural affairs, young people and/or volunteering. For the medium and major rounds, the panel comprises seven independent members (including three representatives from the South Australian Multicultural and Ethnic Affairs Commission) and one Department for Communities and Social Inclusion member. The Assessment Panel does not provide individual commentary on applications but instead assesses them using merit-based scoring against five criteria. Scores for individual applications are then ranked in order of merit. Funding is allocated according to rank until each funding round (major/medium/minor) is fully expended.

2. Like the Punjabi Association of South Australia, the Hungarian Kőrösi Csoma Sándor Cultural Circle's application for funding, through Grants SA Medium Round 1 for its Paprikás Hungarian Food and Culture Festival, was unsuccessful because it did not rank as highly as others in merit, when assessed by the Grants SA Assessment Panel.

The Grants SA program is highly competitive, with grant rounds receiving many more applications than can be funded.

All unsuccessful applicants are encouraged to contact the Department for Communities and Social Inclusion's Grants SA team on 1300 650 985 to receive feedback on their applications and discuss ways to develop and strengthen future funding proposals they may wish to submit.

RENEWAL SA GOVERNANCE

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (1 November 2016).

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): Mr Buchan is employed as the General Manager, Property Management.

AUDITOR-GENERAL'S REPORT

In reply to **Mr PISONI (Unley)** (2 November 2016).

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised:

1. In most cases for government, property leases and memorandums of understanding relate to the government as the tenant leasing space from private landlords. There is only one current lease dispute with a landlord. The potential value of this dispute is $9,000.

In the property industry, lease documents can remain unexecuted for periods after the lease commencement. This can be due to factors such as legal preparation and negotiation, delays by parties in seeking execution by relevant delegates (particularly where there may be multiple landlord signatures required), or where specific details, such as lease renewals where rental determination may be required, need to be established before those details are included in the lease. Where significant delays or risks are identified, caveats are placed on titles to protect the relevant interests.

2. The total value of the unexplained credit balances as on page 303 of the Auditor-General's Report totalled $160,000, from 29 debtors.

3. The Auditor General identified irregularities in administrative processes not necessarily irregular transactions or purchases.

AUDITOR-GENERAL'S REPORT

In reply to **Mr PISONI (Unley)** (2 November 2016).

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised:

1. The Passenger Transport Research and Development Fund balance is currently at around $11,000, and is administered on my behalf by the Department of Planning, Transport and Infrastructure. The department reviews the status of this Fund, and initiatives within the scope of its intended purpose.

2. The only source of funds is interest earned. The most recent expenditure was in June 2014 to assist in funding shields to be installed in taxis to protect taxi drivers. Due to the Taxi and Chauffeur Vehicle Review in 2015 and the subsequent industry reforms, there were no initiatives considered for use of this funding in the 2015-16 financial year.

3. The $1 Point to Point Transport Service Transaction Levy will be separate to the Passenger Transport Research and Development Fund, as they each have their independent priorities in terms of what the funds are to be used for.

AUDITOR-GENERAL'S REPORT

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (2 November 2016).

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised:

1. MacroPlan Dimasi, a national firm of land economists and property advisors, was appointed to work with Renewal SA to produce the 'Land Economics Study Report'.

2. The final report was dated 7 July 2015 and was provided to the Urban Renewal Authority Board of Management at its meeting on 27 July 2015.

SEAFORD RAIL LINE

In reply to **Mr SPEIRS (Bright)** (2 November 2016).

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been provided with the following advice:

DPTI engaged Consolidated Power Projects (CPP) to provide an independent review of the fault along with an assessment of the 66kV equipment and the operation of the protection systems at the Lonsdale Rail Feeder Station. The Independent Investigation report, the interim report and a review undertaken by the Rail Commissioner were released on 28 December 2016.

AUDITOR-GENERAL'S REPORT

In reply to **Ms SANDERSON (Adelaide)** (2 November 2016).

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

Following the implementation of the Property Ownership Review Team, Housing SA cross-referenced all of its head tenants and their partners against records from the Land Titles Office.

Any details that were matched were scrutinised further by Housing SA.

