

## HOUSE OF ASSEMBLY

### Wednesday, 15 November 2017

*Parliamentary Procedure*

#### **SPEAKER, ABSENCE**

**The CLERK:** I advise the house of the absence of the Speaker. I call the Deputy Speaker to the chair.

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

**The DEPUTY 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.

*Parliamentary Committees*

#### **ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2016-17**

**Mr HUGHES (Giles) (11:01):** I move:

That the 2016-17 annual report of the committee be noted.

During the past year, the committee has been fortunate to hear from many Aboriginal leaders, representatives and organisations across South Australia. It has been our privilege to listen to the lived experiences of Aboriginal people across South Australia, and we are most appreciative of people giving so freely of their time and stories so that we might better understand the needs and aspirations of Aboriginal South Australians. We have heard formally from 26 witnesses during this reporting period and we are pleased to note the progress of the stolen generations Independent Assessor, the Hon. John Hill, in his work on the Stolen Generations Reparations Scheme.

The committee continues to have a vested interest in this activity given our pivotal role in advocating and seeing this initiative come to fruition. We also heard of the progress of the treaty consultations undertaken by Treaty Commissioner, Dr Roger Thomas, providing the committee with valuable insight into whether the establishment of treaties would be beneficial for Aboriginal South Australians and whether such a mechanism would provide a stronger voice and governance systems. We very much look forward to seeing what this holds into the future.

The committee heard about matters relating to ear health and renal dialysis on the APY lands, access to interpreters for people in the criminal justice system, electoral provisions under the new APY Land Rights Act and also a number of specific matters relating to Aboriginal Lands Trust SA. All witnesses provided the committee with valuable insightful information with regard to their specific areas of expertise. We are very appreciative again of the time and input provided throughout this reporting period.

I would like to put on record that when it comes to renal dialysis in the lands we might well see a functioning centre in Pukatja by halfway through next year. That will be an incredibly welcome initiative and one we have waited a long time for, and I know both sides of the house would congratulate all the people involved in moving this forward. I would especially like to acknowledge Sarah Brown and Purple House, for the amazing effort they have put in to get the dialysis centre up and running, and also the strong community support on the APY lands.

Even though it is going to be in Pukatja, all the communities across the APY lands have got behind this initiative. One example of that was the recent art auction held in Adelaide a few weeks ago, where art centres from across the APY lands made a contribution of amazing works of art. That particular auction raised just under \$170,000, so it was a fantastic effort by all involved. That money will of course contribute to the running in the first year of the dialysis centre.

The committee took the opportunity to visit a number of Aboriginal communities on the Far West Coast and Far North of the state. We were kindly hosted by many Aboriginal and community

organisations on our travels, and I am most appreciative of the time they gave to the committee away from their everyday work and commitments. We saw the enterprise development work being generated on the Far West Coast at Scotdesco with the growth of this community and their investment in land and sustainable management of land into the future.

We visited the Far West Coast Aboriginal Cooperation and also learned of their business and investment growth providing greater opportunities for their members. In meeting with the organisation's leadership, we heard of their recent signing of the Aboriginal Regional Authority Agreement with the state government and their vision for the Far West Coast region. Whilst on the Far West Coast, the committee also had the opportunity to see firsthand the work of the Ceduna Aboriginal Corporation's Youth Hub, and the vibrancy of youth activity in that particular centre was inspiring.

We also visited the Ceduna day centre, which provides medical treatment, substance misuse counselling and referral services, hot meals and diversionary activities. The committee was most impressed with the community paramedic initiative, observing its operation within the day centre service in Ceduna. The benefits of this initiative were seen to be boundless and making a very real, practical and immediate positive difference in people's lives.

Whilst in the region, there was considerable discussion about the Indue cashless welfare card introduced by the federal government. These discussions provided the committee with arguments and lived experiences that both supported and criticised the initiative. The committee acknowledges that this initiative has created considerable debate locally and nationally, and we will remain connected on this topic and its impact on Aboriginal South Australians.

During the reporting period, the committee was also most graciously welcomed to the Anangu Pitjantjatjara Yankunytjatjara lands by local community leaders, APY Executive members, service providers and individual members of the communities. The committee visited Fregon, Pukatja, Amata and Umuwa. All communities were generous in providing time out of their day to meet with the committee and show their community, talk about their concerns and share their achievements.

Before going any further, I would like to sincerely thank each community for giving so generously during our visits. I know that it is often an issue with all sorts of organisations, individuals and others going into the lands. It is almost a revolving door. It a total population of 3,000 and they must get a bit sick of the constant attention. I do believe that it probably needs to be coordinated better than it is, given the burden that it can put on communities and people in leadership positions.

Across APY communities, there were common themes, including the desire for Anangu to play a greater role in local decision-making, and to be in greater control of what happens in their communities. The communities also expressed common experience with the Community Development Program (the current Work for the Dole scheme) expressing a desire for the federal government to revisit its thinking about how the scheme works in remote areas.

Indeed, I was in the APY lands last week and visited all the major communities. There was once again a common theme: the criticism of the Community Development Program and how it operates. There was a desire among some to return to the old CDEP, which they thought was a better program than the current program that is in place. Overall, the greatest area of discussion was the desire for greater employment opportunities for Anangu people and especially young people.

We also took a long road trip to see the progress of the APY road upgrade, with visits to a crushing site, a section of road resurfacing and the Toll administration site. These visits provided a valuable opportunity to see the work both physically and culturally undertaken to ensure not only that the goals of the infrastructure upgrade are met but that Anangu land and culture are respected in the process.

APY Land Management and Anthropology provided the committee with a valuable insight into the work undertaken to ensure that Anangu's songlines and cultural matters are a primary consideration in the planning, preparation, disruption and rehabilitation of land. It was also good to see local people employed on that particular road project, and we met a number of those people at work sites and at the Toll administration centre.

Of special significance to me and the committee was the very unique and special opportunity we had in being able to undertake a guided tour of the Caterpillar Dreaming and Cave Hill sites. Cave Hill in particular was a stunning site. If people get the opportunity to visit Cave Hill with guides, I would encourage them to do so. Just the sense of time passing that existed there and the vibrancy of the artwork in the cave were stunning. Both these experiences provided the committee with precious stories of the spiritual and ancestral connection between Anangu land and country. I express our appreciation to the guides at both those locations.

The committee's commitment to Aboriginal affairs and looking into matters affecting the lives of Aboriginal people extended beyond community visits and witness appearances, with members showing support through attendances at many key events throughout the year, including the Adelaide Lord Mayor's flag raising ceremony and the NAIDOC SA awards, the Premier's NAIDOC awards, the Aboriginal Lands Trust 50<sup>th</sup> anniversary dinner, the National Reconciliation Week breakfast and the 50<sup>th</sup> anniversary for the 1967 referendum dinner.

I also make mention that there have been a number of significant losses and passings within the South Australian Aboriginal community this year, and the committee have paid their respects to these families during these difficult times. I would also like to take this opportunity to acknowledge all committee members and staff, past and present, for their commitment and dedication to the work of this committee. Finally, I would like to thank all the Aboriginal communities, organisations and their representatives that have given their time, assisted with visits and provided valuable insights to the committee during the year.

**Dr McFETRIDGE (Morphett) (11:13):** I rise to speak on the annual report of the Aboriginal Lands Parliamentary Standing Committee 2016-17 and thank the member for Giles for his comprehensive summing up of what the committee has been doing in the last 12 months. I think I am the longest serving member of this committee and it has been my pleasure to be so. We used to be paid to be on committees; we are not now, but I can say that every member on that committee has been more than happy to continue on doing the work of that committee without any extra payment or any other inducement.

Perhaps, if there is an inducement, it is the opportunity to go and visit the most wonderful parts of South Australia on the tours we undertake visiting communities all over South Australia. The APY lands has a lot of focus, and so it should, but we should remember that there are 30,000 South Australians of Aboriginal and Torres Strait Islander descent, and they go from Mount Gambier in the south to Pipalyatjara in the north and Scotdesco in the west. They are all over the whole state.

The budgets spent on Aboriginal affairs in South Australia are massive. We heard just recently that the national budget for Aboriginal affairs and reconciliation in Australia is \$33 billion—that is with a 'b' for billion. In South Australia, I understand that is \$1.3 billion, and on the APY lands the best figure we can come up with, and it has been reported here in the estimates committee, is about \$200 million. Significant funds are being extended and expended on Aboriginal affairs. There are lots of challenges and lots of opportunities. Unfortunately, when we see the Closing the Gap report, significant gaps still exist. They are closing, but it is a glacial change in many of those parameters, but fortunately it is always forward. Sometimes it might be two steps forward and one step back, but it is forward.

The way this committee works is that we have a remit to examine just about anything to do with Aboriginal affairs in South Australia, and that is what this committee has done, and it has always done it in a very bipartisan way. It is upper house and lower house, as members would know. We have had Democrats, Independents, Greens, Liberal, Labor, Family First (they are Conservatives now but they were Family First then) on the committee always working in a very collaborative and collegial way for the best outcome for Aboriginal South Australians. The committee's work is important and will continue to be so in the next parliament. I look forward to being able to be involved in the committee in the next parliament.

The most outstanding achievements of this committee in my time, as the member for the Giles said, has to be the Stolen Generations Reparations Scheme, which is now underway. There has been some criticism of the way it has been conducted. Again, there is a slowness of payments,

but it has to be done properly and in a fair way, and from the evidence we have seen in the committee, that is happening.

Just this morning we heard more evidence from Sarah Brown, Nurse of the Year from Purple House, about the renal dialysis unit being set up at Pukatja on the APY lands. This is an issue that the committee has been working on for years and years. While the numbers of people who will be undergoing dialysis are quite low, the importance for those people and their broader communities cannot be underestimated. The need to evaluate the social impact and the financial impact of what we do is something that I think we are all becoming more cognisant of. Certainly, the renal dialysis unit at Pukatja will be one of those achievements for which this committee can hold up its head and be proud of because we have been asking questions and pushing the issue along to make sure that we get a positive outcome, and that is actually happening.

The many other reports the committee has been involved in, the many places we visit, are all to advance Aboriginal affairs and reconciliation. I have said it before and I will say it again: every member in this place should do everything they can to come with the committee—if there is a spare spot on the plane or a spare seat in a car or a bus—and visit the parts of South Australia that most people in this place have not seen. They should see the remote parts and also some of the less remote parts.

Urban Aboriginal and rural city areas have large Aboriginal populations, and we should be visiting them and making sure that they are being looked after because their concerns are quite different from some of the concerns on the APY lands, for example. In some cases, they may be very similar—housing and access to health and education—but certainly the remoteness, the tyranny of distance, in the APY lands sets it apart.

I do have some serious concerns about the issues going on in the APY lands at the moment. I am involved in SACAT hearings, and I understand that I will be in the Supreme Court in the next few months with the Ombudsman—the Ombudsman is the first respondent and I am the second respondent—to determine whether the APY is subject to the FOI Act. I believe it is and the Ombudsman believes it is, but there are questions about whether it is. This is as a result of releasing information about how the APY lands is being governed and some of the issues that are going on up there.

Openness and transparency is something that we all want in this place. It is an absolute necessity, if we are going to spend billions of dollars in these particular areas, to be accountable. Everybody has to be accountable. Nobody should be afraid of what they are being asked about if they are spending that money wisely. On that same issue, Nganampa Health is another organisation quite unique to the APY lands. It has \$17 million worth of operational funds, mainly from the feds but some from the South Australian government, yet they seem to be exempt from FOIs. They certainly seem to be recalcitrant when being asked questions about the matter.

I personally will maintain my interest—some people might say a crusade—in finding out exactly what they are doing and how they are doing it. They need not be afraid, unless there is something going on. This is not about patch protection, it is about being open and honest and it is about showing people that you are doing exactly what you have been asked to do and being proud of it, if you are doing it. It is exactly the same as I am asking of the APY Executive and the APY general manager.

The most important thing we can do as the Aboriginal Lands Parliamentary Standing Committee is to keep pushing ahead and never be afraid to ask these questions. They may be embarrassing sometimes, even to the minister. A number of years ago I moved successfully in this place to change the legislation to have the minister removed as the Presiding Member of the committee. It was ridiculous to have the minister writing to themselves and then to reply to themselves as the Presiding Member of the committee. The way the committee works now is much more practical and much more functional.

Certainly with the members who are on the committee now, it is a committee that I am very proud to have been a member of for many years. I would like to thank all those members, and certainly our committee secretary for the hard work that she does as well. The member for Giles summed up very well our work this year in his contribution. I commend the report to the house.

Motion carried.

**ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2016-17**

**Mr ODENWALDER (Little Para) (11:21):** I move:

That the 96<sup>th</sup> report of the committee, entitled Annual Report 2016-17, be noted.

I commend the report to the house. I report only one membership change to the Economic and Finance Committee in the 2016-17 period, which is unusual over the longer period. The member for Bright resigned on 29 March 2017 and the member for Davenport has ably been taking his place since then.

Our stable membership includes the member for Wright, the member for Colton, the member for Light, the member for Schubert, the member for Hartley and, as I just stated, the member for Davenport. I want to thank all members for their contributions throughout the reporting period. I will have something more to say about that later on. During this period, the committee tabled five reports, including finalising two major inquiries: the inquiry into local government rate capping and the labour hire inquiry.

Of particular note is the committee's central recommendation arising from the labour hire inquiry, which was to introduce a labour hiring licensing scheme at the federal level. The committee recommended that if there was no acceptance at a federal level, a state-based scheme should be introduced. This resulted in the introduction of the South Australian Labour Hire Licensing Bill by the Minister for Industrial Relations, which is currently before another place. I believe I am prevented from commenting any further on that.

The other major committee inquiry of note is the primary producers inquiry, which is ongoing and has been a substantial focus for this reporting period. On 16 November 2016, the Economic and Finance Committee resolved to inquire into and report on options for enhancing and supporting South Australian primary producers in competitively supplying to retailers to ensure future local processing and manufacturing in the horticultural, viticultural and agricultural sectors.

In undertaking this inquiry, the committee sought to ensure the competitiveness of local producers from those sectors in their respective supply chains. Given the significant scope of this inquiry, the committee adopted a two-limbed investigative approach. Written submissions were initially sought from stakeholders in stage 1 of the inquiry, which gave an opportunity for stakeholders to bring inquiry-related issues to the committee's attention. This led to the committee tabling an issues paper for the inquiry.

Stage 2, just recently completed, saw the committee receive oral evidence from over 30 witnesses and included a day of hearings held on site at the Barossa Valley council chambers. The regional hearings gave the committee a vital opportunity to hear directly from local producers and relevant stakeholders in the Barossa Valley region. A final report on this inquiry is due to be tabled in the next sitting week. Statutory functions of the committee also kept us busy during this reporting period, including everyone's favourite, the annual emergency services levy reporting obligations; the sport and rec fund allocations and subsequent hearing; and receiving evidence from the Auditor-General in relation to his annual report.

The committee's important membership—one that I think future committees should continue—of the Australasian Council of Public Accounts Committees saw myself and the executive officer attend the council's biennial conference hosted by the Queensland parliament in April. Attendance at these conferences gives our committee opportunities to be involved in discussing common issues amongst public accounts committees throughout the member jurisdictions.

Of particular note at this conference was the discussion on performance reviews of auditors-general undertaken by public accounts committees in most Australian jurisdictions but not in any statutory sense by the Economic and Finance Committee in South Australia. This gave me and the executive officer some food for thought. It is a conversation that I would like to continue with the Auditor in the future if I am given the chance.

During the reporting period, the committee was ably supported by our executive officer, Mrs Lisa Baxter, and part-time research officers, Ms Peta Spyrou and Dr Gordon Elsey. This

morning, the Economic and Finance Committee met for what is likely to be the last time before the proroguing of the parliament and before the election. We do not know what form the committee will take next year.

**Mr Pederick:** A few changes.

**Mr ODENWALDER:** There may be a few changes. There may be no changes, although that would be the worst of all possible worlds, I think, member for Hammond. I want to take the opportunity to again thank all the current and past members of the committee. I particularly thank Lisa Baxter, who works so very hard for our committee. She is an excellent lawyer and an excellent resource for me and for the committee. I want to thank her for her service. I also thank our research officers, Gordon Elsey and, particularly lately, Peta Spyrou, who is going on to bigger and better things.

In the primary producers report, which will be tabled in the next sitting week, she has produced one of the best reports I have ever seen in my time chairing this committee. That is no reflection on any of the other reports; it was simply an excellent report. It was exactly what we wanted and resulted in very little substantial change subsequent to her presenting it to the committee. I want to thank her for her work. With those words, I recommend the annual report to the house.

*Parliamentary Procedure*

#### VISITORS

**The DEPUTY SPEAKER:** Before I call the next speaker, we obviously have a group of visitors with us this morning from Norton Summit school. We welcome them and their teachers and adults to parliament today. We hope you have had a good time looking around and that you go home and tell your mums and dads what a good place parliament is.

*Parliamentary Committees*

#### ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2016-17

Debate resumed.

**Mr DULUK (Davenport) (11:27):** I also rise to make a few brief comments in regard to the annual report for the Economic and Finance Committee 2016-17. I would like to echo many of the comments from the Chair, the member for Little Para. I think it has been a very productive committee; at times, it is partisan. If you look at the membership of the committee, you can probably see why some of the debates around the table were quite partisan, but it is a very experienced committee and a very important committee of the parliament.

I reflect on the former member for Davenport Iain Evans, who served for many years in this place. He ensured that the Economic and Finance Committee is the committee that overlooks and reviews the ESL regime in South Australia and ensured that that report is tabled to the committee every year. I think it gives an opportunity for the parliament, through the committee process, to look at its reporting obligations. In that regard, the sport and recreation fund is another ongoing fund that has to report to the committee. As the member for Little Para said, we have just finished the primary producers report, which will be tabled in a couple of weeks.

To that end, I also give credit to our executive officer of the committee, Lisa Baxter, as well as Peta Spyrou for their work on that committee. It is a very enjoyable committee and a very important one of the parliament. I hope that in next year's parliament—and no disrespect to the current Presiding Member—this committee has a new presiding member and that we will see a change in the composition of the committee. I thank everyone involved on the committee for the past 12 months.

**Mr ODENWALDER (Little Para) (11:29):** I, again, move that the report be noted.

Motion carried.

#### LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT 2016

**Mr ODENWALDER (Little Para) (11:30):** I move:

That the Annual Report 2016 of the committee be noted.

I am pleased to move that the Legislative Review Committee's annual report be noted. The annual report provides information about the committee's consideration of regulations referred to the committee in accordance with section 10A of the Subordinate Legislation Act 1978 and of the committee's ad hoc inquiry work.

The committee met on 19 occasions in 2016 and inquired into and considered 282 regulations, 44 court rules, two other rules and 87 by-laws. The committee also asked representatives of six public sector agencies, the Law Society of South Australia, the Aboriginal Legal Rights Movement and the Supreme Court of South Australia to appear before the committee to assist the committee's inquiry and consideration of 10 regulations. In addition, the committee asked representatives of the Local Government Association to appear before the committee to assist the committee's consideration of three by-laws.

In relation to the committee's inquiry work, the annual report includes information on four inquiries conducted by the committee in 2016. The committee tabled final reports in relation to two of these inquiries:

- on 12 April 2016, the committee was pleased to table in both houses of parliament a report of its inquiry into the Sexual Reassignment Repeal Bill 2014; and
- on 19 October 2016, the committee was pleased to table a report of its inquiry into an amendment to the Births, Deaths and Marriages Registration Regulations 2011 to enable de facto relationships to be recognised on the register recording the death of a person (death certificate).

The committee also continued with a review of its inquiry into the partial defence of provocation. This review was referred to the committee on 13 May 2015 following a decision by the High Court of Australia to set aside the Supreme Court of South Australia Court of Criminal Appeal judgement in R v Lindsay. On 8 March 2016, the committee tabled an interim report in both houses of parliament. In the interim report, the committee concluded that it would not be prudent to make further recommendations or findings until legal proceedings involving Mr Lindsay had concluded. At the end of the reporting period, that review was ongoing.

In August 2016, the committee also commenced an inquiry into the operation and impact of the Graffiti Control (Miscellaneous) Amendment Act 2013 amendments to the Graffiti Control Act 2001. The inquiry was required by section 14 of the Graffiti Control Act 2001. At the end of the reporting period, this inquiry was ongoing. On behalf of the Chair, I thank the members of the committee for their work in 2016. I also thank the committee staff, Matt Balfour and Ben Cranwell, for all their hard work, advice and service over the year. I commend the report to the house.

**Mr DULUK (Davenport) (11:33):** I will also make a brief comment in regard to the annual report of the Legislative Review Committee 2016. I also found this to be a most interesting committee. I think that with the addition of the member for Playford, who has come on in recent weeks, the committee is even more vibrant. It does a lot of important work. The member for Hammond just asked me, 'What does this committee actually do?' It provides quite a good oversight in terms of regulations and by-laws that are passed and it has also conducted quite a few interesting inquiries. I put on the record my thanks to secretary, Matt Balfour, who is ever diligent in his work, and research officer, Benjamin Cranwell, for his assistance in the work of the committee.

Motion carried.

#### **NATURAL RESOURCES COMMITTEE: MARINE SCALEFISH FISHERY SUMMARY OF EVIDENCE 2014-17**

**The Hon. S.W. KEY (Ashford) (11:34):** I move:

That the 125<sup>th</sup> report of the committee, entitled Marine Scalefish Fishery Summary of Evidence 2014-17, be noted.

The issue of declining marine scale stocks was raised in the Natural Resources Committee via an emailed letter to the Hon. Dennis Hood MLC back in June 2014. The letter was written by Mr Robert Knight of Cape Jervis, with Mr Knight describing a situation where southern calamari squid numbers around Cape Jervis had declined considerably. Mr Knight hypothesised that this reported decline

was also impacting other species. I am going to leave my report at this stage to see if other members want to speak, but I would ask that the report be noted.

**Mr PENGILLY (Finniss) (11:35):** I want to make some brief comments, as the member for Ashford made comments in relation to a gentleman from Cape Jervis and the squid fishery. My advice from longstanding members of that community and people who have been involved in the fishing industry there for a very long time is that that is not correct. I do not have the figures on me at the moment, I am sorry, but their catch rates indeed are very good still and the fish are going through on a regular basis. It is a habitat for squid and, of course, it is fished.

I do know Mr Knight. It has created a lot of division at Cape Jervis, and I suspect that there are far more in favour of the fishery than those who quite rightfully express concern, but I am not sure about the scientific basis. I think it is something we need to talk to PIRSA about to get a real indication of what is going on there.

I know one of the skippers on the SeaLink ferries whose son is a professional squid fisherman who, along with some others, is still doing very well out of it. I do not want to hold up the house, but I want to put those comments on the record for future Natural Resources Committees to have a bit of a think about and perhaps get some information from PIRSA.

**Mr TRELOAR (Flinders) (11:37):** I rise to make a contribution on this report from the Natural Resources Committee, entitled, 'Marine scalefish fishery summary of evidence 2014-17: good things come to those who bait'. I was particularly interested in this report and I would like to take most of my time this morning speaking to it because it was of very great interest to a number of professional fishers and recreational fishers in the electorate of Flinders. Of course, the electorate of Flinders extends from Cowell right around to the Western Australian border. It has extensive coastline and is really important to both the professional and recreational sector fishing involved there.

The marine scale fishery is a multispecies and multigear fishery consisting of some 60 species, including the most important ones: King George whiting, southern garfish and southern calamari. A number of stakeholders are involved, including commercial and recreational fishers. PIRSA are both promoters and regulars of the marine scalefish fishery and operate within the framework of the Fisheries Management Act and associated regulations.

A lot of the evidence we received—and I will go through some of it shortly—highlighted what was perceived to be mismanagement of fish stocks over a long period of time. Even though the committee did not come to a conclusion or make recommendations because it was not an official inquiry, we were actually accepting evidence, and that evidence proved to be most interesting.

The fishery is managed primarily through the issuing of licences (limiting total catch effort), conditions on licences and gear entitlements. The fishery is also subject to temporal and/or spatial closures. SARDI provides PIRSA and the industry with regular reports on stock assessments for the key species. As I said earlier, King George whiting, garfish, calamari and also snapper are much sought after local species. SARDI uses the terms 'sustainable', 'transitional-recovering', 'transitional-depleting', 'overfished', 'environmentally limited' and 'undefined' to describe the triggers for management intervention of the fishery. SARDI utilises a catch per unit effort model from commercial fishers to obtain data and model information on fish stocks.

As I said, much evidence was submitted, particularly from Eyre Peninsula and the West Coast. I would like to thank Mr Hugh Bayly in particular, who is a constituent of mine and a regular communicator with my office, for the effort he made, firstly, in ensuring the committee receive this evidence and also in garnering interested fishers to make submissions. I might just talk quickly about some of those local fishers who took the time to make a submission.

Mr David Sherry from Port Lincoln is a commercial marine scalefish fisher who has written about the changes he has experienced in commercial efforts since the 1960s. Mr Tony Custance, from Elliston—who, along with David, came in and presented evidence in person in the very early days of this committee hearing—is a commercial marine scalefish fisher. His position is that he believes fish stocks are currently sustainable within the marine scalefish fishery. He does, however, share his concerns with the management of the fishery, particularly with what he perceives to be the lack of management of the recreational fishing sector.



Another thing that came out, and I do not mind being frank about this, was the conflict sometimes between the professional sector and the recreational sector. The most difficult thing is that although we get reasonably good data from the professional marine scalefish sector, it is very difficult to get good reliable data from the recreational sector. That is something that needs to be addressed in the coming years in an effort to manage this fishery in a sustainable and appropriate way.

Mr Jarrod Day from Port Lincoln has only recently purchased a marine scalefish fishing licence, but he has also been involved in various fisheries since 1999, particularly crayfish and marine scalefish fishing. Mr Day's concerns are focused on the economic sustainability and capacity of the industry. Mr Phillip Hadlow from South Australia is a commercial marine scalefish fisher and specialises in whiting in the Lower Spencer Gulf and West Coast to Flinders Island areas. Mr Hadlow's concerns reflect those of Mr Day on the economic sustainability of the fishery, and I quote:

I believe the practice of leasing licences is a big problem for the fishery, and has added enormous pressure to stocks and created trouble amongst the Fishermen as long term fishermen have had to compete with short term operators who are under a lot of financial pressure to make ends meet.

Mr Hadlow had concerns for the licence fees, which were once upon a time as low as \$20 annually but now are over \$5,000, and also for the continuity of key PIRSA staff. He said:

...there has never been any continuance with the Directors and management staying put long enough to know the history and comings and goings of the fishery.

Mr Hadlow also expressed concerns about recreational fishing, stating:

This sector is a huge problem for the sustainability of stocks, as the numbers are ever increasing, as well as their boats and technology is always improving making the impact more critical.

I suspect the recreational fishers may be of the same view, but in exactly the opposite context.

Mr Allan Suter, of course known to many as the Mayor of the District Council of Ceduna, holds a commercial fishing licence for the marine scalefish fishery but is close to retirement and not reliant for his income on this licence. He made the point that this was a personal submission rather than a submission from the council.

Mr Suter's concerns were in line with submissions from other commercial fishers in that he expresses concern over what he considers is a declining fishery, both in terms of socioeconomics and ecology. Specifically, Mr Suter's concerns are the lack of size limits for gummy shark and wrasse, rising costs of fees and dropping values of licences. I suspect that in recent weeks the value of those licences have dropped even further, given that there is no longer the opportunity to transfer licences.

Mr Hugh Bayly, who I mentioned earlier, is a very enthusiastic and long-time career fisherman. He is also very keen to effect some change, and he has come to me as his local member and to the committee to begin that process. Mr Bayly made a submission and introduced the committee to the multiple complexities of life as a marine scalefish fisher and the practicalities of being at the receiving end of complex regulations designed to regulate a multigear and multispecies fishery.

Mr Bayly would like to call for an inquiry specifically into the cost recovery process of the marine scale fishery. That is likely to be in the life of the next parliament. It certainly will not happen between now and the end of the year. Mr Bayly questioned the lack of flexibility of the legislation and, in particular, the prescriptive manner of gear and species regulation on licences. He also pointed out that there are practical challenges, even with the recent compensation, to have four seven-day blocks per year to operate the licence. I quote:

...fishing is governed by weather more than anything. You can't say to somebody, 'here, have a seven-day block in the middle of July.' You will be out there fishing for three days then it will blow for four days and those seven days are gone. So, for a start, it should at least be the individual 28 days.

So these are very practical contributions from these fishers.

Mr David Pedro, who I know, is a chef in Port Lincoln who specialises in seafood. He has been a chef in Lincoln and I understand he is leaving soon. His concern is that South Australia will

lose the marine scale fishery altogether and, as a consequence, South Australia will lose its reputation for offering fresh local produce. Mr Ian Fitzgerald, Deputy Chair of RecFish SA said:

RecFish SA would like to see more precautionary management of our fisheries for the long term benefit of fish stocks and thus the long term benefits for the ecology and the community. While we understand the need for commercial fishers to be efficient, the use of highly efficient methods and gear can easily result in overexploitation.

Technology has taken boats and other pieces of equipment to a place that could not have been imagined I suggest when some of this legislation was first drafted. From the committee's point of view, the future of the marine scale fishery is somewhat uncertain. The only real clarity that has now emerged is that the scale fishery is a highly complex fishery to manage, with many different stakeholders, all of whom have different needs for and concerns about the fishery. Further, it was highlighted to me how relatively few species are targeted. We are very particular. I mentioned them earlier: whiting, garfish calamari and snapper. That is the majority of the effort and maybe there is an opportunity to exploit further fisheries.

Finally, the committee's position on this matter is that the fishery would most likely benefit from a focused inquiry with clearly defined terms of reference. As I said earlier, we will leave that to the next parliament.

**The Hon. S.W. KEY (Ashford) (11:47):** I would like to thank members for their contributions, particularly the member for Finniss and the member for Flinders. This report represents a snapshot or a summary of the evidence collated. The member for Flinders has gone through a lot of that evidence and I thank him for doing that. This is not a comprehensive report. My view and I think the view of the committee is that this needs further work. As the member for Flinders has already said, issues around the management of marine scalefish fisheries really need a thorough parliamentary inquiry or an investigation based on clear terms of reference. Our committee collected information over a long period of time, but it will be obvious in the report that we have not made recommendations because we believe that we need further time and expertise to do that.

I would like to commend the members of the committee—the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the member for Napier, the member for Flinders, the member for Colton and the Hon. John Gazzola—for their contributions. All members have worked cooperatively on this report. I think it would be fair to say that most of the members on our committee had a great interest in this subject, so they were very enthusiastic about the committee receiving excellent evidence and information, not always in agreement. I would like to thank the parliamentary staff for their assistance. They have waded through this report as well. I commend 'Good things come to those who bait' as a report to our committee.

Motion carried.

#### *Parliamentary Procedure*

#### **VISITORS**

**The DEPUTY SPEAKER:** Before I call on the next item of business, I would like to acknowledge that we have some guests in the gallery this morning, the Renmark High School year 9s, who are being hosted by the member for Chaffey. We welcome them and their adult visitors to parliament. We hope you enjoy your visit here today. Are you staying for question time later? No. Well, you are going to miss the best part of the day, some people think, but you can watch it online now. So one day when you are back at school you might like to tune in and watch question time. Thank you very much for coming to parliament. We hope you enjoy your time here today.

#### *Parliamentary Committees*

#### **NATURAL RESOURCES COMMITTEE: NATURAL RESOURCES NORTHERN AND YORKE REGIONAL FACT-FINDING VISIT**

**The Hon. S.W. KEY (Ashford) (11:51):** I move:

That the 126<sup>th</sup> report of the committee, entitled Natural Resources Northern and Yorke Regional Fact-Finding Visit, be noted.

On 22 and 23 March this year, the Natural Resources Committee visited the Natural Resources Northern and Yorke region as part of its regular schedule of visits to the state's eight natural

resources regions. On the visit with me were fellow committee members: the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the Hon. John Gazzola MLC and Mr Peter Treloar (member for Flinders). We were very pleased to be assisted by the member for Goyder, who was part of our committee and also part of the organisation for this particular tour.

The committee observed firsthand many interesting projects undertaken with the support of the Natural Resources Northern and Yorke staff and board. We also had the opportunity to meet with a range of local NRM practitioners, landholders and people in the region. Thank you to them for making that time available to us. Amongst the people accompanying the committee on this visit, and providing a comprehensive background and commentary, were: Natural Resources Northern and Yorke Regional Director, Trevor Naismith; Northern and Yorke Natural Resources Management Board Presiding Member, Eric Sommerville; and the DEWNR Operations Coordinator (Adelaide International Bird Sanctuary) Ian Falkenberg.

We also had assistance from the Operations Manager Yorke Peninsula Council, Stephen Goldsworthy; District Manager Yorke Peninsula, Terry Boyce; DEWNR Manager Planning and Programs, Dr Andy Sharp; Ranger Van Teubner; DEWNR Team Leader Yorke District, Max Barr; Copper Coast council mayor, Paul Thomas; Copper Coast council chief executive officer, Peter Harder; Yorke Peninsula Council mayor, Ray Agnew; and Yorke Peninsula CEO, Andrew Cameron. They were all part of this particular field trip of the committee and they gave their time generously to assist and educate the committee.

The committee only visited the peninsula region on this particular trip, because last year the committee visited the NRM region closer to Adelaide as part of the Pinery bushfire fact-finding visit. A number of members in this chamber assisted us on that fact-finding visit. The findings of that visit are contained in the 116<sup>th</sup> report of the Natural Resources Committee, which I tabled in July 2016.

Over the two days of the trip the committee visited sites along Yorke Peninsula, including parks, campgrounds and local government offices. Throughout the trip, committee members had the opportunity to speak to the many DEWNR regional staff, as well as members and staff of local government and various committees. I am going to leave my contribution there because I think it is important that we hear from the member in the region, the member for Goyder, and any other members before I ask for the report to be noted.

**Mr GRIFFITHS (Goyder) (11:55):** I thank the member for Ashford for the opportunity to speak on this report. I also offer my sincere thanks to the Natural Resources Committee for the opportunity not just to be with you but to host you for the two days, and I enjoyed the trip tremendously. I have very good recollections of the fact that we met initially to talk about the Adelaide International Bird Sanctuary, which was enlightening. For any person who does not know about it, you really do need to know because it is a wonderful area that is part of our state and it is a secret to so many people. We need to respect the 12,000 kilometres that are travelled by these little birds. They finish up in South Australia, and the fact that our little part of the world is where they choose to come to from Siberia is amazing.

I am also grateful that we had the chance to talk about the Walk the Yorke trail. Stephen Goldsworthy from council provided some good details on that. We were next to the monument that respects the sad death of the seven whales that died near Ardrossan a couple of years ago after beaching themselves. We then went to Stansbury and spoke to oyster growers about the concern that their industry has with what is occurring and the need for support to be provided. I have had some additional information just recently and I hope, because of the cost implication, there will be some recognition from government of the need to support the oyster industry to ensure that it remains a viable industry for South Australia.

I recollect that at the Maitland office of the Yorke Peninsula Council we spoke to Mr Ben Wundersitz from the Anna Binna farming operation. Ben is an amazing young man. Anyone who has ever met him can only be impressed with what he has done in the last 10 years when it comes to the growth of their family business. Yes, they do lease a lot of country but, as Ben says, they pay between 3 per cent and 4 per cent of the capital value of that land in the lease payment.

The operation probably crops close to 17,000 acres now. It is very hard to comprehend the size of 17,000 acres, but to work that, with the quality of staff that they employ, is an example of

where farming is going in some ways. It concerns me that the smaller operators are going to find it harder. The bigger operators will probably be the future of agriculture, but I have a sincere hope that it remains as farming operations.

In Ben's case, I know that they start seeding on a certain day and they turn the keys off once it is finished, and they start reaping as soon as possible because they have so much to do in a variety of country. He is an example of how to grow agriculture. I know there is a saying on Yorke Peninsula, which I will put in the *Hansard*: 'If you want to be a good farmer, you're a wannabe Wundy,' so you want to be as good as Bend Wundersitz if you want to be a good farmer.

At Innes National Park, we really did enjoy the opportunity to be shown a bit about the special place that is the park, actually. The park has probably 130,000 visitors per year. All members of the committee—I was grateful they invited me also—were able to stay at the Stenhouse Cottages. I apologise to those in the adjoining cabin. Mr Brokenshire and I shared a cottage and I locked us out of the bathroom in the morning. Others had to be very generous to allow us to use their facilities, so thank you for that.

As part of the evening before, we heard about the rewilding project, about which not a lot is known yet. It is fairly confrontational to some degree. It is a proposal for fencing activities to allow for the control of animals that might choose to attack the native animals and species. This will give a chance for the native animals to breed up again and to get some numbers back. There is a lot more work to occur on that and I know there is a dollar cost associated with it, but it is an exciting project.

I thank the Natural Resources Committee for being in my wonderful part of South Australia. I hope that they took from those two days some really valuable information about the diversification of the economy away from what might have been traditional activities to other activities, which is bringing people to our area, as well as some of the attractions that we have. I think members managed to go to the Minlaton Chocolaterie on the way home and get some rather delicious chocolates, which is another example of what we provide. I thank the committee and I look forward to the passage of the report.

**The Hon. S.W. KEY (Ashford) (11:59):** I would like to thank all the members and all the people we met on that particular trip, as well as the staff and the landholders. It was quite an amazing opportunity to be educated and also to learn about the Northern and Yorke area. I thank very much again the member for Goyder for his input into the committee and his hosting of us in his patch in Goyder. I commend the report.

Motion carried.

### *Bills*

## **STATUTES AMENDMENT (DRUG OFFENDERS) BILL**

### *Introduction and First Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00):** Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984 and the Criminal Assets Confiscation Act 2005. Read a first time.

### *Second Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00):** I move:

That this bill be now read a second time.

On 13 February 2017, the Ministerial Crystal Methamphetamine Taskforce was established. The task force, through a community engagement process, developed a package of 17 legislative and policy measures to respond to the concerns arising from the growing use of crystal methamphetamine in

South Australia. The use, sale and supply of crystal methamphetamine and other illicit drugs have a devastating impact on the South Australian community.

Crystal meth is a scourge in the city and in regional and rural communities as well. Illicit drug use is related to a number of negative physical and mental health outcomes in users, and there is extensive criminal activity involved in the manufacture, sale and supply of illicit drugs, including involvement by organised criminal groups. Through the online and community forums held as part of the task force, there was strong support for measures which would assist law enforcement agencies to reduce the supply of crystal meth in the community, including more powers and resources for SAPOL and the Office of the DPP to target high-end dealers and organised crime.

Tantalisingly, Madam Deputy Speaker, I seek leave to have the remainder of the second reading and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

The Bill supports law enforcement agencies to identify and eliminate the manufacture and supply of Crystal Methamphetamine by clarifying and enhancing police powers of search. The Bill amends the *Controlled Substances Act 1984* (the Controlled Substances Act) to make it clear that police are able to search a person or their vehicle for illicit substances if the person is seen entering or leaving premises reasonably suspected of being used for the manufacture, distribution or storage of illicit substances, or chemicals used for the manufacture of illicit substances.

It is vital that police are able to conduct appropriate searches of persons and vehicles where the person or vehicle has been present at a so-called 'drug house', as it is a clear indicator that persons seen entering or leaving such premises may have illicit substances such as Crystal Methamphetamine in their possession, or present in the vehicle.

The Controlled Substances Act will also be amended to provide that exposure of a child to methamphetamine or other drug manufacturing processes is explicitly taken into account as an aggravating factor in sentencing offenders. This amendment will be located in the list of sentencing factors in section 44 of the Controlled Substances Act. Exposure to drug manufacture and the chemicals involved can have terrible health and other impacts on children, not only from their exposure to the toxic effects of the drugs and chemicals, but from the chaotic environment they are typically exposed to living in such situations. These children are at a higher risk of abuse and neglect, as well as the physical harm from the equipment and chemicals used to manufacture illicit drugs.

It is therefore vital that if offenders are so callous as to expose children to these criminal activities, that this is taken into consideration by the Court when determining the offender's sentence.

Seizing the assets of criminal offenders is an essential tool for law enforcement to ensure that offenders do not profit from their criminal activities and ill-gotten gains. It also allows for extra revenue to be allocated towards the Victims of Crime Fund and, in the case of prescribed drug offenders under the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016*, the new Justice Rehabilitation Fund. These funds provide valuable benefits to the community by way of compensation for victims of crime, and providing services which will assist to address the effects of drug addiction on users and the wider community.

Dealing with the administration of the seized assets from drug trafficking offenders (including Crystal Methamphetamine) requires the allocation of resources from the agencies responsible. There are significant costs and logistics involved in seizing, storing, selling or otherwise disposing of assets. These assets may represent either the proceeds of drug dealing (such as a sports car or an expensive motor cycle financed by drug dealing) or instruments of crime (such as the equipment used to manufacture Crystal Methamphetamine).

A minor amendment will be made to clarify the provisions of the *Criminal Assets Confiscation Act 2005* (CAC Act) which deal with the costs of administering the Act and dealing with confiscated property. The CAC Act provides that existing funds seized under the CAC Act should be used to meet the costs of 'administering' the CAC Act before going to the Victims of Crime Fund.

The amendment to the regulation making power provision of the CAC will allow the drafting of Regulations to give the ODPP (or other agency if the ODPP delegates its powers) some limited operational discretion under Regulation in deciding if it is uneconomic or otherwise impracticable to seize certain assets from 'prescribed drug offenders'. This will support and facilitate the operation of the important forfeiture regime in the CAC Act. The ODPP will be able to focus its efforts where it can have the greatest impact on seizing the assets of convicted drug dealers.

I commend the Bill to Members.

#### Explanation of Clauses

#### Part 1—Preliminary

#### 1—Short title

This clause is formal.

## 2—Commencement

Operation of the measure will commence on a day to be fixed by proclamation.