During 2015-16, 1,150 tenants were investigated for property ownership with 34 households vacating their public housing tenancy following the investigation process.

Housing SA is continuing to investigate cases of suspected property ownership.

AUDITOR-GENERAL'S REPORT

In reply to **Ms SANDERSON (Adelaide)** (2 November 2016).

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

32,526 Housing SA households had a proof of income (POI) review completed for the September 2015 POI review and 31,941 households had a POI review completed for the March 2016 review.

Housing SA's Manager, Rents and Special Programs makes the decision regarding the timing of the rent reversion process based on operational issues as outlined under section 7.2.1 of Housing SA's Rent Assessment Guidelines.

Estimates Replies

SPEED CAMERAS

In reply to **Mr PISONI (Unley)** (1 August 2016). (Estimates Committee A)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

The 2015-16 Estimated Result for Resources Received Free of Charge relates to red light and speed cameras received from the South Australian Department of Planning, Transport and Infrastructure (DPTI) and does not relate to equipment received from the commonwealth government.

CORRECTIONAL SERVICES DEPARTMENT

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). Estimates Committee A)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

During periods of peak prisoner numbers over and above the funded capacity, the Department for Correctional Services must rely on additional contingency beds, or 'surge capacity'. The last time DCS did not have to use any of the surge capacity beds was 3 November 2011.

LICENCE SUSPENSION

In reply to **Mr PISONI (Unley)** (1 August 2016). (Estimates Committee A)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

Between 1 July 2014 and 30 June 2016, there were 860 drivers classified as recidivist within South Australia.

In the Metropolitan Operations Service Area, there are 571 recidivist drivers recorded; and in the State Operations Service Area, there are 289 recidivist drivers recorded.

MINISTERIAL STAFF

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (1 August 2016). (Estimates Committee A)

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): I have been advised of the following:

For a list of ministerial staff and salaries please refer to the *Government Gazette*.

Non Ministerial appointments are as follows:

FTE	Classification
1	ASO801
1	ASO803
1	ASO803
1	ASO704
1	ASO701
1	ASO601
1	ASO504
1	ASO503
1	ASO503
1	ASO501
1	ASO403
1	ASO403
1	ASO303
1	ASO203
0.8	ASO203
0.6	ASO501

TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to **Mr DULUK (Davenport)** (1 August 2016). Estimates Committee A)

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): Information on TVSPs can be obtained from the Auditor-General's Annual Report to Parliament.

There is no budget over the forward estimates and any packages offered are to be funded within existing agency budgets.

METROCARDS

In reply to **Mr PISONI (Unley)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

All 2 Section MetroCards, are provided with a white-on-blue decal, to distinguish them from regular MetroCards.

TAFE SA

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

The transfer of equity to Renewal SA during 2015-16 was not a factor for the board in recommending payment of dividends for 2015-16. The $7.3 million dividend paid in 2015-16 represented dividends payable only in respect of the operating surplus from the Adelaide Station and Environs Redevelopment (ASER) site and this is unrelated to the equity transferred to Renewal SA during 2015-16.

RENEWAL SA

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

The work associated with upgrading the charter was mostly undertaken by internal Renewal SA staff. Some assistance was sought from the Crown Solicitor's Office, the cost of which was within existing budgets and no additional funding was requested.

RENEWAL SA

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

The cost of complying with the Auditor-General's requests in the 2015-16 year was met within Renewal SA's existing budgets, as such there was not a separate amount budgeted for this activity.

MINISTERIAL STAFF

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

For a list of ministerial staff and salaries please refer to the *Government Gazette*.

Non Ministerial appointments are as follows:

FTE	Classification
0.5	URA8

TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): Information on TVSP's can be obtained from the Auditor-General's Annual Report to Parliament.

There is no budget over the forward estimates and any packages offered are to be funded within existing agency budgets.

GRANT EXPENDITURE

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee B)

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

SAHT Grants & Subsidies Budget across the forward estimates

South Australian Housing Trust (SAHT)	2016-17 Budget $'000	2017-18 Budget $'000	2018-19 Budget $'000	2019-20 Budget $'000	2020-21 Budget $'000
National Rental Affordability Scheme	9,027	9,488	9,948	10,144	10,398
EquityStart Subsidy to HomeStart Finance	277	—	—	—	-
Other Grants	56	57	58	59	60
Total SAHT Grants and subsidies	9,360	9,545	10,006	10,203	10,458

Urban Renewal Authority Grants & Subsidies across the forward estimates

Urban Renewal Authority (URA)	2016-17 Budget $'000	2017-18 Budget $'000	2018-19 Budget $'000	2019-20 Budget $'000	2020-21 Budget $'000
City Makers	103	105	-	-	-
Adelaide HUB	74	75	77	79	-
Total URA Grants and subsidies	177	180	77	79	-

SAHT Grants in 2015-16

The following provides information with regard to grants of $10,000 or more paid by SAHT:

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
AFFORDABLE HOUSING CONSULTING PTY LTD	$3,239,978	National Rental Affordability Scheme – State contribution	Yes
QUESTUS FUNDS MANAGEMENT LIMITED	$1,153,808	National Rental Affordability Scheme – State contribution	Yes
NATIONAL HOUSING GROUP	$462,081	National Rental Affordability Scheme – State contribution	Yes

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
ECH INC	$318,374	National Rental Affordability Scheme – State contribution	Yes
ADELAIDE WORKERS' HOMES INCORPORATED	$301,178	National Rental Affordability Scheme – State contribution	Yes
LUTHERAN COMMUNITY HOUSING	$257,365	National Rental Affordability Scheme – State contribution	Yes
COMMUNITY HOUSING LTD	$212,296	National Rental Affordability Scheme – State contribution	Yes
AFFORDABLE MANAGEMENT CORPORATION	$170,579	National Rental Affordability Scheme – State contribution	Yes
UNITY HOUSING COMPANY LIMITED	$156,179	National Rental Affordability Scheme – State contribution	Yes
ADELAIDE BENEVOLENT & STRANGERS' FRIEND SOCIETY	$128,336	National Rental Affordability Scheme – State contribution	Yes
JAMES BROWN MEMORIAL TRUST	$109,350	National Rental Affordability Scheme – State contribution	Yes
THE CORPORATION OF THE CITY OF ADELAIDE	$106,612	National Rental Affordability Scheme – State contribution	Yes
ANGLICARE SA	$95,950	National Rental Affordability Scheme – State contribution	Yes
COMMON GROUND ADELAIDE LIMITED	$84,486	National Rental Affordability Scheme – State contribution	Yes
AGED CARE AND HOUSING GROUP	$58,593	National Rental Affordability Scheme – State contribution	Yes
ETHAN AFFORDABLE HOUSING LTD	$53,306	National Rental Affordability Scheme – State contribution	Yes
AFFORDABLE HOUSING CONSULTING PTY LTD	$51,768	National Rental Affordability Scheme – State contribution	Yes
WCK PTY LTD	$41,966	National Rental Affordability Scheme – State contribution	Yes
MINDA INCORPORATED	$31,984	National Rental Affordability Scheme – State contribution	Yes
PORTWAY HOUSING ASSOCIATION INCORPORATED	$31,983	National Rental Affordability Scheme – State contribution	Yes
UNITY HOUSING COMPANY	$31,044	National Rental Affordability Scheme – State contribution	Yes
SYC LIMITED	$28,997	National Rental Affordability Scheme – State contribution	Yes
ECH INC	$23,283	National Rental Affordability Scheme – State contribution	Yes
SOUTHERN JUNCTION	$21,322	National Rental Affordability Scheme – State contribution	Yes
JULIA FARR HOUSING	$18,969	National Rental Affordability Scheme – State contribution	Yes
NRAS GRANTS UNDER $10,000	$4,876	National Rental Affordability Scheme – State contribution	Yes
NET ACCRUAL OF EXPECTED FUTURE NRAS PAYMENTS	$1,082,337	National Rental Affordability Scheme – State contribution	N/A
HOMESTART FINANCE	$626,657	EquityStart Subsidy	No*
OTHER GRANTS UNDER $10,000	6,760	Various small grants	No
TOTAL:	$8,910,417		