## 3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Controlled Substances Act 1984*

## 4—Amendment of section 44—Matters to be considered when court fixes penalty

Section 44 sets out matters to be considered by a court when imposing a penalty on a person convicted of an indictable offence against the Act. Under the section as amended by this clause, a sentencing court will, when determining the penalty to be imposed on a person convicted of an offence against section 33 (Manufacture of controlled drugs for sale), be required to take into consideration whether a child was present at any stage when the offence occurred.

## 5—Amendment of section 52—Power to search, seize etc

This clause proposes the insertion of a new subsection providing that, for the purposes of subsection (6) or (9) (which set out powers of search and seizure), if a police officer sees a person or vehicle entering or leaving premises that the officer reasonably suspects are used for the manufacture, distribution or storage of a substance the possession of which would contravene the Act, it is reasonable for the officer to suspect that the person has the substance in the person's possession or that the substance is in the vehicle or a vehicle in which the person is present after leaving the premises.

Part 3—Amendment of *Criminal Assets Confiscation Act 2005*

## 6—Amendment of section 209—Credits to Victims of Crime Fund

Section 209 is amended by this clause so that there is no implied limitation on the meaning of 'costs of administering this Act'.

## 7—Amendment of section 227—Costs and exemplary or punitive damages

This clause inserts a new subsection that provides that a court may not award exemplary or punitive damages to a person in relation to whom the Crown is ordered to pay costs under section 227.

## 8—Amendment of section 230—Regulations

A standard regulation making provision is inserted so that regulations under the Act may—

- be of general application or limited application; and
- make different provision according to the matters or circumstances to which they are expressed to apply; and
- provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the DPP.

Debate adjourned on motion of Mr Pederick.

**CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 2 November 2017.)

**Mr KNOLL (Schubert) (12:03):** We left off at a discussion about managed access systems and mobile phone jamming in prisons and how that is used to stop people from smuggling drugs into prison. This is in light of the alarming statistics in relation to the number of intravenous drug users in prisons and also the reports we have of the number of users of other drugs—things that you smoke or ingest rather than things that you inject.

To speak a bit more about the problem of drugs in our prisons, over the past five years there have been almost 3,200 drug incidents in South Australian prisons and, during the same period, almost 100 alcohol-related incidents. Prisons are a unique environment with a concentration of people found guilty of drug offences or a history of drug use. In 2012, a total of 37 per cent of correctional facility entrants into Australia reported using methamphetamine, whilst 50 per cent of inmates reported using cannabis.

Reported illicit drug use rates by inmates are significantly higher than rates of reported illicit drug use by the general population, and drug and drug/alcohol substitutes are highly valuable currency in our correctional system. Given these unique considerations, people who work in the prison system must be supported by high standards of occupational health and safety. If prison officers or staff are under the influence of drugs or alcohol at work, they expose their colleagues by significantly increasing an already wide range of workplace risks.

The stressful prison environment can also put officers and staff susceptible to addiction at further risk. Further, prisons can become a breeding ground for members of organised crime groups, such as outlaw motorcycle gangs, providing these groups with a potential source of new recruits for drugs and other crime. We have put some ideas on the table about how we think best to deal with this. It is good to see, at least on one of these scores, that the government has moved as part of this bill to put in place that which we put down as a policy in August.

Essentially, we said that we would introduce workplace testing of prison officers, staff and contractors for alcohol and illegal drugs and that we would legislate to ban outlaw motorcycle gang members from visiting prisons. The difference between our position and the government's position is in relation to how drug testing is going to work in prisons. The government believes that the police model should be used, where drug testing is only undertaken in areas of high risk, whether that be post a high-risk incident or where somebody is suspected of being under the influence of drugs or alcohol.

We think that there should be a random element to that. We believe that we should have random drug testing of prison officers. The reason I think that is because the broader corporate and private sector has done that for a long time. I know of many workplaces in the mining sector, in the manufacturing sector, anywhere where there is a high risk that drug use can inhibit the ability of someone to safely conduct their work, where random drug testing takes place. It is important, given the risks I just outlined, because of the work that prison officers do in a very high-stress and high-risk environment dealing with sometimes violent offenders or people who have not adjusted properly to normal social mores.

Prison officers do form a class of worker who would benefit from random drug testing so that we can weed out the people who are making life more difficult and more risky for the prison officers who are trying to do their job. I am sure that is the vast majority of them, but nevertheless I think we need to put that in place. I understand that the amendments allow for random drug testing, but that is not at this stage something that the government is proposing. We certainly welcome the government adopting our measure in that regard. Also, hopefully we can work together to bring more of the policy we have put on the table into action in regard to changes to these bills.

Before I wrap up, since I first started this speech some correspondence has come to me around some comments made by Frances Nelson QC, who is the Presiding Member of the Parole Board in South Australia. She has a number of issues she would like to put on the record in relation to clause 21 and changing the reporting period for Parole Board reports about life imprisonment or prisoners who are in prison for life. She says that intervals longer than the 12-month function would be appropriate. She has issues in relation to section 68(4) and she says:

...that opens a legal challenge where, for example, someone is imprisoned for Breach of Conditions, they might well argue that they were either incapable or unwilling to accept such Conditions, and therefore they are not bound by them, and could not be lawfully punished for breaching them.

I think that is something we will have to explore in committee. Frances Nelson opposes the amendment to section 77(3) of the act. She says:

I strongly believe that a person should not be denied natural justice. A hearing should be permitted to go ahead in the absence of the prisoner, but only if the prisoner refuses to attend or consents to the hearing taking place in his/her absence. The Parole Board's decisions are currently subject to judicial review, and I think that denying a prisoner natural justice could well lead to more applications to the Supreme Court. In any event, interviewing a prisoner has proved, in South Australia, to inform Parole Board members more effectively and leads to more informed and, in my view, better decisions.

She also does not support the proposed amendment in relation to section 77A to enlarge the jurisdiction of the Parole Administrative Review Commissioner. It seems that there is a bit of a theme there that we are going to have to explore. She says that it seems to usurp the current function of

the Parole Board and that those matters are routinely taken into account in assessing a prisoner's suitability for release.

Again, there are a number of questions we will go through in the committee stage. We have this week, and the upper house will have one or, very likely, two sitting weeks to get this done in the other place. I am very keen to see this bill progressed. That is why, depending on the committee stage today, we may be looking at some amendments between the houses, but only to try to firm up and improve that which the government is seeking to do. I am very much looking forward to attempting to get this bill through both houses of parliament so that it can become law because we agree that there is a lot of good that this bill seeks to do.

There is some good there that undertakes to do what we have put on the table to do as part of our policy process. Hopefully, that leads to better outcomes for people who are in prison, better outcomes once people leave our prison and better outcomes for everybody who works in the system, hoping to make it a more efficient, more effective place and also to reduce the rates of reoffending, which are and should continue to be the benchmark by which we measure the success of our prison system.

**Ms WORTLEY (Torrens) (12:11):** I rise to speak on some of the reforms contained within the Correctional Services (Miscellaneous) Amendment Bill 2017 that will have a range of positive impacts on our corrections system. This bill aims to ensure that the department can provide the best possible level of prisoner and offender management in line with national and international best practice. The new objects and guiding principles provide guidance by ensuring that community safety is the paramount consideration in all decisions, prioritising the rights of victims and promoting evidence-based treatment, rehabilitation and reintegration.

The effective case management of offenders based on a risk/needs assessment and the consideration of individual circumstances, including culture and family, is fundamental. It provides offenders with positive rehabilitation opportunities and the tools to develop prosocial lifestyles, improving their chances of successful reintegration when released from custody. I understand that the department already operates very much with those guiding principles in mind. To give one example, having visited the Women's Prison I know that there has been a strong focus on infrastructure development programs to aid the rehabilitation of female offenders.

The construction of Ruby Unit at the Adelaide Women's Prison involved 10 women as part of the construction team. These women have obtained accredited training as part of their work. Further, TAFE training has been made available to women through the delivery of accredited training in barista work at the community centre and food handling skills in the kitchen. All the activities at the Adelaide Women's Prison, including landscaping, construction of pathways and the new healing circle, have engaged women in work and learning opportunities to prepare them for future release and to reduce their risk of reoffending.

A range of crime-focused intervention is also being delivered to enable women to address issues such as drug and alcohol misuse and addiction, anger management and other forms of offending. These programs all focus on cognitive and behavioural skill development. In addition, women accommodated at the Adelaide Pre-release Centre now have an expanded opportunity to engage in a range of employment as well as processes to support them to establish family and cultural connections. These women also have access to rehabilitation programs in both the prison and the community and are able to participate in reintegration opportunities—for example, work or training—within the community.

The bill also embeds the principles of integrity, accountability and professionalism to further support the competence and proficiency of staff. The government is absolutely committed to ensuring the integrity of the correctional system and the highest standards of employee conduct. The introduction of a more thorough recruitment process for new employees, and drug and alcohol testing of department staff, aims to uphold the safety and security of our correctional system.

Also contained within the bill are provisions relating to the inspection of prisons which have been strengthened to facilitate a more independent, contemporary and transparent inspection scheme. The amendments set out the functions and responsibilities of official inspectors and further embed the principles of accountability and integrity into operational practice.



Further amendments support the protection and use of information. New provisions ensure that biometric data and certain institutional security details are protected. Other amendments enhance individual privacy and prevent the disclosure of victim information. To further protect victims of crime, the bill provides for the automatic suppression of victims' names where a victim makes a civil claim against a prisoner. The bill also supports the Information Sharing Guidelines by improving access to information in appropriate circumstances.

Appropriate release of certain information will create greater transparency and accountability and greatly support the families of prisoners and offenders in times of crisis. It also seeks to improve information sharing with external justice agencies. This is an important change that will enhance community safety and national security, allowing justice agencies greater ability to gather evidence and work together to prevent ongoing offending. It allows for intelligence information and evidence to be provided to certain law enforcement and national security agencies for use in criminal investigations, prosecutions and in matters relating to corruption in public administration.

Finally, the Correctional Services (Miscellaneous) Amendment Bill 2017 amends part 7 of the act, which deals with prisoner compensation funds. Where a prisoner has received funds as a result of a compensation claim, any amount held to the credit of a prisoner at the conclusion of the quarantine period will be divided equally between the Victims of Crime Fund and the prisoner's resettlement account to be used for rehabilitation and reintegration at the conclusion of the prisoner's sentence. This bill is a fundamental component of the government's important 10 by 20 reforms to reduce the rates of reoffending, and it focuses on strengthening the safety and security of our prison system. I commend the bill to the house.

**The Hon. C.J. PICTON (Kaurua—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (12:17):** I thank members for their contribution to the debate on this bill, which is a very important piece of legislation for reforming our corrections system, particularly the member for Torrens for her contribution and the member for Schubert for his very lengthy and detailed contribution. You know when the lectern comes out that we are going to be in for a significant time.

I was very glad to see that when debate resumed today the lectern was not brought back out and we were able to speedily proceed through to the committee stage of the debate. I will not even attempt to try to answer all the issues that the member for Schubert raised in his second reading contribution because I know that he wants to raise a number of them in committee, but I thank him for indicating the opposition's general support for the thrust and objectives that the government is pursuing in corrections reform, in particular the 10 by 20 reforms which we think are very important.

This has come about through a lot of work over the past year. I particularly give credit to my predecessor as the minister for correctional services, the Hon. Peter Malinauskas, who really kicked off our looking at our corrections system again and the strategy behind it. He started this process, whereby we now have the 10 by 20 programs underway, and this legislation forms a significant part of those reforms working hand in hand.

I would also like to thank a number of key stakeholders in this area who have indicated their support and have from time to time given some suggestions in different areas in which they would like to see the bill improved. Generally, across the board, there is support for the direction in which the government is heading—this direction—from people such as the Public Service Association, the Legal Services Commissioner, the Legal Services Commission, the Commissioner for Victims' Rights, the Parole Board, OARS Community Transitions, and the Independent Commissioner Against Corruption. I thank all of them and others for their contributions and consideration.

I would also like to thank all the people behind the scenes who have worked very hard in the department of corrections on these reforms over a long period of time, particularly the Chief Executive, David Brown; Deputy Chief Executive, Jackie Bray; Director of Governance and Executive Support, Jacqueline Casey; and Kaylene Douglas, from Governance and Executive Services, as well as Julia Sumner and Gemma Paech from my office for their hard work.

In summary, the government believes that this bill is a landmark reform that will improve the accountability of our prison system, renew the focus on rehabilitation and reducing reoffending rates

in South Australia, raise the professionalism of our Correctional Services staff, and improve our security and also our accountability. I commend it to the house.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Ms CHAPMAN:** I raise one matter at this stage on clause 1 and it relates to the consultation on this bill. I inform the minister that the briefing of 20 October 2017, at which the chief executive of Corrections, Mr David Brown, made himself available and, as the minister has indicated, a member of his staff to support inquiries, was followed up with some material that was subsequently provided.

Let me say this—and it is not exclusive to corrections and corrections bills, although I did have quite a bit to do with the last major area of legislative reform in this area—when I or anyone on the opposition has a briefing, we expect full and frank responses and accurate information. I do not expect, and I do not think anyone on this side of the house expects, members of the public sector who are not employed in the minister's office to provide responses in relation to policy if it has not been initiated by them—that is a matter for government.

If they are unable or unwilling to provide information on request that relates to a policy decision then I expect, at the very least, a response that indicates, 'That is not a matter for us. I have not recommended it.' If it is the CEO who is providing that information, that would be a matter for the representative from the minister's office to take to the minister or provide that information as they see fit. What has increasingly occurred, and occurred again in this example, is that at the briefing we had an indication of widespread consultation and that key players were comfortable and/or endorsing the bill.

What we find on an almost daily basis now, and it applies to this bill, is that in fact that is not accurate. There can be prior consultation or an invitation to stakeholders to make a contribution to areas of reform that are needed in Corrections because it is a comprehensive area of reform, and it is another matter entirely as to whether they have been consulted on the bill when drafted. When I have a briefing from any government agency—and it is yours in this case, minister—I expect accurate information to be provided. When I am told that there is approval and support given from key stakeholders, I do not expect to then go back to them and find that that is not the case.

Ms Frances Nelson QC is the Parole Board chair in this state. She is clearly a key stakeholder employed by the government, accountable to the parliament, with an area of responsibility that is, frankly, a very difficult one. I do not envy her at all in the task that she undertakes, but I do recognise her decades of involvement as a leading counsel in this state, and as chair of the Parole Board she has some wise contribution to make.

When in fact we go back to her to ascertain if there are any concerns and there is a list of areas of concern and identified areas of opposition to the government's decision to progress something, I find that quite insulting—to us as members of the parliament and to the opposition, from whom the government is seeking its support for these bills. In this case, it shows contempt for someone who is an appointed officer, the chair of the Parole Board, who frankly deserves more respect. That is what I want to say in respect of the consultation process.

In my experience in dealing with Mr Brown as the chief executive officer of Corrections which, again, is not an enviable position—frankly, it is not easy—clearly, he has to deal with major areas of management of not only his staff but obviously those who are incarcerated in the prison system. It is fair to say that in dealing with disorderly conduct, across to riotous behaviour, across to further criminal conduct, the use of and availability of drugs in prisons are all things that are difficult areas to manage. I understand that, and I think largely he and his team do a good job.

What I find concerning is that there is an indication on the statutory independent reporting to this parliament from the Ombudsman this year—and I am sure the minister has read the Ombudsman's report; it is almost sickening to read—of areas bordering on misconduct in relation to the management of prisons. Rules that talk about solitary confinement, isolation and tethering of

prisoners are there for good reason; we sign up to the United Nations treaties in relation to these for good reason.

When I read reports of case studies in the Ombudsman's report I am sickened by them, and I think the minister should be concerned about them. When it happens, I think it is incumbent on the minister to come to the parliament, indicate that he has made an inquiry, satisfy the parliament (which is really just a forum for public disclosure) and reassure the people of South Australia that these issues have been identified and remedied, or indicate what process is underway to ensure that it does not happen again or, if there is some explanation contrary to what has been reported through a statutory officer, such as the Ombudsman, some explanation is given as to what has happened—and I am deeply disappointed that the minister has not done that. The other matter I want to raise is that we still have unresolved in this bill the issue of people who are incarcerated in prisons who have a mental health problem. The Minister for Mental Health, then Ms Leesa Vlahos—

**The Hon. C.J. Picton:** The member for Taylor.

**Ms CHAPMAN:** The member for Taylor, yes. I have used her Christian name in her role as a minister. When she was the minister, she answered questions to the parliament about some of the difficulties she faced in the placement of people with mental health problems. We find that at any one time there could be tens of people, and it fluctuates on a daily basis, who are in the adult prisons under Correctional Services supervision because there is nowhere else in the mental health facility for them.

That is, for whatever reason, there is no room at James Nash House for the detention of forensic patients, or there is no adequate facility in the mental health structure which can allow the safe accommodation, and I talk about safety of both the person who is the patient/party to be incarcerated or the other residents or those who work in the mental health area. The safety of those generally requires that they do not have sufficient security and therefore there is a decision by the Minister for Mental Health to place them in a correctional facility.

Just recently, and the minister I am sure would have been alerted to this, we have a situation interstate and possibly here (again no reassurance given by this government) where we have young people who are under 18 who are placed in secure correctional facilities when there is no adequate area for them to be incorporated into either mental health facilities or disability services. It is true, obviously, that at times someone with a mental health condition or a disability exhibits, for example, aggressive and violent behaviour that needs to be managed.

Again, other residents and staff need to be protected, and we all understand that, but this bill does nothing to address the fact that these people are still in the Correctional Services facility and that they should not be there. As a member of the government, the minister must address this. Thirdly, again I see no relief whatsoever in this bill to make statutory provisions for women in the Women's Prison to be able to resume care of their newborn infants in custody. We are still the only state left in Australia that does not provide this.

Something like 10 years ago, the government decided that they would close down or close off the accessibility for pregnant mothers who are being ordered to be imprisoned to be able to have the experience of motherhood while in prison for up to two years. It is something that for decades has been available to women in South Australia in this situation. They cut it off, claiming that they needed those two units, which are down at the Women's Prison and used to accommodate residents in prison with babies, for other purposes.

I do not take issue with the fact that those other purposes are meritorious, but I continue to be appalled that this not been addressed by the government when it has been raised many times. I remember recently, Madam Chair, you asked a question in the parliament about when this was going to be advanced. You got some waffly answer from the minister about what they are trying to do in other areas, but nobody is addressing this. I do not know how many reports the minister has to read, and I accept that he is fairly new in the job, but we get to read a lot of them.

Just this morning, I had members from the stakeholders of Indigenous communities and legal services and family violence again pleading to have some relief and some service not only to ensure that those who are incarcerated—highly represented by Indigenous people in our prisons—have

decent programs in prison but also that they have an orderly recognition of their opportunity to work and be educated and upskilled while they are in areas of rehabilitation, hopefully while they are in the prison system. This includes the upskilling of their educational services.

Of course all those things are important, but yet again they plead with us and say that Indigenous and Torres Strait Islander women—although there are not many Torres Strait Islanders in South Australia; nevertheless, they reside here from time to time, sometimes temporarily, and are under our system—are over-represented in the women's sector. I do not know how many reports I have to read, other members of this parliament have to read and the minister has read that say that if children are raised in circumstances with continued family violence and a parent, sibling, aunt or uncle is taken to prison, they are at a high risk of future criminal behaviour, violence towards others and on a collision course with social dysfunction which undermines their capacity to be good citizens. And I make the point—

**The CHAIR:** Deputy leader, before you go on, did you have an opportunity to make a second reading contribution on this bill?

**Ms CHAPMAN:** No.

**The CHAIR:** At the moment this sounds a bit like a second reading contribution.

**Ms CHAPMAN:** All I am highlighting is what is not in this bill, on clause 1.

**The CHAIR:** We do need to try to address the clauses that we are dealing with.

**Ms CHAPMAN:** Clause 1, which is to introduce the bill.

**The CHAIR:** Sorry, clause 1 is the short title.

**Ms CHAPMAN:** Correct.

**The CHAIR:** We need to try and—

**Ms CHAPMAN:** I am identifying what is not in it.

**The CHAIR:** I am not trying to give you a difficult morning, but you have already been on your feet for over 10 minutes, and the Chair needs to try to address the clauses.

**Ms CHAPMAN:** This is the last topic.

**The CHAIR:** Last topic?

**Ms CHAPMAN:** Indigenous women, especially those who are about to be mothers.

**The CHAIR:** We can be lenient because it is an important topic, but this is really a second reading contribution.

**Ms CHAPMAN:** Others have raised this. I have never been given any explanation, other than that the government have decided that there was a higher priority for those two residences at the Women's Prison. We need those services for the women who are entering the system while pregnant and will have children. We need services in the prison to assist Indigenous women to be able to ensure that if they have been imprisoned for drug addiction, alcohol abuse, murdering their partner—when we look at the backgrounds of these cases, we see they have lived in shocking circumstances.

Whilst we understand that the criminal justice system has required that these women serve a term in prison, this has utterly failed them in ensuring that we have the opportunity to break the cycle, not just for those women, young as they often are. They need to be able to bond and develop a relationship with their newborn child. Secondly, they need to be able to have decent rehabilitation, upskilling and training while they are in prison so that when they return to the community (often still at quite a young age) they are able to become productive citizens.