* Provided pursuant to a Cabinet decision

Urban Renewal Authority Grants in 2015-16

The following provides information with regard to grants of $10,000 or more paid by the Urban Renewal Authority:

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
RENEW ADELAIDE	$300,000		Yes
CITY MAKERS	$66,711		Yes
ADELAIDE HUB	$72,000		Yes
TOTAL:	$438,711		

PORT ADELAIDE

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

Three preferred proponents have been selected in relation to undertaking development at Port Adelaide involving five separate precincts as part of the Port Adelaide Renewal Project. These proponents were selected following a comprehensive public expressions of interest campaign commencing in mid-2015. Approximately $45,000 has been expended on this process to date which includes legal advice, marketing expenses and engaging an independent probity advisor and property agent.

GRANT EXPENDITURE

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised that:

For the Department of Planning, Transport and Infrastructure, for each year of the forward estimates:

	BUDGET
Name of Grant Program	2016-17 $000
Service SA – Revenue management services	33,510
Subsidies made under the South Australian Transport Subsidy Scheme (SATTS)	11,730
Kangaroo Island Airport Upgrade project	6,500
SA Water – South Road Planning Torrens to Torrens	5,000
Country and Provincial Concessions	4,757
Municipal Services on Aboriginal Lands	2,644
Heavy Vehicle Safety and Productivity Program	2,093
Property Interest Report	2,019
Kangaroo Island Road Network Maintenance	2,000
Bridge Renewal Program	1,397
Local Government – Marine Facilities Improvement	1,048
National Transport Commission – national road, rail and intermodal transport reform	492
Great Southern Rail – Overland Rail Services	340
Asset Improvement Program	276
Tall Ships (One and All & Falie)	235
Boating Safety Unit service delivery	215
Australasia Rail Corporation Payment	168
Other Grants	154
KESAB Road Watch Program	78
National Vehicle theft reduction	63
Kangaroo Island Partnership grant	41
Jobs for Youth Program	40
Rail Industry Safety Standards Board	40
Sylvia Birdseye – Women in Engineering	38

	BUDGET
Local Government Association Aviation Payment	37
TOTAL GRANTS BUDGET	$74,915

Total indicative grants forecast for the forward estimates ($'000) are:

- 2017-18: $64,713
- 2018-19: $62,343
- 2019-20: $60,804
- 2020-21: $62,324

Note that:

1. Not all grant funding is allocated to a specific grant program. Allocations are made during the financial year as a result of the finalisation of agreements between the department and relevant stakeholders.

2. Budgets for the forward estimates are not allocated to individual grant recipients as the majority of grants are provided / allocated to recipients during the financial year in which the grant is applied for. Budgets are subject to the annual budget process and final Cabinet endorsement.

For the Department of Planning, Transport and Infrastructure, grants paid during 2015-16, greater than $10,000 were:

Name of Grant Recipient	Amount of Grant ($)	Purpose of Grant	Subject to Grant Agreement (Y/N)
Department of the Premier and Cabinet (DPC) – Service SA (SSA)	32,934,000.00	Funds provided to the Government Services Group (DPC) for the services on behalf of the Registrar of Motor Vehicles.	Y
Various taxi service providers	10,058,960.03	Taxi subsidies payable to individual with limited mobility SA Transport Subsidy Scheme (SATSS)	Y
Provincial City and Regional Bus Operators	4,425,139.62	For passengers eligible to travel at concessional rates	Y
Tea Tree Gully Council	3,000,000.00	Footpath Renewal Programme	Y
Various community agencies/organisations	2,506,397.72	Provision of Municipal Services	Y
Barossa Council	1,968,000.00	For the land and land acquisition and transaction costs including stamp duty for the purchase of the former Angaston rail yards.	Y
The Department of Environment, Water and Natural Resources (DEWNR)	545,364.00	Land management—for the construction of groundwater wells between Pukatja (Ernabella) and Iwantja (Indulkana), Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in remote South Australia	Y
National Transport Commission	475,000.00	To contribute to the national road, rail and intermodal transport reform agenda	Y
Port Pirie Regional Council	350,000.00	Solomtown Boat ramp upgrade	Y
Great Southern Rail	315,000.00	To assist with the operation of the Overland Rail service between Adelaide and Melbourne	Y
Various councils	284,995.04	Bridge Renewal Programme	Y
City of Prospect	218,520.00	Contribution to car park works	N
Department of Premier and Cabinet (DPC)—Service SA (SSA)	210,000.00	Intra-government transfer—For the provision of Recreational and Boating transactions at Service SA centres	N
District Council of Mount Remarkable	180,000.00	For the construction of a Boating Launching Facility at Weeroona Island (Port Flinders) for the completion of site preparation	Y
Australasia Railway Corporation (ARRC) – Northern Territory Government	150,000.00	Annual Grant to assist with Australasia Railway Corporation to provide services to the community.	N
Department of Treasury and Finance (DTF)	128,713.29	Lincoln Cove Marina	Y