At the moment, they are being denied, and it is very concerning to me and others. This has been a continued area of abandonment. The next time this minister brings a Correctional Services bill into this parliament in the lifetime of this government—he only has four days to do it—it ought to

cover those issues. It is shameful that in 16 years they have not only closed down some of those services but failed to deliver others.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

**Mr KNOLL:** I have a question in relation to the objects around community safety. I will note that there has been some divergent opinion: Frances Nelson is quite comfortable with it; however, the Law Society is not. Essentially, what sort of practical implication does the minister see in the object? What does the minister believe 'community safety' means?

**The Hon. C.J. PICTON:** This was one of the things that the member for Schubert discussed in his second reading contribution, questioning why we would have community safety as the primary object of the legislation. From my perspective, I think it makes a lot of sense to do that, particularly when you look at consistency across a number of different acts where community safety exists as a notion in those acts, such as the Youth Justice Administration Act, the Sentencing Act, the Criminal Law (Sentencing) Act and the Criminal Law Consolidation Act, in determining whether to release a defendant to supervision in accordance with mental impairment provisions.

It has recently been debated in a number of other acts as well. As the member noted, it is also something that has been supported by Frances Nelson QC in her submission on the bill where she said:

I do not consider that the term 'community safety' is used in a vague or meaningless way in the Bill. The Bill refers to community safety as being paramount, and that language is consistent with other Legislation, including the criteria binding the Parole Board, and matters arising in the release on licence of prisoners by the Supreme Court.

Far be it from me to provide a dictionary definition of what community safety means. I think it is a term that would be widely understood by the community. I think the community would expect that the corrections system has as a primary goal to provide safety for the community, which is what a primary objective of our justice system is all about.

**Mr KNOLL:** So this is the primary object of the bill, but the minister is choosing not to define it in any way to actually give clarity or to address any of the concerns that people have put about this clause. I put this quite clearly in my second reading contribution: community safety can mean a whole series of different things. If the minister, through this amendment bill and these object and guiding principles, seeks to actually help guide the department and the broader correctional services and criminal justice system in how it operates, surely giving some sort of indication about what the minister believes community safety means would be appropriate.

**The Hon. C.J. PICTON:** All I can say is that we have not provided a lengthy description of what community safety means. I am advised that that is consistent with other acts of parliament that have community safety as the objects of those bills as well. We understand that it is a widely recognised term in the community. People, the department and the justice system will understand what is meant by community safety.

I am advised that there have been over 300 references to community safety in this parliament in various debates on legislation and other matters. In fact, my attention has been drawn to Mr McLachlan in the other house talking on a different piece of legislation where he was concerned that that piece of legislation might undermine aspects of the bill that provide for community safety. It is a term that is widely used in this parliament and widely used in our legislation, and we think that it is important to have in the corrections legislation as well.

**Mr KNOLL:** Will the minister or the department be providing some sort of interpretation to Correctional Services staff and the broader system about how they believe that these objects and guiding principles are to be interpreted?

**The Hon. C.J. PICTON:** Already and in the future the department would make sure that its legislation is communicated appropriately to its staff across the department and people who work within the corrections systems to ensure that people understand the legislative provisions that they work under. That obviously includes not only the objects but also the whole detail that people will

need to know within the corrections system. That would be something that we would communicate to people across the department. Despite the fact that it is not currently in the legislation, I am sure that the vast majority of our staff, if not all our staff, understand that community safety is a very important part of their role and their employment within the corrections system for the people of South Australia.

**Ms CHAPMAN:** In relation to the community safety objective, is that to be the primary objective or is it just to be one of the rest?

**The Hon. C.J. PICTON:** This is the primary objective that is set under the proposed bill that we have put before the house.

**Ms CHAPMAN:** I heard what you said in relation to making sure that the staff are informed about what the objects of the act are. That is pretty simple; you can give them a copy of the list. However, as the minister knows, the chief executive at times, or others who are vested with this responsibility, set out guidelines or some instruction and sometimes a direction as to how that is to be implemented and what they should do to ensure that. For example, there is a necessity to report if there has been any threat of violence to someone, and if a prisoner leaves the confines of the facility, that needs to be reported. Again, that to me would be absolutely consistent with ensuring that community safety is recognised as a primary objective. I suppose it is a further question to the member for Schubert as to whether any instruction, guidelines or directions are to be issued.

**The Hon. C.J. PICTON:** Absolutely the department, as it does at the moment and will do in the future, has a number of policies and procedures that would guide its work across the corrections system. They all, of course, have to be consistent with the legislation. If the legislation changes, as we are proposing to do, it would be incumbent upon the department to make sure that their policies and procedures are consistent with that legislation, not just in terms of the objects of the act.

Going to the point that both members are essentially raising, you can interpret these things in a number of different ways. That is why we have a lot of detail in the legislation, covering off a whole lot of detailed situations that might arise, to be very clear as to what the parliament expects and to be very clear about what the role and powers and responsibilities of the department for corrections should be in different circumstances. Obviously, the objects need to be read together with the detail of the bill, and both of those elements flow through to policies and procedures that the department would set.

Clause passed.

Clause 6 passed.

Clause 7.

**Mr KNOLL:** Minister, this clause is obviously in relation to removing 'with the approval of the minister' wherever it occurs. Practically, what change will that have? Is there less paperwork? What decisions does that mean the CE will undertake on his own, without your input?

**The Hon. C.J. PICTON:** Essentially, if you look at legislation at the moment or as we are proposing, this is a department where the chief executive has a significant number of powers and responsibilities, as you would expect in a very operational environment like this. It would not be appropriate for the minister to be making a lot of these decisions, and that is why parliament has in the past decided that the chief executive will make a number of decisions under the legislation.

This is about the delegation of those decisions to other people within the department. Currently, the legislation says that the minister would need to sign off on those delegations. I daresay that they probably are almost always, if not all the time, approved by different ministers, for the chief executive to delegate. This is essentially saying that the chief executive would be able to delegate as he or she sees the need to do so in the future.

It is not a dramatic change. It certainly would address some of the paperwork requirements that might be needed in terms of getting ministerial approval for things. I am happy to follow up further details for the member in terms of the number of times this sort of thing happens.

**Ms CHAPMAN:** I refer the minister to section 7 of the Correctional Services Act because this was an area that was significantly reformed under the last tranche of the Correctional Services

bill. That was very substantially modified to allow the chief executive, as the minister said, to exercise far more decision-making than he or she had in the past and there was a significant transfer of decisions, previously made by ministers, across to the chief executive to facilitate that. Largely, that was supported in this parliament on the basis that in some areas it was important that there still be approval by the minister.

The reason for that is a very good one. I am not talking about whether the chief executive can allocate an extra \$2 pocket money or allowance—it is not cigarette money anymore, as we have been debating in past years—but it is about making decisions in relation to the deprivation of usually a liberty, an entitlement or a privilege in a prison situation, where there is the need for some supervision. If the chief executive is going to delegate those roles to some other level of employee in correctional services, it is very important to ensure that you, as minister, have to approve it.

It is very important that we do not water down the significance of decisions, which were made by a minister, being transferred to chief executives. Some of these decisions were just to deal with the orderly management of the prisons, and that, as I say, was accepted. It is important that it does not go down the line because it is not acceptable, when there is a disturbance or an event in prisons, for ministers to say, 'Well, look, this was apparently a decision made by somebody at a lower level in Corrections. We are going to investigate it. The chief executive tells me that he is going to look into what was the precipitating factor for this disturbance or riot or assault or whatever in the prison, or how drugs got into the cell of one of the prisoners, and we will come back to you.' Of course, we never hear from him again. That is what actually happens.

It is very important that if there is an incident or alternatively, as is sadly the case in the Ombudsman's report, conduct in relation to the restraint or isolation of prisoners, that the delegation of that goes to the chief executive and that he or she takes responsibility for it and that it does not go down the line. It is not acceptable on the very strict rules, for example, of prisoners being in isolation, which is prohibited under international law and treaties from being used as a punishment tool, for that to be delegated down the line to somebody else.

We in this parliament have been quite supportive of the government balancing the necessity of the mechanical management of a prison, but we do not want this to go down to a level other than the chief executive. If it does, then you, as minister, have to approve it and if you approve it and something goes wrong, then you have to explain to the parliament and to the people of South Australia, why you approved it. That is why it is there and that is why it is a concerning matter that you treat this as something that is not real life and that we have to have a practical application of this. No, we do not. That is why we have a law.

Clause passed.

Clause 8.

**Mr KNOLL:** I appreciate this is a step up. I met Mr James Hugo on Monday, which was the first time I have met him, a man who has been in that role, I understand, for about 50 years. There are a series of questions on this. The first question is in relation to section 20(2)(c). It says that we want at least one official inspector to be an Aboriginal or Torres Strait Islander person. That makes sense given that 22 per cent of the prison population is Aboriginal or Torres Strait Islander.

At least one official inspector for each correctional institution is to be a legal practitioner. Again, that makes sense, especially in helping prisoners to understand their rights and obligations whilst in prison. Then it says that at least one official inspector for each correctional institution is to be a woman. Is that the case for male-only prisons and why does the minister think that that specific skill set needs to be included?

**The Hon. C.J. PICTON:** I thank the shadow minister for the question. As the member has outlined, it is the intention of the government to quite significantly change the processes underway in terms of official inspectors and to quite significantly improve that system, with all credit to Mr Hugo. I was happy to host him for lunch the other day to celebrate his 50 years in the department since he started working at the old Adelaide Gaol in 1967. I think that he and others in the system understand that there are significant improvements that we need to make to this system. It is a very good measure from an accountability perspective.

In regard to the specifics about having at least one female as part of the panel of people who would inspect every prison, yes, it is the intention that that would cover all prisons within the state, including male-only prisons. It is an acknowledgement that we, in the South Australian public sector if not the state as a whole, would like to see gender diversity in the appointments we make. We think that having women as part of those inspections provides an improved balance and different perspectives to the analysis and work of those official inspectors.

It may well be the case that a number of women are appointed even if we did not have this provision, but we think that it is prudent to say that there should be at least one female appointed as an official inspector. It could be the case that official inspectors are appointed for multiple prisons, in which case there might be people doing the Women's Prison and Yatala as nearby facilities, so it would make sense to have females involved in that process. The government supports having this in place. We think that it provides balance, as we have also said, in terms of people of Aboriginal and Torres Strait Islander background as well. We think that it will provide a balanced improvement for the system.

**Mr KNOLL:** If I can go to section 20D(1), the Law Society has said that an official inspector must consult with and have regard to any submissions made by a prisoner's legal representative on behalf of the prisoner. Has the minister had any discussion about whether or not he believes that that should be included as part of these changes?

**The Hon. C.J. PICTON:** It is not the government's intention to make that a requirement under the act as per what the Law Society has said. However, we certainly think that it would be part of the inspectors' roles to receive that sort of information. The proposed bill says that an official inspector:

may receive and consider information, reports and materials relevant to exercising the official inspector's statutory functions.

I would think that that would include legal information as well as any other representations that might be made to those official inspectors. We have deliberately kept it broad in terms of what information the official inspectors might be able to receive.

Progress reported; committee to sit again.

*Sitting suspended from 13:00 to 14:00.*

#### *Petitions*

### **MODBURY HOSPITAL**

**Ms BEDFORD (Florey):** Presented a petition signed by 200 residents of South Australia requesting the house to urge the government to restore vital emergency and surgical services to Modbury Hospital, expanding its role within the Northern Adelaide Local Health Network and in particular, seek to reinstate the High Dependency Unit at Modbury Hospital, and to fast-track the introduction of the Emergency Extended Care Unit.

#### *Parliamentary Committees*

### **LEGISLATIVE REVIEW COMMITTEE**

**Mr ODENWALDER (Little Para) (14:02):** I bring up the 53<sup>rd</sup> report of the committee, entitled Subordinate Legislation.

Report received.

#### *Ministerial Statement*

### **PRINCIPAL COMMUNITY VISITOR**

**The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.A. HILDYARD:** In relation to questions I took on notice yesterday, I maintain an ongoing engagement with the Principal Community Visitor. I received the community visitor's



annual report on 29 September within the required time frame. I read it prior to my most recent meeting with Mr Maurice Corcoran on 23 October at which the report was also discussed. I look forward to continuing to work with Mr Maurice Corcoran and, most importantly, with the volunteers who give their time and skills every day to make sure our Community Visitor Scheme is strong and effective—

**Mr PISONI:** Point of order, Mr Speaker: there is no written document.

**The SPEAKER:** That is a fair point of order. It is on its way, member for Unley. A good and fair point of order.

*Mr Pengilly interjecting:*

**The SPEAKER:** Yes, as the member for Finniss says, perhaps the member for Unley has turned over a new leaf. The minister.

**The Hon. K.A. HILDYARD:** I look forward to continuing to work with Mr Maurice Corcoran and, most importantly, with the volunteers who give their time and skills every day to make sure our Community Visitor Scheme is strong and effective and to make sure people have the support they need.

#### *Parliamentary Procedure*

#### **PAPERS**

The following papers were laid on the table:

By the Minister for Disabilities (Hon. K. Hildyard)—

Principal Community Visitor—Annual Report 2016-17

By the Minister for Police (Hon. C.J. Picton)—

Australian Health Practitioner Regulation Agency—Annual Report 2016-17

By the Minister for Correctional Services (Hon. C.J. Picton)—

Correctional Services, Department for—Annual Report 2016-17

By the Minister for Emergency Services (Hon. C.J. Picton)—

Road Traffic (Emergency Services Speed Zones) Amendment Act 2013, Review of—  
August 2017

South Australian Fire and Emergency Services Commission—Annual Report 2016-17

#### *Question Time*

#### **STATE BUDGET**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:05):** My question is to the Premier. Will the Premier rule out introducing any new revenue raising measures to replace the aborted state bank tax?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:05):** A cheeky question, given somebody who has just voted down a key plank of the state budget after saying on election night, 'Oh, look, this is the Premier's budget. It will pass the parliament.'

**Mr Marshall:** That wasn't on election night. Get a briefing. That wasn't on election night.

**The Hon. J.W. WEATHERILL:** It was budget night, sorry. The tradition in the South Australian parliament is that the government of the day passes its Supply Bill and ultimately its budget, and then one meeting later with a bank executive and he has flipped, so we get questions about reframing our budget the day after—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is called to order.

**The Hon. J.W. WEATHERILL:** —the very day this unprecedented decision has been taken by an opposition to block a budget—an extraordinary proposition. We will speedily recast the budget, having regard to this decision that has been taken by the Leader of the Opposition to back the banks over ordinary South Australians, and we will bring back a response. But we will be guided by one factor and one factor alone, and that is investing in creating jobs. Jobs are the number one priority. South Australian jobs for South Australians were at the heart of the budget and that touchstone will remain at the heart of our recast budget.

#### STATE BUDGET

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07):** Supplementary to the Treasurer: what alternative revenue raising measures has Treasury proposed to replace the state bank levy revenue?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:07):** First and foremost, we are in unprecedented waters with an opposition blocking a budget, the first time it has occurred—

**Mr Marshall:** We didn't block the budget.

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

**Mr Marshall:** It's just factually incorrect, sir.

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

**The Hon. A. KOUTSANTONIS:** I note that, given the budget has been blocked by the opposition in the other place because the government would not accept the suggested amendments by the opposition—

**Mr PISONI:** Point of order: the minister is entering debate. By saying 'because the opposition won't' is—

**The SPEAKER:** I don't really think that is entering debate. It is germane to the question.

**The Hon. A. KOUTSANTONIS:** You would think they would be happy that they blocked the budget. That is what they have been celebrating with the Australian Bankers' Association.

**Mr PISONI:** Point of order, sir.

**The SPEAKER:** If this point of order isn't valid, if it's an impromptu speech, the member for Unley will be leaving us so swiftly. Would the member for Unley like to think about his point of order because this is not a student union debate?

**Mr PISONI:** Sir, is not the Treasurer reflecting on a vote of the house?

**The SPEAKER:** No, it's a matter of common knowledge. A court could take judicial notice of it. The Treasurer.

**The Hon. A. KOUTSANTONIS:** What has occurred now is that the parliament agrees with every spending measure in the budget. They agree with every part of the budget that spends money, but what the opposition have decided is that, to support their friends in the banking industry, they will be blocking an entire budget. What we have to do is obviously fill that hole created by the opposition, and that hole is in the order of over \$400 million to the state budget and that hole has to be filled by either cuts or increased revenue.

One of the revenue measures that the opposition also blocked was a measure to impose a tax on foreign investment on residential properties. There are a lot of South Australians, first-home owners, who are out there trying to buy properties who are being competed against, almost sometimes sight unseen, by foreign investors who are buying properties and pricing our young South Australians out of our homes. We wanted to introduce a brand-new levy to try to help ease that burden on first-home owners, and the opposition blocked that measure as well.

There are revenue measures that we will consider but ultimately, like the Premier said today, the major bank levy is dead. It is dead because if this parliament can't pass a levy on an organisation that makes over \$30 billion in profit per year—and one of the members of the Australian Bankers' Association pays his executives in bonuses more than their entire liability for the bank levy—if they can't even support a tax, no future parliament will either. No party in this parliament has ever controlled the upper house, so the only way you can pass budget measures is with the cooperation of the opposition.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Because the South Australian opposition has decided to side with the banks, rather than maintain the conventions and precedents of this parliament, that's fundamentally changed, and that fundamentally means now that we have to reassess, and we will be doing that very, very quickly.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I do feel very sorry for those small businesses that are impacted by the decision by the opposition, those that are being offered substantial cuts to payroll tax of up to \$10,000 per year. The opposition obviously decided to side with the banks over that, and that's disappointing. It just shows you again the level of how easily convinced members opposite are by the banks rather than what you thought were their core constituency: small business. It's unfortunate—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** —that the opposition have not had the same enthusiastic opposition to the commonwealth government's bank levy, which the Leader of the Opposition said he also opposed yet said nothing during the May budget. Not once did he put out a public statement. When Treasurer Scott Morrison released his major bank levy, not once did the Leader of the Opposition say he opposed it until we introduced exactly the same measure, and then the Leader of the Opposition said he opposed both measures, but he kept quiet—

*Ms Sanderson interjecting:*

**The Hon. A. KOUTSANTONIS:** —when it was just the Liberal Party doing it. It speaks volumes about who the Leader of the Opposition is.

**Mr MARSHALL:** Supplementary, sir.

**The SPEAKER:** The member for Adelaide, I am appalled by the interjections. The leader will be seated. I call to order the members for Morialta, Elder, Schubert, Finniss, Stuart, Hammond, Adelaide, Stuart, Mitchell and the deputy leader, and I warn the members for Morialta, Schubert, Finniss, Adelaide and Stuart. I warn for the second and final time the members for Morialta, Schubert and Adelaide. Leader.

## STATE BUDGET

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12):** A supplementary to the Treasurer: has the Under Treasurer presented the Treasurer with his list of new revenue measures to replace the state bank tax, and when will the government be making its decision on how to replace that revenue?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:13):** It's interesting that the opposition instantly go to new revenue measures rather than any other measure. What we will be doing is that we will be looking at what our revenues are, what our expenditure is, what we can afford to do to maintain budget surpluses, which is always the aim of good governments, something that the former opposition when they were in government were never able to deliver to the people of South Australia—a budget surplus.

We are very keen to make sure that we can maintain budget surpluses, but the opposition have put the state in a very precarious position. What they have done is they have ripped out of the

heart of the budget over \$400 million and not once have they suggested a piece of spending that they think should not continue. We will do that work—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Here we go: a one-off \$1 million or \$2 million dollar line in the budget will cover a \$400 million cut. Well, I have to say, Mr Speaker, that it goes to show you that we are not talking about running a Wokinabox here: we are talking about running a state. The opposition have trashed the conventions of this parliament, and they have done so for one person's, and one person only, political benefit, and the opposition have to wear that.

**The SPEAKER:** I heard the member for Adelaide interjecting when she is on a full set of warnings. Would that have been correct?

**Mr Wingard:** No, I think it was me, sir.

**The SPEAKER:** Member for Mitchell, it is a far, far better thing he does than he has ever done before.

**Mr van Holst Pellekaan:** I'm not sure she's even here, sir.

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

**Mr VAN HOLST PELLEKAAN:** Point of order: I ask you to bring the Treasurer back to the substance of the question, which is, whether the Under Treasurer has provided him with recommendations and, if so, what are they?

**The Hon. A. KOUTSANTONIS:** No, the Under Treasurer has not provided me with new revenue measures and nor have I asked him to provide me with new revenue measures. What we have done—

*Mr Marshall interjecting:*

**The SPEAKER:** One more utterance outside standing orders and you will be missing my grievance valedictory.

**The Hon. A. KOUTSANTONIS:** It will be a sight to behold. No-one is safe!

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** So, no, Mr Speaker. I have to say that the debate on the major bank levy has been interesting because what we proposed was a levy on five businesses that make super profits, that don't pay their fair share of tax to give tax cuts to South Australian small businesses. This has happened before with Business SA. Business SA proposed an increase to the GST for all of us to pay more in exchange for cuts to payroll tax. So it is nothing new; it is just who it is that you want to tax. We wanted to tax people who do not pay their fair share of tax. The opposition obviously have similar traits.

**The SPEAKER:** And the Under Treasurer?

**The Hon. A. KOUTSANTONIS:** I answered that, sir. I said, no, he hadn't.

**The SPEAKER:** No, he hadn't. Okay, good.

**The Hon. A. KOUTSANTONIS:** The opposition obviously share a lot in common with the Australian banking institutions.

**Mr GARDNER:** Point of order: this is debate. He is describing the opposition's point of view when the question was not remotely related to that.

**The SPEAKER:** It is a fair enough point that the opposition has not been in office in South Australia for more than 15 years. Could the Treasurer wind up on that point.

**The Hon. A. KOUTSANTONIS:** No, the Under Treasurer has not provided me with revenue measures to replace the major banking levy. I doubt there would be any revenue measures that could replace it because there are not any other institutions in Australia who avoid this much tax. There are not any other institutions who are able to pocket so much money that should be going to

taxpayers. There are no other institutions that live and breathe on the guarantees we provide them as a country and as a state. There are no other institutions that forgo so much tax as the Australian banks.

There is no other institution that pays their executives so much more than is even socially reasonable. The idea that the NAB can pay its chief executive a half a million dollar increase and then sack 6,000 South Australians and find a friend in the opposition speaks volumes about the opposition and the NAB.

**The SPEAKER:** The member for Hammond and the deputy leader are warned, and the member for Stuart is warned for the second and final time. Leader.

### PAYROLL TAX

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18):** My question is to the Treasurer. Will the Treasurer now abandon his threat to remove payroll tax relief for small businesses in South Australia?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:18):** Let's be clear about this. It is not my threat: it is the parliament's. The way the payroll tax rebates have worked in the past is that companies who have a payroll tax liability pay them to the government and then the government, at the end of that period, offers them a rebate on the basis of what we offered them in the budget. What the budget proposed was a permanent tax cut. So what the opposition actually blocked was us lowering the rate, which means that those businesses now have a legal requirement to pay the full amount of payroll tax. It is not us who have done it: it is the opposition. It is not us who have done this.

The opposition has actually gone to small businesses and said, 'We are going to block this 2½ per cent payroll tax rate that the government has offered you in the budget bill so the banks don't pay their fair share of tax,' and now he is complaining. So what we have to do now—this is exactly the procedure that is in place now. Those small businesses, because of the opposition, have a legal requirement to pay their payroll tax. I can't levy people, like the foreign investment tax on foreigners who are buying up residential properties in competition with South Australians, because we want to. I have no legal authority to do so. The opposition have said that this weekend at every auction, that every time a foreign investor competes against a South Australian—

**Mr GARDNER:** Point of order, sir: the Treasurer has strayed from the question, which was whether he would withdraw his threat to small business—

**The SPEAKER:** I don't think he actually has, because although the opposition has not formed a government in South Australia since 2002 and is therefore generally not responsible for budgetary matters, on this case it is a matter of record how the other place has voted. So I think the Treasurer is being germane and I do not uphold the point of order.

**Mr GARDNER:** Sir, that wasn't the purpose of the point of order. He's now talking about the foreign investment tax, which was not related to the question.

*Members interjecting:*

**The SPEAKER:** The member for Morialta has just conceded that the matter about which the Treasurer is talking was in the bill. Treasurer.

**The Hon. A. KOUTSANTONIS:** The Budget Measures Bill is the budget. It is our expression of what we wanted to do. We were offering South Australian businesses tax cuts. We were protecting first-home owners and young South Australians, who want to buy properties, from foreign investors using the purchasing power from foreign governments. We wanted to protect them. We were trying to use the profits—

*Members interjecting:*

**The SPEAKER:** The member for Morialta is on two warnings. Was that his dulcet tone I heard?

**An honourable member:** It was the member for Mitchell, sir.

**The Hon. A. KOUTSANTONIS:** The Budget Measures Bill needs to be considered as a whole. You cannot just disaggregate parts of it and say, 'We'll just remove that part,' because, as I said earlier, we have to consider this as a whole. We have to now go back to the beginning. Now there is a legal requirement, because of the opposition's actions in the upper house, for businesses to pay a higher payroll tax. That is the consequence of their vote. Not our vote; theirs, not us. We wanted to lower people's payroll taxes. We wanted to offer South Australian small businesses tax cuts of up to \$10,000 per year. The opposition blocked it so the banks wouldn't have to pay more tax—their fair share of tax.

I also note that when the commonwealth government introduced exactly the same measure, members opposite were silent. Nothing! Yet they have told us, subsequently, that they always opposed it. The message there is: even when they oppose the commonwealth government's measures, they will stay quiet. That's the message from the Leader of the Opposition. He admitted it; he confessed it on radio. He didn't like Scott Morrison's major bank levy, he just kept quiet about it. What else doesn't he like about what Scott Morrison has done that he's keeping quiet?

**Mr GARDNER:** Point of order, sir: this is debate.

**The SPEAKER:** I accept the point of order that it is debate, and I call to order the Deputy Premier and the member for Newland, and I warn the member for Newland.

#### STEEL INDUSTRY

**The Hon. A. PICCOLO (Light) (14:22):** My question is to the Minister for Small Business. Can he tell the house how has the Steel Industry Small Grants Scheme supported South Australian businesses to create jobs?

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (14:22):** I thank the member for Light for the question. Through the Office of the Industry Advocate, the state government is continuing to support South Australian steel manufacturers to grow their businesses and to create jobs. In May, 26 local fabrication and manufacturing businesses were provided with small grants of \$10,000 to develop their capability and to diversify and grow.

The Office of the Industry Advocate continues to track their progress, and I am pleased to update the house that 16 of these SMEs have since employed a total of 70 new staff—an outstanding result. A further 45 jobs are expected to be created over the next 12 months. The remaining 10 businesses to receive grants are continuing to advance plans to allocate the funds towards system upgrades and manufacturing efficiencies to meet national demand for their products and services.

Our steel businesses have endured enormous pressure from a global oversupply of steel, unfair competition from overseas and a downturn in prices, yet this is a clear, positive sign that with targeted support they can continue to build a successful business model into the future. Some of those good news stories include Sonnex, who since May have employed 20 new staff, with an additional 20 new jobs expected to be created over the next few months, predominantly former Holden workers.

The Bargain Steel Centre has employed 10 new staff and have reported that another 20 jobs will be created in the next 12 months. Iguana Creative has employed eight new staff. Specialised Solutions has employed six new staff, and North East Engineering, Advanced Steel Fabrications, SA Structural and Ahrens have employed three new staff each. The list goes on: IXL Solar, Ultimate Engineering and Maintenance Services, Adelaide Profile Services, Maxispan, Northside Sheetmetal, Laser World Technologies, Kelly Engineering, Workspace Commercial Furniture, UCI Manufacturing. All these recipients of the Steel Industry Small Grants Scheme have advanced their businesses, accelerated growth and created new jobs.

The state government is sending a clear message that we will support the South Australian steel sector and the broader small business community. We are on their side. We are here to help them grow, to be prosperous, to employ more South Australians and to continue to thrive. We are on

the side of small business, not the big end of town alone. The state government believes South Australia is tracking towards a positive future, propelled by strong business activity, as increases in investment and an outward-looking economy transpire. It is another good sign for the optimists and another sad day for the pessimists.

*Parliamentary Procedure*

**VISITORS**

**The SPEAKER:** I welcome to parliament today Norton Summit Primary School, who were here earlier and were guests of the member for Waite. I also welcome to parliament students from the SA College of English, who are guests of the member for Adelaide, and pupils from Renmark High School, who are guests of the member for Chaffey.

*Question Time*

**GOVERNMENT ADVERTISING**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:26):** My question is to the Premier. Why, for the first time since 2008-09, does the latest Department of the Premier and Cabinet Annual Report not include detailed information about the cost to taxpayers of government advertising, including an itemised list of agency expenditure?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:26):** I will check whether that is in fact true—

**Ms Chapman:** Do you want to have a look? Here it is.

**The Hon. J.W. WEATHERILL:** —because we do have to check these things when they are assertions—

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

**The Hon. J.W. WEATHERILL:** —made by the deputy leader, but we have routinely answered questions outside of the annual reporting process about those very matters, so they have all been completely and openly disclosed routinely. But I will check to see whether that is in fact the case and, if it is, what the explanation is for it.

**GOVERNMENT ADVERTISING**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27):** Supplementary: has the Premier or anyone at his office given any direction or request to the Department of the Premier and Cabinet in respect of the preparation of their annual report?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:27):** I don't recall giving any specific request beyond the—I think there has been some reform of the annual reporting process to try to put them in common formats so that they are easy to read and are capable of being more easily and effectively understood. Beyond that process, which was a simplification process that was approved, I certainly don't recall making any specific directions in relation to the Department of the Premier and Cabinet Annual Report, but I will check to see whether any particular directions—

**Mr Knoll:** Good governments have nothing to hide.

**The Hon. J.W. WEATHERILL:** —have been given by people in my office or indeed by the cabinet through that simplification process. I note the little quip there from the member for Schubert saying, 'Good governments have nothing to hide,' and indeed they don't. That's why this is the most open and accountable government that we have ever seen in this state. This is a government that has more proactive disclosure—

**Mr van Holst Pellekaan:** How much did you spend buying the diesel generators?

**The SPEAKER:** The member for Stuart will depart under the sessional orders for the next 45 minutes.

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

**The Hon. J.W. WEATHERILL:** —of material than any government before it and more access to historical cabinet documents than any before it. Indeed, one only needs to cast one's mind back to those dark days before 2002 where it was a race between the FOI officer and the shredding machine to see where the information would come from.

**The SPEAKER:** Supplementary.

#### GOVERNMENT ADVERTISING

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:28):** I thank the Premier for indicating that he will check with his staff. When he does, will he ask his staff and report back to the parliament on whether any members of his office consulted with the Auditor-General before removing from the DPC annual report, either by general edict or specifically, all information about tax-funded advertising?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:29):** I thought that was the question I was taking on notice but, to the extent that it differs from the earlier question, I am happy to take it on notice.

#### GOVERNMENT ADVERTISING

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:29):** Supplementary: when the head of the Department of the Premier and Cabinet, Mr Russell, provided a copy of the annual report to the Premier on 28 September 2017, did he read it and did he make any observation as to the absence of the detail in respect of government advertising?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:29):** No, I don't recall observing the difference to the extent that it exists between a previous annual report and the present annual report. As I say, I will take the question on notice and find the answer. The information that the opposition seeks is notorious. They have already been published in answer to questions by Leader of the Opposition or often on announcement. When we make a new communications campaign, we routinely announce the budgeted amount associated with it, and I have routinely been providing answers to questions that have been supplied by the media and by the opposition concerning those matters.

#### GENERATORS

**Ms WORTLEY (Torrens) (14:30):** My question is to the Minister for Mineral Resources and Energy. What environmental testing was undertaken to ensure the state-controlled power plant fully complied with stringent licensing obligations?

**The SPEAKER:** It is my duty to ensure that this answer is heard in silence.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:30):** Yes, Mr Speaker. I thank the member for her question and note the support of this government taking back control of our energy future for the benefit of South Australians. Following a series of questions by the opposition yesterday—indeed, by the shadow energy minister, the energy expert on the opposition benches—I located the consultant's report he repeatedly referred to, which, incidentally, was never supplied to my office in September this year, as he claimed.

I would like to outline some of the emission scenarios modelled in this report and correct some of the significant inaccuracies propagated in this place yesterday. Firstly, when we asked South Australia Power Networks to conduct a competitive tender process to procure generators on the government's behalf, they obviously had to embark on a comprehensive approvals process with various bodies in addition to meeting licensing and good connection requirements. As part of the regulatory approvals process, SAPN commissioned Vipac Engineers and scientist consultants to undertake emissions modelling as required by the EPA. I note in the executive summary of the report being quoted yesterday, it explicitly says, quote:

Overall, the modelling results indicate that the operation of the temporary generators will not adversely impact the amenity of local residents and commercial receptors.



This consultancy firm considered a range of potential operating models, as required by the EPA, in relation to both noise and emissions relating to the emergency generators at Lonsdale and Elizabeth. The modelling around noise concluded that potential noise impacts from the turbine units are likely to be limited due to the infrequent operation and time of day when the operations are likely to take place.

In relation to air quality, there were two scenarios modelled, with the results showing the gases were below the criteria at all of the model sensitive receptors for all scenarios modelled. The third scenario is that the model predictions of particulate matter are above criteria for both sites for some of the residential receptors modelled. It is noted that in the third scenario, the third scenario modelled represented the highly unlikely situation of continuous operation of the turbines for a full year or five continuous months.

As a result of the testing, the EPA subsequently approved and issued work approvals for both sites on 5 October and issued licences for both sites on 12 October 2017. Clearly, the EPA, an independent licensing body, is not in the habit of issuing licences to projects that do not comply with the statutory requirements under the EPA Act.

### GOVERNMENT ADVERTISING

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:33):** A question to the Premier: given that the only annual media expenditure on advertising for 2016-17 disclosed in the annual report and/or the website is at \$34.1 million, will he tell the parliament how much of those funds DPC spent as an agency?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:33):** I'm having trouble squaring that question with the previous question. Either we did or we didn't disclose the advertising expenditure. It seems that we did now.

**Ms Chapman:** It's the total, not the agencies.

**The Hon. J.W. WEATHERILL:** Okay, it's the agencies now.

*Ms Chapman interjecting:*

**The SPEAKER:** The deputy leader has used up all her warnings, continued to interject and will have to depart for half an hour under the sessional order.

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

**The Hon. J.W. WEATHERILL:** Of course, I will take that question on notice and bring back an answer.

### PRINCIPAL COMMUNITY VISITOR

**Mr DULUK (Davenport) (14:34):** My question is to the Minister for Disabilities. Minister, at what point in the last 24 hours did you recall your ongoing engagement with the Principal Community Visitor?

**The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:34):** Thank you to the member for his question. Since becoming the Minister for Disabilities, I have had the great pleasure of meeting and working with many wonderful people with disabilities, their families, their carers and, of course, the sector. One of the first people I called when I came into this portfolio was the Principal Community Visitor, Mr Maurice Corcoran.

Maurice and the many volunteers who work with him do invaluable work across our state in advocating for quality care and quality support for people with disability, and this is why our state government recently reappointed Mr Corcoran as community visitor until 2020. It is also the reason that as Minister for Disabilities together with the South Australian government we have continued to argue that as quality and safeguarding responsibility for disability services transfer to the federal jurisdiction, community visiting needs to continue.

I am really pleased that the commonwealth government is in the process of conducting a scoping study into community visitation in the context of the National Disability Insurance Scheme.

Along with other state ministers, I am keenly awaiting the outcome of this study. At next week's national Disability Reform Council meeting, I will again be emphasising South Australia's position that community visitation must continue once the National Disability Insurance Scheme is rolled out.

#### PRINCIPAL COMMUNITY VISITOR

**Mr DULUK (Davenport) (14:36):** Supplementary: why has it taken you almost two months to table the report, which was meant to be tabled in the last sitting of parliament?

**The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:36):** Thank you very much to the member for his question. I refer to my previous statement about the receipt of the report in my office and the meeting that I held with the community visitor on 23 October. I have tabled the report today and I have also contacted the Principal Community Visitor. He is aware of this time frame, and I will of course be meeting with him again soon.

#### PRINCIPAL COMMUNITY VISITOR

**Mr DULUK (Davenport) (14:37):** Supplementary: minister, can you please confirm for the house what date you read the report?

**The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:37):** Thank you to the member for his further question. As I said in my earlier statement, I read the report prior to my meeting with the Principal Community Visitor on 23 October.

#### PRINCIPAL COMMUNITY VISITOR

**Mr DULUK (Davenport) (14:37):** Supplementary: given, minister, that you read the report prior to the meeting on 23 October, why did you fail to recall this yesterday in the house when asked on numerous occasions?

**The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:38):** Thank you again to the member for Davenport for his further question. I think I have answered all his questions in relation to particular dates. I have now had the opportunity to review my records and I refer to my earlier statement.

#### ADULT EDUCATION

**Ms DIGANCE (Elder) (14:38):** My question is to the Minister for Higher Education and Skills. How is the government assisting adults re-engage with education to develop the foundation skills necessary to participate in our transiting economy?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:38):** It is an excellent question to ask because, as all members in this house would be well aware, as we transition to an economy that has much greater demand for skilled workers and much greater demand for entrepreneurial leaders to create new products and to employ people in different jobs than previously, we need to make every effort to leave no-one behind. Obviously, within the school system that requires us to get more and more young people to finish school with a Certificate of Education and to be able to embrace lifelong learning.

I am not sure if members are aware, but South Australia is the best in Australia of all the states—we are slightly beaten by the ACT if we add in all the jurisdictions—in the rate of completion of our SACE at high school, but there are many adults who have not had a quality education in their younger years for very many reasons. We must not leave out those adults who are struggling with literacy, numeracy and digital literacy from having the opportunity to embrace the new opportunities.

Recently, the Department of State Development undertook a very deep engagement over a six-week period with some 130 current and potential adult community education providers, participants and tutors. As a result of that, we have made a decision to invest more into the adult community education world; that is, we have announced \$3.83 million over the next four years into that sector to provide more education to adults who do not have the confidence, the literacy, the numeracy and the digital competence to be able to go out and get new jobs.

Recently, we also had Adult Learners' Week, when we celebrate people who have re-embraced education at a later age. I would like to very briefly mention the Adult Learner of the Year, Tania McHendrie. I met with Tania recently, and I know that the Minister for Disabilities attended the evening when she was awarded the Adult Learner of the Year. Tania is an extraordinary young woman who has had a hard time in life but has chosen to re-engage in education. She went to Catherine House, where she was first able to stabilise herself and realise that the path back was not simply to conquer her demons, not simply to lead a healthy life, but also to embrace education.

She has a good brain; she had done well at school until she disengaged. If she had not taken the path to education, she would not be where she is now. She has gone on from her Catherine House experience to a foundation course at the University of South Australia and now to working at the University of South Australia. That is an extraordinary trajectory for a woman who might otherwise have never been a participant in our economy and our society.

We cannot afford to lose the intellectual capital that sits in those people, those individuals, those young people and those adults who are not currently engaged in education. It is cruel and heartless to leave them aside, and it robs the rest of us of their potential. So, yes, we need to focus on high school education and high school completion, but so too must we focus on the power of adult community education. It was my absolute privilege to be part of the decision to increase the dollars for those centres. I am proud of everyone who chooses to pick up their life, sign up for a course and decide that they want to be part of this new economy and this new society.

#### OUTER HARBOR RAIL LINE

**Mr PISONI (Unley) (14:42):** My question is to the Minister for Transport. Will the minister confirm to the house that he was advised of the six-week extension to the closure of the Outer Harbor line last Monday afternoon, and was last Monday afternoon the first time the minister or his office was advised of any extension to the closure of the Outer Harbor line?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:43):** I thank the member for Unley for his question. I mentioned in my comments to the media yesterday, in my explanations to the media yesterday, about what was going on. I had been advised of the necessity of the six-week delay not last Monday afternoon but this Monday afternoon, the one that preceded some 48 hours ago. It is as a result of very longstanding and ongoing negotiations between the alliance that is delivering the Torrens Rail Junction Project and the operator of the freight line, Australian Rail Track Corporation.

As you can imagine, given that the purpose of the project includes the grade separation of the freight line from the passenger lines, principally of the Outer Harbor lines through the Parklands, as well as some corollary benefits of the grade separation of the passenger line from Park Terrace and the removal of that level crossing and some level crossings further back in Bowden, given that it involves that grade separation between passenger and freight rail, we have to do all we can to make sure that ARTC can continue operating their freight services throughout the construction period.

To date, largely we have been successful in doing that, but we are getting towards the part of the project where we need to interrupt and interfere with the rail track that they operate. Indeed, we need to do that in a way where we can deliver the project that we are intending to deliver but we can give them the opportunity to maintain the rail freight services. These discussions, I am advised, first commenced back in January of this year.

As those discussions progressed, we understood that not only do we have to meet their operational requirements but, given that we were disturbing some of their infrastructure, we had to make good some of that disturbance. Not only did we have to make good some of that disturbance but ARTC has taken the opportunity, while we are in the corridor to do some works, to seek us to do some further works for the operation of their rail line.

I am advised that we have been trying for a period of a couple of months to get a window where we could go in during the current closure period of the Outer Harbor and Grange train lines to get those interfering-type works done and manage that within the window of the closure which we had previously announced which was due to expire in the first week of December. Unfortunately,

despite a large number of meetings and workshops and interactions between the alliance team delivering the project and ARTC, we weren't successful in satisfying ARTC's requirements and needs until very late.

In fact, I am advised that it wasn't until late on Friday that the alliance team was told by ARTC that they were going to be given a window to do these works and that that window would be commencing from late on this coming Saturday night. Of course, my not being in the state on Friday, as I was attending a ministerial council meeting in Hobart, I was advised on Monday.