Name of Grant Recipient	Amount of Grant ($)	Purpose of Grant	Subject to Grant Agreement (Y/N)
Keep South Australia Beautiful Incorporated (KESAB)	80,000.00	Delivery of the Road watch program	Y
Coorong District Council	75,691.50	Construction of single lane boat ramp at Wellington East	Y
Wattle Range Council	75,255.00	Resurface and formalise parking and traffic movements within the Beachport boat ramp and trailer park	Y
Rail Industry Safety and Standards Board	75,000.00	Annual Payment to the Rail Industry Safety and Standards Board to provide Rail Safety Standards to the community.	Y
Yorke Peninsula Council	71,908.00	Provision of Municipal Services	Y
Adelaide Hills Council	70,301.53	Cost share arrangement with council to undertake drainage infrastructure project	
City of Victor Harbor	50,650.00	Lay -by berth and additional parking facilities at the Encounter Bay boat ramp	Y
Department of Premier and Cabinet	49,350.00	Contribution to Traineeship program	Y
Local Government Association Mutual Liability Scheme (LGAMLS)	39,179.00	Contribution to LGAMLS Aerodrome Risk Management Programme for the provision of services to Councils and Outback Areas	Y
AECOM Australia	25,000.00	Regional Aviation Study	Y
River Murray Boating and Recreational Advisory Group	20,000.00	Develop and design strategies to prevent drowning and enhance river user's experiences. Including Code of conduct, short videos, brochures and signage.	Y
TOTAL GRANTS PAID 2015-16	58,382,424.73		

TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee B)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): Information on TVSP's can be obtained from the Auditor-General's Annual Report to Parliament.

There is no budget over the forward estimates and any packages offered are to be funded within existing agency budgets.

SUCCESSFUL TRANSITIONS PROGRAM

In reply to **Ms SANDERSON (Adelaide)** (3 August 2016). (Estimates Committee B)

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

Of the 255 young people referred to the *Successful Transitions* program, 177 young people engaged with an individual transition plan. In the first 12 months of the program, 109 participants (62%) reported they had minimised barriers to education, employment or training.

As a result of engaging in the program, 50 young people (28%) commenced employment, with 38 of these young people sustaining their employment outcome for a minimum of 13 weeks at the time of reporting in April 2016. The breakdown of employment outcomes is:

Employment Category	Number
Permanent Part Time	2
Permanent Full Time	12
Contract Part Time	1
Contract Full Time	1
Casual	17
Seasonal	1
Traineeship/Apprenticeship	4

Employment Category	Number
Self Employed	0
Other	0

The significance of 13 weeks or longer in employment is that, for a previously disengaged participant, this is a substantial achievement and indicative of being likely to sustain the outcome.

Training and education commencements are also an important outcome for young people involved in the program. Of the 177 young people engaged in Successful Transitions, 87 (49%) made a training or education commencement.