When I was advised on Monday, particularly advised what the window would be that we could avail ourselves of commencing from this Saturday night, as you could imagine my first question was something in the order of, 'Does this mean we can still get in this window in the current closure period?' The advice came back, 'No, we are going to need a much longer period than we originally envisaged.' That was a necessity to go out immediately, or as close to immediately as possible, and make the announcement yesterday.

#### OUTER HARBOR RAIL LINE

**Mr PISONI (Unley) (14:47):** A supplementary, sir: when was the last time before last Monday afternoon that the minister or his office was briefed on the Outer Harbor rail line progress? Was the minister advised of any risk of an extension to the closure at that last briefing?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:47):** I guess what I was trying to allude to in my earlier fairly detailed explanation of what had been occurring between the alliance team and ARTC was that we were trying to get access to a window of time to do the works which interfered with the freight line that ARTC operates. We were trying to do that as early as possible, and I think the advice I have is that one of those windows was either in late September or early October.

To put that in context, during the current closure period for the Outer Harbor and Grange lines, and given time continued to expire during the course of the current closures where amongst other things, not just dealing with the ARTC line, we are also doing things like continuing with the gouging out of the underpass under the Park Terrace, the building of the Bowden train station, etc., we were hoping to have that closure period or that access period to the works around ARTC within the time of the current closure period, but it wasn't until extremely late and, as we now know, too late in the piece.

Even though we are getting access to do this package of works from this Saturday, which is within the original closure period that we had previously announced for the Outer Harbor and Grange lines, the alliance team got the notice on Friday and I was only advised on Monday that not only would we not be able to deliver that scope of works within the original closure period but indeed we would need much more time heading out to 15 January, which is the date that I have given for the Outer Harbor and Grange lines.

More to the point, we have an additional closure of the Gawler lines, again commencing from that access period (for want of a better term) that we have from ARTC from this Saturday night going forward for just over two weeks.

#### OUTER HARBOR RAIL LINE

**Mr PISONI (Unley) (14:50):** In light of the minister's answer, can he explain why just last week his office told a media outlet that there would be no delay in the opening of the Outer Harbor line?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:50):** I think the member for Unley is confused. What he is referring to is a response given by the department to a media inquiry about the progress of the Torrens to Torrens works, their impact on access arrangements to certain parts of the Croydon suburb and whether those Torrens to Torrens works were having any impact on the rail operations.

As we now understand, the response given by the department was solely in the context of the Torrens to Torrens works. They were asked a direct question and they answered directly. I think

where the misconstruing has been taken since is that it has been conflated with an adjacent major project, which is the Torrens Rail Junction Project.

### INDIGENOUS EMPLOYMENT AND TRAINING

**Mr HUGHES (Giles) (14:51):** My question is to the Minister for Social Housing. What is the government doing to support remote Aboriginal youth accessing post secondary, tertiary and vocational education?

**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) (14:51):** I thank the member for this question and for his continued interest in this area. Since 1 July this year, Housing SA and the Department of Planning, Transport and Infrastructure property management services have been consolidated into one single contract. As a result, Housing SA has been able to leverage commonwealth investment on the APY lands to deliver employment and training opportunities for local jobseekers on the lands.

Maintenance services to properties managed by Housing SA and DPTI have included a growing Aboriginal workforce component of 46 per cent of all workforce hours during the last quarter. These local Indigenous employees are acquiring skills and knowledge and may now gain access to apprenticeships. I am pleased to report that two employees are already in the process of being signed up for this opportunity.

In addition, a significant education initiative is underway in the Adelaide CBD for remote youth to pursue post-secondary education opportunities. In March 2017, the commonwealth approved South Australia's proposal to construct a student accommodation facility on Gilbert Street, Adelaide, under the Employment and Education Housing Program. Funds are allocated to this program every two years under the National Partnership on Remote Housing and the current initiative is helping to develop a growing portfolio of properties for Aboriginal residents from remote and outer regional South Australian communities to access jobs and education opportunities not available in their home locations.

Importantly, since June 2017 this initiative has sought and included input from a range of stakeholders, including existing students, Aboriginal leaders, universities, the Adelaide city council, the AFL, senior executives across government and also nearby residents. The facility will house 20 students who are pursuing university studies or vocational training. It will also provide a range of support and mentoring services to support the students as they settle into a new living environment and begin studies.

The current National Partnership Agreement on Remote Housing is due to expire at the end of June 2018. This is a key source of investment that allows the South Australian government to provide vital Indigenous housing services. The recent Closing the Gap report notes that there is no gap in employment outcomes when Aboriginal students complete tertiary or vocational studies. I call upon the commonwealth to continue investing in remote Indigenous housing and commence negotiations with the states and territories regarding future funding arrangements to deliver these important programs. These programs will help create real change to the lives of Indigenous youth in remote and regional communities.

### PRISONS, CIGARETTES AND TOBACCO

**Mr KNOLL (Schubert) (14:54):** My question is to the Minister for Correctional Services. Minister, when will South Australia's prisons be smoke-free?

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:54):** I thank the member for his question. Members will be aware that there has been a significant amount of work that's happened on this over the past few years, particularly at the Adelaide Remand Centre where there has been a lot of work to make sure that that is a smoke-free facility. That took a significant period of time to implement and to make sure that that was implemented appropriately and safely, particularly for the staff who work there, and that has been a successful project.

I am also advised that in the new unit that is being commissioned at the Adelaide Women's Prison at the moment, the Ruby Unit, that that is being commissioned as a smoke-free unit as well. I personally come from a background of being very concerned about tobacco use in the community generally, and this is obviously something that I am concerned about generally in our prison system. It's something that I have had discussions with the Public Service Association about, and they have particular views about how we could proceed even further and faster in terms of making more of our facilities smoke-free in the future.

We need to do that in a way that's balanced. We need to do that in a way that's well planned and is going to make sure that we have safe and well and secure correctional facilities in the future. That's the process that I am going through at the moment in considering that in both working with the department and talking to the PSA as well. A lot of those solutions are going to involve working on an individual site basis with the staff in terms of looking at what are those individual situations, because obviously we have a very different range of prisons and a very different range of infrastructure in those prisons.

In particular, when you look at what has just happened recently at the Adelaide Women's Prison in terms of the Ruby Unit, that was something that the staff there were very passionate about pushing as part of that new unit, which is a very high standard of prison facility that has been constructed there to make sure that that's a smoke-free facility. We will keep working on this. I understand that this was one of the recommendations that came through from the Legislative Council's report into the prison system yesterday, and we will be considering all those recommendations across government.

A lot of those recommendations we are already acting on. In fact, some of them are represented in things that the house is debating at the moment as well. So we are very keen to work on those recommendations. I dare say that if you read the report that the Legislative Council came out with yesterday, it had nothing like the tenor of what was being described at the beginning of that review process of the Legislative Council when it was a discussion of prisons being in crisis.

All this sort of rhetoric that was said at the beginning, none of that actually came out in the report at the end. There were some sensible recommendations and things that we are very happy to work on, and we will provide a full response to those in due course.

### **PRISONS, CIGARETTES AND TOBACCO**

**Mr KNOLL (Schubert) (14:57):** Supplementary: does the minister have a firm date on when he is going to make a decision on the plan that's been put in front of him by DCS?

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:58):** I thank the member for his question. As I said in my previous answer, this is something that we want to work very carefully on because we want to make sure that this is absolutely planned appropriately and we consider all the proper options. I don't have it in front of me but I understand that the Legislative Council report proposed that we consider a long lead-in time, a significant lead-in time for considering this across a—

*Mr Knoll interjecting:*

**The Hon. C.J. PICTON:** As I said, this is something that the Legislative Council in its recommendation that was made to the government yesterday said, 'Well, you do need to consider an appropriate lead-in time for this.' That is what happened in terms of the Adelaide Remand Centre in making sure that we had the appropriate lead-in time. We didn't rush the decision-making or the planning or the implementation of that at that site, and that is very important to make sure that we maintain the security of our prison system while also looking at these important public health outcomes as well.

### **AUTISM INTERVENTION PROGRAM**

**Mr DULUK (Davenport) (14:59):** My question is to the Minister for Education. Can the minister explain why the government has decided to close the Autism Intervention Program at

Blackwood Primary School and Blackwood High School after it was only opened in 2013 following the 2010 Labor election commitment?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:59):** I will return with a more fulsome response for the member because I know that this is his electorate and he is genuinely interested in what is occurring with that school, which is of course my old school and so I pay a little bit of attention as well.

The issue that was raised with me was the effectiveness of the use of the money for the number of students who were participating and the effectiveness of the program on site, so we have not reduced the money that we are spending on supporting students with autism. It has been about a rebalancing of the way in which that was being offered to be more effective. I will refamiliarise myself with the detail and return with more detail.

#### **AUTISM INTERVENTION PROGRAM**

**Mr DULUK (Davenport) (15:00):** Supplementary: minister, who completed the review into the Autism Intervention Program and what role did Dr Goodall, head of the AIP at DECS, have in that review?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:00):** I would expect that the answer to those questions will be in the detail that I will provide at a later date.

#### **RENMARK POLICE STATION**

**Mr WHETSTONE (Chaffey) (15:00):** My question is to the Minister for Police. As the minister, can you assure me and the Renmark community that the Renmark Police Station will remain open in 2018 once the completion of the Berri Police Station upgrade is completed?

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:01):** Thank you to the member for his question. I don't have the exact details in front of me, but I am happy to investigate that further and talk to the police commissioner about that. I think it is a very important principle, and in fact it is part of the legislation of this parliament, that the police commissioner runs the police service not the police minister. It is not my intention as police minister to issue directions to the police commissioner about the deployment of his resources and the deployment of police around the state.

Our job is to provide resources for the police, and that is what we have been doing by providing unprecedented resources in terms of the fact that we are training at the moment 313 extra police, so our Police Academy is bursting at the seams. In fact, in the next two weeks we are having our first double graduation of this package at the Police Academy because there are so many more police being graduated that we need to do two at the same time, which is fantastic for communities across the state to ensure that we have more police out on the beat across South Australia.

That is our role as the government—to make sure the police commissioner has the resources that they need. What is not our role is to issue directions to the police commissioner to say, 'Well, this is what we want you to investigate, or, 'This is where we want you to put a particular police officer or the like.' Unfortunately, that is what the opposition want to do if they are elected: they want to unprecedentedly issue directions to the police commissioner to say—

**Mr GARDNER:** Point of order: the minister is debating and, by the sounds of it, picking quarrels.

**The SPEAKER:** The minister quarrelling? I will pay careful attention.

**The Hon. C.J. PICTON:** Thank you, Mr Speaker. It is absolutely a principle that the police commissioner should be in charge of the police services and force across the state. I will raise this issue with the police commissioner in terms of what the appropriate planning is for the Renmark Police Station. Of course, there will be resources across the state, including at Renmark, to make

sure that our community is being protected and our police are out on the beat protecting South Australia.

**The SPEAKER:** Member for Chaffey, supplementary.

#### **REMARK POLICE STATION**

**Mr WHETSTONE (Chaffey) (15:03):** Do you deem it acceptable for a community of 8,500 in the Remark area that the Remark Police Station does operate without administration staff?

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:03):** Once again, whenever you hear something from the opposition, sometimes you actually need to check the facts in terms of what the propositions that have been put to you are. So, rather than respond to a proposition that has been put to me in the question, what I would much rather do is check the facts that have been put to me in terms of that question and check what the resources are in terms of the Remark Police Station.

But again I refer to the fact that we are employing and training at the moment 313 extra police across South Australia, and this is the state with the highest number of police per capita out on the beat of any state in Australia. That is a credit to the investment that this government has made in the police and a credit to the Premier and Treasurer for their decision to invest in our police force and make sure that the police commissioner has the resources they need to invest extra police across the community and make sure that they are out on the beat, protecting the people of South Australia.

When you look at us compared to the other states in the country, clearly we have more police in this state versus other states per capita. That is something that I think the community are very pleased to know, that they have those police. We have some of the highest respect and satisfaction ratings in terms of police, in terms of their professionalism, of any state in the whole country. That is an absolute credit to them. I think what would be a detriment to that is if you had a police minister who started issuing directions to the police—for example, should they have to send drug-sniffing dogs into public high schools.

*Members interjecting:*

**The Hon. C.J. PICTON:** You send that—

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

**The Hon. C.J. PICTON:** —as a direction to the police commissioner, I think that would be very—

**The SPEAKER:** Point of order.

**Mr GARDNER:** The minister is well away from the substance of the question, which is about whether a town the size of Remark—

**The SPEAKER:** He may be a bit prolix, but he is taking us through to tea.

**Mr GARDNER:** He's done it.

**The Hon. C.J. PICTON:** I am happy to chase up the details and come back to the member.

*Grievance Debate*

#### **GOVERNMENT ADVERTISING**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06):** Today, we had another example of the Premier's refusal to provide information to the people of South Australia as to why he is splashing millions of dollars of taxpayers' money—the money of the people of South Australia—in a desperate attempt to save his own political skin. Let's just consider for a moment that the people of South Australia are being fleeced \$2.6 million, as we know, from the Weatherill government's attempt to desperately distance itself from the responsibility of South Australia's electricity crisis, their lame attempt to actually deal with it and then their pathetic plan to provide some answers.



So bad is it that he needs to spend \$2.6 million to try to hoodwink the people of South Australia into thinking that it is a good thing. But let's also consider what has happened in the last three years. In 2015, the state government spent \$25 million on political advertising. They spent \$28 million the next year and \$34 million in the last financial year—\$34 million. It is going up incredibly. What we have under this government is an era of spending more to sell their own message to save their skin and show you less.

The newest era of concealment is to have the sanitised, short, minimalist annual reports. You have to go on some sort of *Alice in Wonderland* search to SA Data and then to various websites to try to ascertain information that had previously been provided. On this issue, for example, in the annual reports you have the particulars of not only what was spent but also how much each agency spent. Just have a look at the 2016 report. On page 30, it gives you a list of how much each agency spent. Page 32 lists the top 10 government campaigns, and on page 33 there is a list of Department of the Premier and Cabinet advertising campaigns.

Let's consider the 'tell them nothing' approach that the people of South Australia are paying for in light of the fact that the Auditor-General conducted a review in 2013—in the lifetime of the Weatherill government—into political advertising. Government advertising was already at a stinking level in the community and the Auditor-General conducted a review. In his 2015 report, he noted that the government's Marketing Communications Guidelines:

...state that public funds should not be used for communications where:

- the image or voice of a politician is included within the advertising

The Auditor-General recommended:

The Marketing Communications Guidelines requirement that the image or voice of a politician not be included in publicly funded advertising should be applied to all forms of government marketing communications.

In response, the unit in the Department of the Premier and Cabinet responsible for this, at page 29 of the Auditor-General's Report, stated:

GCA continues to support the established practice that politicians should not be represented in paid advertising. A definition of political advertising will be included in the Marketing Communications Guidelines with the next periodic review.

Of course, then we have the guidelines. They make it abundantly clear: no voice or image; if there is, then it is clearly political advertising. Where did we go from there? We then had the Premier's Communication Advisory Group (PCAG). This is the new group he has established to monitor and supervise the activity in this area. It is to assess all applications over \$200,000, consider any reviews and so on.

The PCAG is comprised of five people: a chair, the director of government communications in DPC; the Premier's two delegates; a communications consultant from GCA, DPC; and a senior communications peer. Four out of the five work for the Premier or his delegates, as nominated. This raises some questions about its independence, especially when we hear of a recent plan where it took only minutes to approve a multimillion dollar campaign.

What is equally concerning now is that four months ago the Premier was asked during estimates to provide the date on which the PCAG gave its approval to the communication strategy implemented in March of this year. He was also asked if he could confirm that there was a submission for approval to the PCAG before any expenditure was made on the energy advertising in March, who the members of the PCAG were who considered the communications plan and whether there was a supplementary request to the PCAG after the initial March 27 advertising expenditure and so on.

What has happened in four months? Nothing. Not only did the Premier refuse to answer questions then but he has refused to answer them since. So we asked him today, 'What is the explanation for this new secrecy approach in relation to what is claimed to be a completely transparent government?' Nothing. Silence. The people will not be silenced. This will be an election issue and we will make sure of it.

Time expired.

**The ACTING SPEAKER (Hon. T.R. Kenyon):** Order! The member's time has expired, and quietly we will be listening to the member for Croydon.

#### VALEDICTORY

**The Hon. M.J. ATKINSON (Croydon) (15:11):** I commence my valedictory remarks, which I will complete in the last sitting week. When I worked for the Hawke government, I met recently retired Senator for New South Wales Tony Mulvihill. Tony Mulvihill had been a union and party official in the sturdy mould of New South Wales Labor. Senator Mulvihill's magnum opus was his valedictory speech on 14 December 1982 and, though I will try to emulate it today, I will never hold a candle to Tony Mulvihill's squaring the ledger with Ken McKeon and his brothers.

In the context of reviewing a history of the ironworkers' union and the book's account of Ken McKeon's failed attempt to be readmitted to the ALP in 1965, Tony Mulvihill told the Senate that Ken McKeon was the 'greatest degenerate of any member of the trade union movement in New South Wales', that he was known to knock on the door of union delegates he did not like when they were out and abuse their wives and expose himself, that it was well known he used a VD clinic in Sydney and that his brothers nicked cashed from the collection plate at a Sydney Catholic Church every other Sunday.

But the McKeon brothers' most unforgivable act was in the mid-1950s, when they were young lads attending the local church, to hit the future Senator's fox terrier, Jeff, with a brick as Jeff tried to follow his young master into mass. Tony Mulvihill told the Senate his fox terrier was left in a pool of blood in the churchyard. Jeff's honour was avenged on the adjournment, long after his death. In the spirit of Senator Mulvihill, I want today to focus on Gary Lockwood, a quondam employee of two state Labor MPs.

Lockwood joined the ALP when he was not eligible because he had been a candidate for another political party, but years later he complied with the party rules by fronting the ALP state convention to apply for membership. I was sitting in the front of convention and, to expedite business, I made the mistake of seconding Ralph Clarke's motion to admit him. After Ralph Clarke resigned from the ALP to run as an Independent in Enfield, Lockwood managed his campaign. I do not recall ever having a conversation with Lockwood.

In the 2002 state election, Ralph Clarke lost. He finished third in the seat he had held for eight years. Most of my waking hours were devoted to electing the now Deputy Premier, and the Croydon Labor team crossed the Regency Road frontier in force. I know the Deputy Premier is most grateful, as he was at the time. During the campaign, Ralph issued defamation proceedings against me which, he later told a select committee, had few prospects of success.

Lockwood kept Ralph and other dispossessed former Labor MPs company at long boozy lunches after Ralph's defeat and heard Ralph's boasts that he would have vengeance on those who had unseated him and that he would, by holding Atko hostage in the civil courts, force the Rann government, through Randall Ashbourne, to give him a spot on the WorkCover board in return for withdrawing his defamation action. Needless to say, this did not happen.

In 2003, Lockwood faxed to the Liberal Party a series of allegations—all hearsay. Rob Lucas took the opportunity to set up a select committee to inquire into the Lockwood/Clarke allegations. The police traced the fax to a machine used by Lockwood and were keen to talk to him. Lockwood unplugged the fax machine and sent it away on the day the police were due to visit, thinking that the absence of the machine would corroborate his denials that he sent the fax. No such luck. The police told the committee they regarded Lockwood as an unreliable witness. Clarke refused to be interviewed, based, he said, on legal advice.

The Lucas committee turned into scenes reminiscent of Hogarth's paintings of 18<sup>th</sup>-century London, with Lucas prepping witnesses at Parlamento before the hearings. For Lockwood, it was the fulfilment of a lifelong dream: parliamentary privilege and a television audience. Lockwood and Clarke's former partner, Edith Pringle, starred, Lockwood as Baron Munchausen, giving the impression that he was an intimate of mine, evidenced by my seconding his readmission and imputing that in the early 1950s I or people associated with me had falsely imprisoned him in the offices of the Catholic Church on Wakefield Street and tried to run him down with a car near the Hawker Street bridge in Bowden. As members know, I do not drive and never have, but there was

another problem with Lockwood's imputations: I was not born at the time. After this, the media lost interest in the story.

Returning to Senator Mulvihill, I know members would be relieved to know that the fox terrier, Jeff, not only survived the attack of the McKeon brothers but went on to live another seven years, much as I survived the attack of Gary Lockwood, Ralph Clarke and Rob Lucas to serve another 12 years in state parliament. Randall Ashbourne was cleared.

The moral of the story for young people who wish to make a vocation in political life is that if a person seems of dubious integrity give them a wide berth. If you engage in the briefest of conversations with them, such as remarking that the weather seems fine, be prepared for that person to appear years later in a Rob Lucas select committee, several *Today Tonight* stories and no committee report, claiming to be an intimate of yours and providing the committee with outlandish perjured testimony. No matter how young you are, Rob Lucas will probably still be there and, whatever you do, do not second things you know little or nothing about at state convention just to expedite business or get one's name in the minutes.

*Members interjecting:*

**The ACTING SPEAKER (Hon. T.R. Kenyon):** Order! The member's time has expired.

### PORT AUGUSTA BRIDGES

**Mr VAN HOLST PELLEKAAN (Stuart) (15:17):** I rise today to talk about a very important issue for us in Port Augusta at the moment. Of course, it also affects a lot of people in the broader district and, in some ways, people in Perth, Adelaide, Sydney and Darwin because we are having great difficulty with transport through the middle of the regional centre of Port Augusta at the moment.

We have four very significant wooden marine assets in Port Augusta: the main wharf that runs parallel to the gulf and the shore behind the Woolworths and Big W car park; the T-jetty between that wharf and the main bridge; another jetty on the western side, near the boat ramp; and the old wooden bridge that runs parallel to the current main Joy Baluch AM Bridge.

These four assets are all owned by the state government, I believe, but they are all leased from the state government to the Port Augusta City Council. They are the Port Augusta City Council's responsibility to maintain and care for, and I understand they have been for about 15 years. We have a great difficulty at the moment in that the T-jetty and the old wooden bridge are both closed, and this is causing a great deal of difficulty for people in town.

From a recreational perspective, the T-jetty is very important for swimmers, fishers and people who just want to walk or walk their dog. Kids love playing on that T-jetty, jumping off it and swimming around it and doing all sorts of good, healthy, fun things that kids get to do in our hot summers in Port Augusta. Closing the old wooden bridge is an even bigger problem because it means that we have lost safe pedestrian access between the eastern and western sides of the gulf.

That old wooden bridge, while it is not suitable for vehicles any longer, has been used for bicycles, for gophers, for families, for prams, for kids playing and for couples walking. Anybody who wants to walk across the gulf away from traffic has used that safely for a very long time. Because that is now in disrepair, all the pedestrian traffic across the gulf has to go on the narrow footpath on the main bridge right next to national Highway 1. That bridge carries all the traffic between Darwin and Sydney and Perth and Adelaide; it is genuinely the crossroads of Australia.

What that has meant is that for the safety of pedestrians, the speed limit has been reduced to 40 km/h, which has a very significant impact upon local, regional and interstate road freight. Even more importantly, it means that the people who want to cross the gulf on foot or on a bike or on a gopher or with a pram are very uncomfortable doing so on a narrow footpath with no barrier protection whatsoever between them and the traffic including double road trains.

We have had a situation where two gophers were coming from opposite directions. They obviously realised they were going to meet in the middle and one of them had to back up all the way to get off the bridge to let the other one pass and then go back the other way. We have had a situation where a pedestrian had a very near miss with a wide load on a truck that was going over the bridge. Of course, the driver did everything he or she could do. Traffic had been stopped at both ends so

that this one truck with a wide load would have the entire bridge to go across, and no doubt the driver was looking at the railings on either side of the bridge, but there was a pedestrian there as well and that person had not been cleared off the bridge before the wide load went through.

We have had numerous situations with people feeling very unsafe. It has not only been a safety issue for the people who cross that bridge but it has also been an issue for the people who now do not feel safe enough to use the bridge and do not have exercise and recreation or access to both sides of the gulf, as they historically have.

I am sorry that I am limited for time, but at the beginning of this short speech I touched on the funding responsibilities. I know that this state government has offered to contribute a partial contribution toward the maintenance work that is needed for these two closed assets: the T-jetty and the Great Western Bridge. I know that the member for Grey has been very active. In fact, he brought the federal transport minister to have a look at this. My main message is that we just need to get this fixed. It is a council responsibility, but the council is not able to fulfil this responsibility. The community needs to have it addressed and I call on all levels of government—local, state and federal—to cooperate as quickly as possible to get resolution to these two very important issues.

### VICTORIANA SOCIETY OF SOUTH AUSTRALIA

**Ms BEDFORD (Florey) (15:22):** Today, I would like to put on record my appreciation of the Victoriana Society of South Australia, my involvement with them and theirs in so many events in this state. I first became aware of the society when I saw some of their members at the Old Highercombe Museum in the old part of Tea Tree Gully, known to you, sir, now under the care of the National Trust. I must also acknowledge the dedication and contribution of the friends of the museum and the many volunteers who maintain it.

The costumes I saw that day at the museum were exquisite and evoked the spirit of the early days of South Australia. The importance of people wearing appropriate period-specific costuming cannot be overestimated in creating the atmosphere for events. Cultural tourism is brought home vividly by characters who come alive and I witnessed this at Hampton Court Palace, the Tower of London and more recently at Hever Castle. I know from personal experience, dressed as Muriel Matters, how much easier it is to bring home the importance of parliament for present-day electors and students throughout the state while also advocating the value of the vote.

The Victoriana Society was integral in making sure my Muriel costume was period accurate. I am indebted to Teri and Wendy at Dragon's Blood for my original outfit, and also Jayne and Linda and many other Victoriana Society members and most recently Lynne for her assistance with a new outfit I have from the 1860s. This new outfit allowed me to join the Victoriana Society members at several recent events. One was to celebrate the unveiling of the replica coat of arms now proudly affixed to the clipper ship, *City of Adelaide*. Lord Mayor Martin Haese was with us at the Port that day, as was Mayor Gary Johanson.

Victoriana members really made that day, as so many early South Australians, looking just as they did, would have been on the clipper ship. I acknowledge Peter Christopher and all involved in saving this grand old lady of the sea, soon, we all hope, to be the centrepiece of a maritime village at the Port. Later that day, Victoriana Society members went to Fort Glanville to be part of a big community event. Many groups were there taking part with vintage vehicles and re-enactments, the most notable of which was the firing of a cannon.

Again last Sunday, there was a lunch with a larger group of Victoriana Society members at the Town Hall, hosted and attended by the Lord Mayor and Lady Mayoress with the Mayor of Burnside, David Parkin, and Mayoress Jayne Kader, who happens to be a Victoriana Society member. The MC was our president, Linda Russo. Both Linda and Jayne were exquisitely attired, as were all other members in many elaborate outfits, some newly made specifically for the event.

It was to celebrate the 150<sup>th</sup> anniversary of the visit of His Royal Highness Prince Alfred to Adelaide as part of his national tour in 1867. It was my pleasure to be seated with reps from the Pioneers Association of South Australia, King's Baptist Grammar in Wynn Vale, Prince Alfred College headmaster, Mr Bradley Fenner, and Mrs Fenner and St Peter's deputy head, Mr Ben Hanisch. Prince Alfred College recently celebrated the sesquicentenary of the laying of their foundation stone by Prince Alfred on that trip.

There were many highlights at the luncheon. An address was given by Stephen Measday, an internationally and nationally recognised and award-winning author who has recently written about the prince's tour. We are now on the trail of the ceremonial trowel used to lay the stone at Prince Alfred College. St Peter's hosted the prince for a tree planting as the school was founded in 1847. No-one seems to know how to go about locating the ceremonial spade from that day—yet.

Both schools are to be commended for their achievements and vast history entwined with the establishment of South Australia. In this, the 99<sup>th</sup> year since the silencing of the guns in World War I, the contribution of their boys is being remembered at St Peter's by the marvellous book *Fallen Saints* by Robert Kearney of Virtual War Memorial fame. I believe that Prince Alfred College will soon have a similar publication. The Town Hall lunch concluded with the loyal toast and songs from the wonderful Adelaide Liedertafel Choir, which was founded in 1858, so their forebears no doubt entertained Prince Alfred while he was here in South Australia.

Prince Alfred was the fourth child and second son of Queen Victoria. He arrived in Adelaide at Glenelg on 31 October on the *Galatea*. This was the first royal tour to Australia. The *Galatea* was a triple-masted vessel that also sailed with the benefit of steam engines. The Duke of Edinburgh, as he was then, also laid the stone for our GPO. The City of Adelaide was bustling with excitement and decorated with flags, bunting, flower garlands and arches and gas lights throughout the city along the streets and on the buildings. A grand ball was held at the Town Hall, then and arguably still the most grand town hall of its kind in the nation.

Adelaide was the best part of the Australian visit for the prince. Other cities saw riots and even an assassination attempt on him in 1868, which saw the prince recuperating after a bullet wound before he departed for home in April 1868.

### LIONS 360

**Mr PEDERICK (Hammond) (15:27):** On Monday, I had the great opportunity to attend the official opening of the Lions 360 predator experience at Monarto Zoo, and what a predatory experience it was.

**Ms Bedford:** Did you get in the tunnel?

**Mr PEDERICK:** I did. I must congratulate Sarah Constructions on their fantastic work and their welding that kept us very safe with the amount of steel in that construction. Walking through the tunnel into the den, where we were surrounded by lions, was both exciting and exhilarating. At the time, we found ourselves in the enclosure with 11 female lions surrounding us. Walking into a pack of lions is not generally listed in the job description—

**Ms Chapman:** You come in here every day.

**Mr PEDERICK:** —yes—and goes against all human instincts, but that is what we did. That moment will be one that I and those who attended will remember for many years to come. The lionesses were certainly putting on a show for us, roaring, jumping and taking a great interest in the potential food—I mean, guests—standing below them. I believe that only three took a particular liking to me at the time. To reassure everyone, we all made it out alive and those girls had to stick to their pieces of chicken and beef for lunch, which I was lucky enough to feed to them.

I and all those who will experience Lions 360 would not have had this opportunity were it not for the inspiration of Rodney Fox's shark-diving experience and the vision, commitment and collaboration of Zoos SA to gain funding from ElectraNet and both the state and federal governments. I note that Rodney and his wife were there on the day. The project cost totalled \$1.7 million which was made up of \$360,000 from the state, \$350,000 from the federal government, \$720,000 from Zoos SA and \$300,000 from ElectraNet. It is expected that the return on this \$1.7 million investment will be some \$1 million as a minimum into the region annually. Also inside the den is an old Landcruiser which cost \$100,000 to be appropriately placed and reinforced—or in other words, lionproofed.

Monarto Zoo is one of the largest open-range zoos in the world, spanning more than 1,500 hectares and providing a place where over 50 exotic breeds of animals, native mammals, birds and reptile species call home. Monarto Zoo is now also home to the only 360° lion experience in

Australia. Through the opening of Lions 360, Monarto Zoo expects to attract an additional 3,000 visitors each year. As the member for Hammond, I am honoured and proud to have Monarto Zoo in my electorate. I am equally as proud of Zoos SA, headed by Elaine Bensted, for this achievement.

I know Monarto Zoo has many amazing things yet to come, including safari-style accommodation for all types of sleepers, whether you are a camper, a glamper, a cabin goer or a hotel-style individual. Monarto Zoo plans to have it all. I hope I can continue to support Monarto Zoo as the local member for many years to come and I will eagerly be monitoring its progress into the future, as I know it will be full of excitement and success and hopefully will involve the introduction of elephants sometime soon. Mind you, I think that is at least a \$20 million expenditure. Again, I congratulate Elaine Bensted, all those involved with Zoos SA and anyone who has contributed to the opening of Lions 360 and its future success. This project is truly commendable.

In my closing remarks, I never thought I would say that I have seen a lion so close or hear them roar right above me. I take this opportunity to encourage all South Australians and visitors, interstate and overseas, to enter the den of the queens and kings of Africa because it is truly a once-in-a-lifetime experience. I would also like to acknowledge the success of the Adelaide Zoo at the Tourism SA awards that I attended last Friday night where they won the award for major tourist attraction and the RAA People's Choice Tourism Award. Certainly, both zoos are attracting many people to come to them.

With the opening of other facilities throughout the electorate into the future, including the motorsport park at Taillem Bend, there are so many other things like visiting Monarto Zoo that will tag into the experiences that people can have in my electorate over the next few years. They can head up to the wineries, they can head out to the Mallee, and as I said, they can come to the Lions 360 event and have a truly life-changing experience.

#### **MEN'S HEALTH**

**The Hon. A. PICCOLO (Light) (15:32):** Today marks the halfway mark of Movember. Movember is the main fundraising event for the Movember Foundation, which raises funds for research into illnesses and diseases which affect men's health. I encourage all members of this place to make a generous donation to the Movember campaign.

**The DEPUTY SPEAKER:** I already have.

**The Hon. A. PICCOLO:** Thank you very much, Madam Deputy Speaker. Also today I would like to speak about—and this is the main subject of my talk today—a local research centre that undertakes important research work into men's health. This Friday, there will be a function held at the Adelaide Convention Centre to mark 10 years since the establishment of the Freemasons Foundation Centre for Men's Health. The centre is the result of a unique cofunding partnership between the Freemasons Foundation, the charitable arm of freemasonry South Australia/Northern Territory, and the University of Adelaide.

The centre's mission is, firstly, to support a comprehensive research program to improve men's health; secondly, to support an early career researcher development program; and, finally, to translate research knowledge to increase public awareness and to inform health policy and practice. Since 2007, the Freemasons Foundation has contributed \$3 million to the centre which has been matched by the University of Adelaide. I acknowledge all freemasons who have been behind the scenes fund-raising in their communities to support the important work of the Freemasons Foundation and the Freemasons Foundation Centre for Men's Health.

The centre takes a multidisciplinary approach to research. It brings together experts from health, the medical sciences, the social and behavioural sciences, engineering and the professions to collaborate in the interests of men's health. The centre supports a network of researchers at the University of Adelaide and the South Australian Health and Medical Research Institute, and the network extends to the other two South Australian universities, the CSIRO and our health services.

The centre collaborates with centres of research excellence nationally and internationally, and for this reason it is world renowned. It is the only multidisciplinary men's research centre in Australia. Across the country, there are many centres specialising in various aspects of men's health,

such as mental health or reproductive health, but not one centre that covers such a breadth of specialities relevant to men's health like the centre we have at Adelaide University.

The research undertaken by the centre also has implications for women's health and children's health. Last month, one of the country's leading prostate cancer researchers and founding member of the centre, Professor Wayne Tilley, and his colleagues were awarded the first ever combined grant from the Movember Foundation and the National Breast Cancer Foundation to transform the way that breast and prostate cancers are treated, recognising that the two cancers share many similarities.

The centre is working with the Robinson Research Institute to educate fathers on how poor health influences the health of their sperm and the subsequent health of offspring. Hopefully, these examples give an idea of the significance of the research currently being undertaken by the centre. The centre's program also focuses on social determinants of ill health and populations of men at greater health disadvantage, including farmers and Aboriginal men. My colleague the member for Florey and I are proud members of the board of patrons and have been serving the foundation in that capacity.

Senior endocrinologist Professor Gary Wittert has provided great leadership in his role as director. His contribution to the success of the centre cannot be overstated, and he is without doubt a world authority on men's health. Also, I would like to make particular note of Mr Robert Clyne OAM, the foundation's executive director, and his role in establishing the centre and its ongoing success. The centre has produced more than 300 scientific articles in peer-reviewed literature over the last 10 years and therefore influenced both health policy and health practice.

I would also make particular mention of the centre's MAILES study—which stands for Men Androgen Inflammation Lifestyle Environment and Stress—the most comprehensive study of men's health and wellbeing with ageing. It involves men living in the northern and western suburbs of Adelaide. The centre's early activity contributed to the development of South Australia's men's health strategic framework from 2008 to 2012.

Finally, the centre contributes to the training and employment of South Australians. The centre has trained nearly 18 early career research fellows, many of whom are now leading their own research programs here and interstate. On behalf of the South Australian parliament, I would like to congratulate the Freemasons Foundation Centre for Men's Health on reaching its 10-year milestone and on its important contributions to this state and to the health and wellbeing of men in our community.

### *Bills*

## **STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL**

### *Introduction and First Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:38):** Obtained leave and introduced a bill for an act to amend the Expiation of Offences Act 1996, the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

### *Second Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:38):** I move:

That this bill be now read a second time.

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

Leave granted.

Road traffic laws and regulations are central to keeping our roads safe by preventing and minimising the needless deaths and injuries which each year afflict the South Australian community.

These legislative changes enhance existing road safety measures and promote the smooth and efficient flow of traffic on our roads.

We live in an age marked by constant change, progress and transformation. New knowledge is being generated and practically applied at an unprecedented rate. The way we do things, the technologies we use, and how we apply them are constantly evolving in response to new realities.

If safety on our roads is to continue to improve and our roads are to work the best they can, then the laws which support their operation must also remain effective and relevant and be responsive to these new realities.

The Statutes Amendment (Transport Portfolio) Bill 2017 has been drafted to achieve these objectives and ensure the *Road Traffic Act 1961*, the *Motor Vehicles Act 1959* and the *Expiation of Offences Act 1996* continues to support the effective, reliable and responsive operation of our transport and road safety systems.

This Government has progressed a number of transport initiatives to improve and modernise the laws which underpin our transport and driver licensing systems to make them better, faster and fairer. This work has resulted in the identification of further ways things can be done better, more effectively and with greater efficiency.

The Bill I introduce today is about making the laws which regulate our transport and licensing systems, better, fairer, faster and reflective of what community want and expect of government.

The opportunity to discuss these measures in detail will arise in the course of debate, but today I would like to take this time to outline to Members how the measures in this Bill will change the way we do things and will significantly benefit our community.

The first of these measures deals with section 79B of the Road Traffic Act that sets out the procedure by which expiations for offences detected by safety cameras are processed.

Each year, over one quarter of a million expiation notices are issued by the SA Police for offences detected by safety cameras. In over twenty percent of cases, these expiation notices are transferred from the vehicles owner to another driver. Currently, the procedure for an owner to inform the SA Police that another person was driving the vehicle at the time of the offence requires the provision of a formally hand signed & certified statutory declaration.

This is a huge administrative burden for both vehicle owners and the SA Police as the procedure greatly inconveniences members of the public who, to nominate another person, must fill in a statutory declaration, find a Justice of the Peace, or Commissioner for Taking Affidavits, or a proclaimed police officer or a Notary Public, to witness their document and then mail the written form to the SA Police.

This is a procedure better suited to the nineteenth century than the twenty first, where public services are increasing being delivered online, consistent with the Premier's *Digital by Default Declaration*.

This Bill provides a better way of doing this—by simplifying the process so owners can nominate, another person as the driver of a vehicle which committed the offence on line or in writing rather than by a written statutory declaration.

If needed, Police will be able to require a person who makes a nomination to verify the information via a statutory declaration.

The Bill also creates the offence of providing a nomination statement that is false or misleading. This offence will carry a maximum penalty of \$25,000 or four years imprisonment. Minor consequential amendments to the Expiation of Offences Act will also be made to reflect the introduction of this new nomination process.

Amendments will also enable local government to accept nominations rather than statutory declarations to process expiation notices issued for parking offences.

The second matter the Bill addresses also relates to section 79B; specifically the provision which enables a body corporate (a company) which is the registered owner or operator of a vehicle detected by a safety camera committing an offence to pay the expiation and a fee (currently \$300 or \$600) in lieu of nominating the driver who consequently will not incur demerit points.

This provision was originally put in place to cover off those circumstances where a company genuinely could not identify and therefore nominate a driver. However in the five years between the 2012-13 and 2016-17 financial years nearly one quarter of a million expiation notices were issued to bodies corporate and in about 50 percent of cases the company did not nominate the person driving the vehicle at the time of the offence.

This equates to an average of 1,800 incidents a month where companies elected to pay the expiation and additional fee for safety camera detected offences, and the driver escaped incurring demerit points.

Mr Speaker in this day and age given the regulatory environment companies must operate in and, in particular, their obligations under taxation, occupational health and welfare legislation, and the statutory requirements associated with the exercise of directors' duties and good governance, reputable companies can account for the whereabouts of their vehicles and who are driving them. It is very rare that the driver of a vehicle on a particular day cannot be identified and section 79B will continue to provide for such genuine circumstances.

However, it is simply wrong that some companies can, and do, shield unsafe drivers who break the law by speeding, running red lights and in some case both, from the appropriate consequences of their actions. This puts all other road users at risk and it is simply unfair that ordinary member of the community who accept responsibility for their actions and do the right thing are treated differently to corporate vehicles.



The Bill proposes to address these abuses by providing an incentive which reinforces the obligation of bodies corporate to do the right thing. The penalty which applies to bodies corporate will now be set at five times the expiation amount for the offence rather than the current arrangement of the expiation plus a \$300 or \$600 fee. This amendment will bring South Australia in line with the corporate multipliers in other jurisdictions.

The third matter the Bill addresses is the way expiation notices for first and second offences for driving an unregistered or uninsured or both vehicle are dealt with.

Schedule 1 of the Motor Vehicles Act provides a seven day grace period from when the first and second camera detected registration offences are issued to the vehicle's owner. The gap is to allow natural justice for the recipients; a person may travel the same route daily and could easily amass numerous fines before receiving the first expiation by mail.

The number of photographic detection devices, and timeframes for mail delivery have increased in recent years thereby undermining the provision's effectiveness. The Bill proposes to address this by extending the grace period to 14 day between first and second offences.

The fifth and sixth matters the Bill specifically addresses deal with are the provisions which enable SA Police to impose an immediate loss of licence for high level drink driving and excessive speeding offences which pose a real and present danger to other road users.

The current provisions make it difficult to revoke an immediate loss of licence if it is issued to the wrong person, defective or it is later determined it should not have been issued. Currently, immediate loss of licences can only be withdrawn on application to Court and on application of the person on the notice. This is a cumbersome process and is not consistent with the principles of natural justice, administrative efficiency or good governance.