The breakdown for training or education commencements in the first 12 months of the program is:

Employment Category	Number
Vocational Education and Training (VET)	29
Adult Community Education (ACE)	2
Non-accredited training course	3
Work experience placement	2
Voluntary (unpaid) work	1
School or SACE equivalent	21
Short course (less than 13 weeks)	23
Other	6

ATTRACTION AND RETENTION ALLOWANCES

In reply to **Ms SANDERSON (Adelaide)** (3 August 2016). (Estimates Committee B)

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):

Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers.

Attraction, retention and performance allowances as well as non-salary benefits paid to public servants and contractors:

(a) 2014-15

Dept/Agency	Position Number	Classification	Allowance Type	Allowance Amount
DCSI	F06713	ASO704	Attraction and retention allowances	$29,383.38
DCSI	F13961	ASO704	Attraction and retention allowances	$29,383.36
DCSI	F02429	ASO603	Attraction and retention allowances	$26,026.14
DCSI	F13956	ASO603	Attraction and retention allowances	$26,026.08
DCSI	F13957	ASO603	Attraction and retention allowances	$26,026.07
DCSI	F13954	ASO504	Attraction and retention allowances	$23,711.85
DCSI	F13958	ASO603	Attraction and retention allowances	$21,688.43
DCSI	F12174	ASO803	Attraction and retention allowances	$21,143.05
DCSI	F02345	MAS301	Attraction and retention allowances	$18,227.67
DCSI	F13469	MAS301	Attraction and retention allowances	$16,145.43
DCSI	F14074	ASO801	Attraction and retention allowances	$10,072.01
DCSI	F13301	MAS301	Attraction and retention allowances	$9,968.14
DCSI	F13794	MAS301	Attraction and retention allowances	$9,968.14
DCSI	F10197	MAS301	Attraction and retention allowances	$9,929.79
DCSI	F13460	ASO704	Attraction and retention allowances	$9,794.56
DCSI	F13954	ASO603	Attraction and retention allowances	$9,244.94
DCSI	F11553	ASO601	Attraction and retention allowances	$8,178.91

Dept/Agency	Position Number	Classification	Allowance Type	Allowance Amount
DCSI	F00922	OPS403	Attraction and retention allowances	$7,110.43
DCSI	F11089	ASO803	Attraction and retention allowances	$6,977.65
DCSI	F10173	OPS403	Attraction and retention allowances	$6,619.16
DCSI	F10175	OPS402	Attraction and retention allowances	$6,604.15
DCSI	F12539	OPS403	Attraction and retention allowances	$6,442.85
DCSI	F12135	OPS403	Attraction and retention allowances	$6,285.95
DCSI	F10000	OPS403	Attraction and retention allowances	$5,185.30
DCSI	F13942	MAS301	Attraction and retention allowances	$4,983.95
DCSI	F13960	ASO704	Attraction and retention allowances	$2,908.51
DCSI	F03087	ASO403	Attraction and retention allowances	$2,908.50
DCSI	F13807	ASO602	Attraction and retention allowances	$2,148.22
DCSI	F06782	OPS402	Attraction and retention allowances	$1,724.52
DCSI	F06081	ASO803	Attraction and retention allowances	$1,315.98
DCSI	F13582	ASO803	Attraction and retention allowances	$762.94
Housing SA	F12085	ASO704	Attraction and retention allowances	$29,383.36
Housing SA	F14367	ASO803	Attraction and retention allowances	$25,804.36
Housing SA	F12352	ASO603	Attraction and retention allowances	$25,518.51
Housing SA	F13917	ASO704	Attraction and retention allowances	$24,832.77
Housing SA	F14014	ASO704	Attraction and retention allowances	$24,486.18
Housing SA	F11992	ASO603	Attraction and retention allowances	$21,378.62
Housing SA	F12472	ASO704	Attraction and retention allowances	$19,588.81
Housing SA	F14025	ASO704	Attraction and retention allowances	$19,588.79
Housing SA	F13948	ASO704	Attraction and retention allowances	$19,381.61
Housing SA	F14010	ASO704	Attraction and retention allowances	$18,302.94
Housing SA	F13909	ASO704	Attraction and retention allowances	$18,246.85
Housing SA	F13916	ASO704	Attraction and retention allowances	$17,727.43
Housing SA	F14015	ASO704	Attraction and retention allowances	$14,635.81
Housing SA	F13912	ASO704	Attraction and retention allowances	$13,628.28
Housing SA	F14024	ASO704	Attraction and retention allowances	$13,488.24
Housing SA	F14027	ASO703	Attraction and retention allowances	$13,214.42
Housing SA	F13458	ASO504	Attraction and retention allowances	$11,855.93
Housing SA	F14037	ASO504	Attraction and retention allowances	$11,855.91
Housing SA	F13915	ASO700	Attraction and retention allowances	$11,278.32
Housing SA	F11690	ASO803	Attraction and retention allowances	$10,289.84
Housing SA	F14026	ASO704	Attraction and retention allowances	$9,794.56
Housing SA	F14011	ASO704	Attraction and retention allowances	$9,603.53
Housing SA	F11211	ASO504	Attraction and retention allowances	$8,797.29
Housing SA	F13918	ASO803	Attraction and retention allowances	$8,046.86
Housing SA	F14114	ASO501	Attraction and retention allowances	$6,789.52
Housing SA	F13913	ASO403	Attraction and retention allowances	$6,549.91
Housing SA	F12072	ASO504	Attraction and retention allowances	$5,504.86
Housing SA	F14012	ASO403	Attraction and retention allowances	$5,290.31
Housing SA	F12207	ASO803	Attraction and retention allowances	$4,938.74
Housing SA	F06646	ASO203	Attraction and retention allowances	$2,572.63
Housing SA	F13539	ASO603	Attraction and retention allowances	$1,916.90

Dept/Agency	Position Number	Classification	Allowance Type	Allowance Amount
Housing SA	F13914	ASO403	Attraction and retention allowances	$1,133.64
Housing SA	F01385	ASO403	Attraction and retention allowances	$780.95
TOTAL				$803,102.74

(b) 2015-16

Dept/Agency	Position Number	Classification	Allowance Type	Allowance Amount
DCSI	F13961 / M15319	ASO704	Attraction and retention allowances	$30,112.31
DCSI	F13957 / M15315	ASO603	Attraction and retention allowances	$24,798.59
DCSI	F13954 / M15312	ASO603	Attraction and retention allowances	$20,681.24
DCSI	F13958 / M15316	ASO603	Attraction and retention allowances	$20,665.46
DCSI	F12174 / M14279	ASO803 / MAS301	Attraction and retention allowances	$20,385.36
DCSI	F13469 / M14917	MAS301	Attraction and retention allowances	$18,611.78
DCSI	F14074 / M15411	ASO802 / ASO803	Attraction and retention allowances	$9,969.37
DCSI	F02822 / M10433	MAS301	Attraction and retention allowances	$9,661.26
DCSI	F10175 / M13064	OPS403	Attraction and retention allowances	$9,434.65
DCSI	F10197 / M13071	MAS301	Attraction and retention allowances	$9,201.35
DCSI	F13956	ASO603	Attraction and retention allowances	$8,891.45
DCSI	F11553 / M13937	ASO602 / ASO603	Attraction and retention allowances	$8,209.45
DCSI	F13794 / M15189	MAS301	Attraction and retention allowances	$8,051.19
DCSI	F13460 / M14911	ASO704	Attraction and retention allowances	$7,961.75
DCSI	F11089 / M13713	ASO803	Attraction and retention allowances	$6,460.07
DCSI	F10173 / M13062	OPS403	Attraction and retention allowances	$6,306.97
DCSI	F12539 / M14438	OPS403	Attraction and retention allowances	$6,306.97
DCSI	F13301 / M14817	MAS301	Attraction and retention allowances	$6,134.25
DCSI	F02345 / M10287	MAS301 / SAES1 *	Attraction and retention allowances	$5,973.64
DCSI	F12738 / M14545	OPS403	Attraction and retention allowances	$5,729.17
DCSI	F13942 / M15300	MAS301	Attraction and retention allowances	$4,600.57
DCSI	F06713	ASO704	Attraction and retention allowances	$2,292.52
DCSI	M15048	ASO803	Attraction and retention allowances	$1,902.24
DCSI	F06920	OPS402	Attraction and retention allowances	$1,666.55
DCSI	M16172	MAS301	Attraction and retention allowances	$1,341.86
DCSI	F02429	ASO603	Attraction and retention allowances	$203.06
DCSI	F13582	ASO803	Attraction and retention allowances	$144.34
DCSI	F12135	OPS403	Attraction and retention allowances	$51.64
Housing SA	F12085 / M14237	ASO704	Attraction and retention allowances	$27,997.45
Housing SA	F14367 / M15686	MAS301	Attraction and retention allowances	$25,639.64

Dept/Agency	Position Number	Classification	Allowance Type	Allowance Amount
Housing SA	F14014 / M15366	ASO704	Attraction and retention allowances	$21,001.02
Housing SA	F13917 / M15278	ASO801 / ASO802	Attraction and retention allowances	$19,000.28
Housing SA	F12472 / M14407	ASO704	Attraction and retention allowances	$18,665.00
Housing SA	F13909 / M15270	ASO704	Attraction and retention allowances	$14,294.31
Housing SA	F11992 / M14203	ASO603	Attraction and retention allowances	$14,049.29
Housing SA	F12207 / M14295	ASO803	Attraction and retention allowances	$13,877.23
Housing SA	F14015 / M15367	ASO704	Attraction and retention allowances	$12,236.40
Housing SA	M14723	ASO704	Attraction and retention allowances	$9,869.33
Housing SA	F14010 / M15362	ASO704	Attraction and retention allowances	$9,049.77
Housing SA	F13948 / M15306	ASO704	Attraction and retention allowances	$9,013.51
Housing SA	F14011 / M15363	ASO704	Attraction and retention allowances	$8,609.47
Housing SA	F14037 / M15384	ASO504	Attraction and retention allowances	$8,579.58
Housing SA	F14027	ASO703 / ASO704	Attraction and retention allowances	$5,902.94
Housing SA	F14025	ASO704	Attraction and retention allowances	$5,349.21
Housing SA	F13458	ASO504	Attraction and retention allowances	$5,018.21
Housing SA	M13775	ASO603	Attraction and retention allowances	$4,788.37
Housing SA	F14024	ASO704	Attraction and retention allowances	$4,298.41
Housing SA	F14026	ASO704	Attraction and retention allowances	$3,379.57
Housing SA	F11211 / F13122	ASO603 / ASO504	Attraction and retention allowances	$2,813.73
Housing SA	F06646 / M12704	ASO203	Attraction and retention allowances	$2,554.04
Housing SA	F13913	ASO403	Attraction and retention allowances	$2,015.36
TOTAL				$503,751.18

* Employee received a new contract during 2015-16

Minister for Ageing

Attraction, retention and performance allowances as well as non-salary benefits paid to public servants and contractors:

(a) 2014-15:

Dept/Agency	Position Title	Classification	Allowance Type	Allowance Amount
DHA	Manager Policy & Programs, OFTA	MAS3	Attraction & Retention	$21,193

(b) 2015-16:

Dept/Agency	Position Title	Classification	Allowance Type	Allowance Amount
DHA	Manager Policy & Programs, OFTA	MAS3	Attraction & Retention	$21,193

VOLUNTEER SERVICES

In reply to **Ms SANDERSON (Adelaide)** (3 August 2016). (Estimates Committee B)

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. The primary cause of movement between the 2015-16 budget and 2016-17 budget is indexation. The 2014-15 Actual Expenses is lower than the 2015-16 budget as a result of a delay in the commencement of the Volunteer Recognition pilot program in 2014-15.

2. As per the footnote on page 101 of Budget Paper 4, the employee expenditure has been removed from Sub-Program 1.7: Volunteer Services and is now reported in Sub-Program 1.2: Policy and Community Development. This is consistent with the realignment of functions to strengthen capacity to deliver across portfolio responsibilities and enable staff to work across portfolios as part of a centrally co-ordinated team.