The Bill proposes to address these matters by amending section 47IAA of the Road Traffic Act to enable the Commissioner of Police to authorise the withdrawal of a notice if it has been given in error, defective or should not have been given in the first place. The new provisions will also enable the Commissioner to, in appropriate circumstances, authorise a fresh notice to be given. If a fresh notice is issued any period of licence disqualification already served must be taken into account.

The use of immediate loss of licences has also given rise to some procedural issues for courts, in calculating disqualification periods, during sentencing. The Bill streamlines this process by enabling a Court to backdate the period of licence disqualification it imposes to the commencement of any applicable period of loss of licence previously issued by the Police.

The seventh matter this Bill seeks to remedy is the disruptions, delays and road safety risks which arise on the arterial road network when light vehicles are illegally parked in clearways, bus lanes and bicycle lanes.

Clearways, bus lanes and bike lanes are critical for keeping traffic moving on the State's arterial road network, especially during peak periods, but when they're blocked by illegally parked vehicles they cause bottle necks, delays and may encourage dangerous manoeuvres by motorists, such as, swerving into other lanes to avoid these obstacles.

This initiative, which is part of the State Government's *Operation Moving Traffic* project, provides an additional mechanism to remove illegally parked light vehicles that cause these obstructions.

Data from the Department of Planning, Transport and Infrastructure, obtained through traffic counts, indicates that the number of vehicles on our roads has steadily increased over the last ten years at a rate of 1.7% per annum. Therefore, as this increase is cumulative the effects of vehicles contravening a clearway, bike lane or bus lane on congestion will continue to escalate year by year. On a South Australian road that is at full capacity it is calculated that every one minute of obstruction leads to up to four minutes of congestion affecting our motorists.

The value of keeping lanes open, especially during busier times, is more than evident in the benefits already achieved by extending clearway times along Greenhill Road – saving motorists up to one minute in some sections. Whilst a minute doesn't sound like much, it can often feel longer for a motorist waiting at traffic lights or in a queue of cars.

Based on a model similar to that used in New South Wales, the Bill will provide for the removal of light vehicles that are in breach of a clearway, bus lane or bike lane on a prescribed road. It is proposed that this work will be carried out by an independent towing operators contracted by the Department of Planning, Transport and Infrastructure.

Vehicles will be removed to a convenient place such as a nearby street, within a one kilometre radius of where each vehicle was illegally parked, that is considered safe, unlikely to cause further obstruction and not in contravention of other traffic or parking laws. The vehicle will be secured by the towing contractor, with a charge for the tow to be imposed. Where no convenient place is available or the vehicle cannot be secured, it will be towed and stored at a depot.

Tow away signs that will be placed at clearways, bus lanes or bike lanes on prescribed roads will provide drivers with the contact information to obtain details of where a vehicle has been towed to. A letter will also be sent to the registered owner of the vehicle advising of the location to which the vehicle has been towed and the amount owing for the tow.

Under this scheme the registered owner of an unattended light vehicle parked in contravention of a clearway, bike lane or bus lane will be charged for the cost of the tow. This cost is estimated to be approximately \$180. This will be recoverable as a debt against the registered owner.

This initiative, which is supported by the Local Government Association, South Australia Police, the Royal Automobile Association and the Adelaide City Council, will benefit our community by improving travel times, keeping traffic moving and making our roads safer.

The eighth initiative which will be progressed by this Bill are changes to the *Motor Vehicles Act 1959* directed at improving road safety by ensuring all licence holders gain the requisite driving experience at each licensing level. Currently, when a learner's permit, provisional, or unrestricted driver's licence is suspended, but not cancelled through disqualification, the time spent on suspension continues to count towards the minimum periods a person is required to hold that licence or permit.

The amendment put forward in the Bill will enable the Registrar of Motor Vehicles to *stop the clock* so that any period the licence is suspended cannot count towards satisfying the minimum time periods the person must hold a licence.

This measure will contribute to better road safety outcomes by ensuring all applicants for driver's licences put in the required hours and gain the practical driving experience they must have before they can progress to the next licensing level for a light vehicle or gain a higher licence classification such as those required to safely and competently operate heavy vehicles, buses, semi-trailers, prime movers or road trains.

Finally, the Bill inserts a new section into the Road Traffic Act that will enable councils to fix their own expiation fees for certain offences prescribed by regulations. It is intended that certain parking offences, such as the Australian Road Rules offences of overstaying time in a parking space and failing to pay the meter fee or obey instructions, will be among those offences prescribed by regulations. It is also intended that the regulations will specify that any fee set by a council must be lower than the fee set by State Government.

This new section has been developed in response to a request from Adelaide City Council to reduce the amount of parking expiation fees. Under this measure, councils will be able to choose whether to fix lower fees or to keep those set by the State Government.

This Bill has been developed from proposals put forward by the Department for Planning Transport and Infrastructure, South Australia Police, the Royal Automobile Association and the Adelaide City Council.

Mr Speaker, this Bill will deliver fairer outcomes for all South Australian by better aligning road traffic, motor vehicle and licensing legislation and regulations with the principles of natural justice, contributing to the reduction of traffic congestion, and cutting cut red tape.

I commend this Bill to members.

#### Explanation of Clauses

##### Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Expiation of Offences Act 1996*

4—Amendment of section 11—Expiation reminder notices

5—Amendment of section 11A—Expiation enforcement warning notices

6—Amendment of section 16—Withdrawal of expiation notices

The amendments made by these clauses to the Expiation of Offences Act are consequential on the amendments to section 79B(2) of the Road Traffic Act made by this measure—see clause 20.

##### Part 3—Amendment of *Motor Vehicles Act 1959*

7—Amendment of section 5—Interpretation

This clause amends section 5 to provide that for the purposes of the Act (other than section 81A), in determining the period for which a person has held a licence, learner's permit, foreign licence, interstate licence or interstate learner's permit, any period during which the person's licence or permit has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

## 8—Amendment of section 81A—Provisional licences

This clause amends section 81A to provide that for the purposes of that section—

- (a) in determining the period for which a person has held a P1 licence or P2 licence or whether a person has completed a P1 qualifying period or a P2 qualifying period, any period during which the person's licence has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision); and
- (b) in determining the period for which a person has held a non-provisional licence or non-provisional interstate licence, any period during which the person's licence has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

## 9—Amendment of section 81AB—Probationary licences

This clause amends section 81AB to provide that for the purposes of that section, in determining the period for which conditions imposed under section 81AB have been effective on a licence, any period during which the licence has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

## 10—Amendment of section 81E—Circumstances in which licence will be subject to mandatory alcohol interlock scheme conditions

This clause amends section 81E to provide that for the purposes of that section, in determining whether the mandatory alcohol interlock conditions of a person's licence have been effective for the prescribed period, any period during which the person's licence has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

## 11—Amendment of section 81G—Cessation of licence subject to mandatory alcohol interlock scheme conditions

This clause amends section 81E to provide that for the purposes of the section, a person ceases to hold a licence if the licence is suspended under the Act or another law of this State, and in determining a period for which mandatory alcohol interlock scheme conditions have applied in relation to a person, any period during which the person's licence has been suspended under the Motor Vehicles Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

## 12—Amendment of section 83—Consequences of certain orders or administrative actions outside State

This clause amends section 83 so that if the Registrar becomes aware that a person's licence or other authority to drive in another State or Territory has been suspended, the Registrar must refuse to issue a licence or learner's permit during the period of suspension. It also amends the section to provide that if the Registrar becomes aware that a person's licence or other authority to drive in another country has been suspended, the Registrar may refuse to issue a licence or learner's permit during the period of suspension.

## 13—Amendment of Schedule 1—Evidence obtained by photographic detection device

Schedule 1 clause 2 of the Motor Vehicles Act currently provides that if—

- (a) the registration of a motor vehicle has expired; and
- (b) a person is given an expiation notice for an offence against section 9 or 102 of the Act (a registration offence) detected by means of a photographic detection device; and
- (c) since the vehicle was last registered, that person has not been charged with, or been given an expiation notice for, a registration offence arising out of a different incident involving that vehicle,

the first offence subsumes all other camera detected registration offences involving that vehicle and committed by that person within 7 days of the date of the commission of the first offence.

This clause amends Schedule 1 clause 2 so that the period during which offences are subsumed is increased from 7 days to 14 days.

Part 4—Amendment of *Road Traffic Act 1961*

## 14—Amendment of section 40J—Direction to move vehicle if danger, obstruction or unlawfully standing on road

This clause amends section 40J to empower an authorised officer to direct the driver or operator of a light vehicle that is standing unlawfully on a portion of a prescribed road that is a prescribed place to move the vehicle or do anything else reasonably required to ensure that the vehicle is not unlawfully standing on a road.

## 15—Amendment of section 40L—Manner of giving directions under Subdivision

This clause amends section 40L to allow directions to be given to a driver orally, by telephone or electronic mail, by means of a sign or signal (electronic or otherwise), or in any other manner.

## 16—Substitution of heading to Part 2 Division 5 Subdivision 3

This clause substitutes a heading.

Subdivision 3—Power to move or remove vehicles if danger, obstruction or unlawfully standing at certain places

## 17—Insertion of section 40NA

This clause inserts new section 40NA.

## 40NA—Removal of unattended vehicles unlawfully standing at certain places

Subsection (1) empowers an authorised officer who believes on reasonable grounds that a light vehicle is unattended and unlawfully standing on a portion of a prescribed road that is a prescribed place to authorise a person to remove the vehicle by moving or towing it away.

A vehicle must be removed to a place (not being more than 1 kilometre away from the place where the vehicle was found unattended) that, in the opinion of the authorised officer, is the nearest convenient place at which the vehicle may lawfully stand without—

- causing harm, or creating a risk of harm, to public safety, the environment or road infrastructure; or
- causing or being likely to cause an obstruction to traffic or any event lawfully authorised to be held at that place; or
- obstructing or hindering, or being likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the place.

If, in the opinion of the officer, there is no convenient place within 1 kilometre from the place where the vehicle was found unattended at which the vehicle may lawfully stand or the vehicle cannot be secured against theft of the vehicle or its contents, the officer may authorise a person to remove the vehicle by moving or towing it to a place that is used as a repository for vehicles that are removed.

Subsection (2) empowers an authorised officer to authorise a person removing a vehicle to enter the vehicle for the purpose of removing it, or in the case of a combination, to separate any or all of the vehicles forming part of the combination for the purpose of removing any or all of the vehicles.

Subsection (3) provides that a person engaged to move or tow away the vehicle may take such action as is necessary or reasonable to facilitate the moving or towing of the vehicle in a manner that does the least damage to the vehicle.

Subsection (4) provides that a person engaged to move or tow away a vehicle must not remove the vehicle unless there is in force a current policy of public liability insurance indemnifying the owner of the vehicle being removed in an amount not less than the prescribed amount in relation to any damage to the vehicle or other property belonging to the owner of the vehicle caused by, or arising out of, the driving or towing of the vehicle in connection with its removal. A maximum penalty of \$10,000 is fixed for a contravention.

Subsection (5) requires a person engaged to move or tow away a vehicle to—

- take all reasonable steps to secure the vehicle against theft of the vehicle or its contents; and
- take all reasonable steps to ensure that the vehicle is not damaged by moving or towing it; and
- take photographs showing the condition of the vehicle at the place to which it had been moved or towed.

Subsection (6) requires the owner of a vehicle that is removed by towing to pay the Minister a tow-away charge of an amount determined by the Minister.

Subsection (7) requires a tow-away charge to be paid within the period and in such manner as is determined by the Minister.

Subsection (8) provides that a person engaged to tow away a vehicle must ensure that a written notice specifying the tow-away charge payable by the owner of the vehicle and the period within which it must be paid is attached to the vehicle after it has been removed.

Subsection (9) empowers the Minister to waive or reduce a tow-away charge if satisfied that it is appropriate to do so in a particular case.

Subsection (10) enables the Minister to recover a tow-away charge as a debt.

Subsection (11) defines *authorised officer* and *prescribed road*.

## 18—Amendment of section 40P—Notice of removal and disposal of vehicle if unclaimed

This clause amends section 40P to require a person who removes a vehicle under section 40N or proposed section 40NA to give the owner of the vehicle notice in the prescribed manner forthwith of the removal of the vehicle, the place to which it was removed, the amount of any tow-away charge payable and the period within which it must be paid.

## 19—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause amends section 47IAA so that if—

- (a) a period of licence disqualification or suspension has applied to a person as a result of having been given a notice of immediate licence disqualification or suspension under the section; and
- (b) a court convicts the person of the offence to which the notice relates or another offence arising out of the same course of conduct; and
- (c) a mandatory minimum period of disqualification would (apart from subsection (9)) be required to be imposed for the offence,

then—

- (d) the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined by the court (and if the person is the holder of a driver's licence, the disqualification operates to cancel the licence from the commencement of that period); and
- (e) despite any other provision of this or any other Act, the court must, in determining the period, take into account the period of licence disqualification or suspension that has applied to the person as a result of the notice and may for that purpose—
  - (i) if the relevant period of licence disqualification or suspension under the notice has not ended, order that the period imposed be taken to have commenced on the day on which the relevant period commenced (provided that the period imposed is not less than the mandatory minimum period of disqualification); or
  - (ii) if the relevant period of licence disqualification or suspension under the notice has ended, impose a period that is less than the mandatory period of disqualification (provided that the period imposed is not less than the difference between the mandatory minimum of disqualification and the period that has applied as a result of the notice),

and if the person is the holder of a driver's licence, the licence will be taken to have been cancelled—

- (iii) where subparagraph (i) applies—from the day on which the order of the court is made; or
- (iv) where subparagraph (ii) applies—from the commencement of the period of disqualification ordered by the court.

New subsection (19) allows the Commissioner of Police to authorise the withdrawal of a notice of immediate licence disqualification or suspension if satisfied that it should not have been given because it was given to a particular person in error, or the notice is defective, or there is other proper cause for which it should not have been given.

New subsection (20) provides for the withdrawal of a notice of immediate licence disqualification or suspension to be given in a manner and form determined by the Commissioner of Police.

New subsection (21) provides that a notice of withdrawal must specify the reasons for the withdrawal.

New subsection (22) empowers the Commissioner of Police to authorise the giving of a fresh notice of immediate licence disqualification or suspension if satisfied that there are proper grounds for doing so.

New subsection (23) requires the Commissioner of Police to notify the Registrar of Motor Vehicles of the withdrawal of a notice of immediate licence disqualification or suspension or the issue of a fresh notice.

## 20—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B to increase penalties, expiation fees and to alter the process for nominating another person as the driver of a vehicle involved in the commission of an offence detected by means of photographic detection devices.

The maximum penalty for an offence against subsection (2) (being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence) is increased to \$10,000 for a body corporate and to \$5,000 for a natural person. The expiation fee for an offence where the owner is a body corporate is increased so that it is the amount obtained by multiplying by 5 an amount equal to the expiation fee, or sum of expiation fees, for the alleged offence or offences where the person is a natural person.

The nomination process is altered so that instead of furnishing the Commissioner of Police with a statutory declaration stating the name and address of some person other than the owner who was driving the vehicle at the time of the alleged offence, the owner must give the Commissioner of Police a nomination stating the name and address of some other person who was driving the vehicle. The nomination is to be made in a manner and form approved by the Minister and be given to the Commissioner within 28 days after the owner is given an expiation notice or summons (as the case may be), or within such longer period as the Commissioner may allow if satisfied that exceptional circumstances exist in the particular case. The Commissioner may require information in a nomination to be verified by statutory declaration.

New subsection (13) empowers the Commissioner to permit a nomination to be withdrawn and a new one to be made if the Commissioner believes the original nomination was made in error.

New subsection (14) provides that a person must not, in making a nomination for the purposes of section 79B, make a statement that is false or misleading in a material particular. The maximum penalty is a \$25,000 fine or imprisonment for 4 years.

#### 21—Amendment of section 174A—Liability of vehicle owners and expiation of certain offences

The amendments made to section 174A by this clause are consequential on the amendments to section 79B(2) of the Act made by this measure—see clause 20.

#### 22—Insertion of section 174CA

This clause inserts new section 174CA.

##### 174CA—Council may fix expiation fees for offences against prescribed provisions

Subsection (1) empowers a council to fix expiation fees for alleged offences against provisions of the Act or regulations prescribed by regulation that are committed within the area of the council. The council can vary or revoke the fees that it fixes.

Subsection (2) provides that a council must fix, vary or revoke such expiation fees in a manner and form prescribed by regulation and in accordance with the regulations.

Subsection (3) provides that an expiation fee fixed by a council under this section in relation to a provision of the Act or regulations applies to alleged offences against that provision committed within the area to which the fee applies despite any expiation fee that might be fixed for an alleged offence against the provision under another provision of the Act.

Subsection (4) provides that this section applies despite any other provision of the Act.

Subsection (5) empowers the Governor to make regulations dealing with matters relating to the fixing, varying or revoking of expiation fees under this section.

Debate adjourned on motion of Mr Knoll.

### **CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL**

#### *Committee Stage*

In committee (resumed on motion).

Clause 8.

**Mr KNOLL:** I have a number of questions in regard to clause 8.

**The CHAIR:** You are already up to your second question, so I am wondering how you are going to ask more than three.

**Mr KNOLL:** Well, the clause is in 10 parts. At the moment, the Ombudsman takes complaints from prisoners; in fact, in 2016-17 he took 691 complaints from prisoners. How does the minister envisage that the Ombudsman will work with the official inspector, and are there going to be any changes to the Ombudsman's functions once we have the official inspector regime in place?

**The Hon. C.J. PICTON:** As the member referred to in his second reading contribution, there are a large number of prisoner complaints that occur. That is something that I have certainly learnt since becoming the Minister for Correctional Services, and I think even the shadow minister would receive a significant number of complaints. As he has alluded to, there are a large number of complaints that go to the Ombudsman, and obviously a lot of those will go to the visitors as well.

As I understand it, there is no provision in this bill to change the role of the Ombudsman and it will be up to them to determine the manner in which they deal with complaints before them. I understand that some of them currently would be referred to the department for investigation, and

they could of course ask for the visitors to look into things, if that is what they wanted to do, but probably the Ombudsman would want to look into the majority of those complaints themselves.

**Mr KNOLL:** If I can move on, this is a central concern that has been expressed in relation to the efficient inspectors scheme and one I would like to get to the bottom of. What we are doing is giving powers here to the official inspector. In new section 20E, we are providing the ability for the official inspector to provide information or produce a document that may be relevant to the official inspector's functions. Essentially, there is a maximum penalty of \$5,000 for noncompliance. So they are quite serious, the powers the official inspector is going to have, in that they can essentially set a date and time and you have to produce the document; when you do not, you can be fined up to \$5,000. The Law Society raise a number of issues in their submission and state:

...section 20E could require the provision of case sensitive information and amount to an infringement on the right to silence. In the circumstances, the powers to be exercised by an official inspector to require information to be provided, where such information relates to the prisoner, should be confined to circumstances where the prisoner has provided informed consent.

The first part of my question is: is it limited to where a prisoner provides informed consent? The society also states:

The provision does not appear to provide any limitations on the use that the inspector may make of any documents produced.

Again, it suggests that the scope should be reduced. The two questions I ask on this section are: what limitations are there on the information that is provided and is information only needed to be provided where a prisoner has given informed consent?

**The Hon. C.J. PICTON:** I am advised that in terms of the powers in terms of obtaining information by the inspectors, obviously we want them to be broad powers so that they are able to obtain the information they need to undertake that work. This provision has been drafted to mirror the provisions that the parliament had already agreed to in terms of the inspections under the Youth Justice Administration Act 2016. While both of these sets of provisions, which I understand mirror each other, are broad, they are only for the purposes of the act, which I guess is the important limitation in terms of their power to request information.

**Mr KNOLL:** Again, this does not answer my question. Where in this legislation does it restrict how the official inspector will be able to use the information that he gets from the variety of sources from which he is able to request information?

**The Hon. C.J. PICTON:** I am advised that the use of the information is only able to be used for the purposes for which it has been obtained under the act. It cannot be used for any other purposes except for the purposes of this act, which obviously relates to the inspectors providing that important role of inspecting and monitoring our prison system.

**Mr KNOLL:** If it is only in relation to the use of this act, there are other changes that we are seeking to amend in relation to making it easier for DCS to hand over information to SAPOL in relation to potential offences that they become aware of in prison. We will get that part a bit later. However, part of the act requires DCS to hand over to SAPOL information around potential offences. That forms part of this act. What in this document stops the official inspector handing over all that information to SAPOL via DCS?

**The Hon. C.J. PICTON:** I am advised that nothing would necessarily limit the provision of information from one of the inspectors to SAPOL if that inspector was of the belief that this was in accordance with the objects and requirements of this act. So, if it was within those purposes, then information could be provided over to SAPOL if that was appropriately decided by the inspector that that should happen.

**Mr KNOLL:** Would documents that are obtained by the official inspectors that are subject to legal professional privilege also be included in this section? Could they be required to be handed over to the official inspector and then subsequently to DCS and SAPOL?

**The Hon. C.J. PICTON:** Thank you to the member for that. We welcome the former member for Schubert to the chamber to see his protégé here debating this bill. 'Doing a good job,' we hear from the rafters.

*Mr Knoll interjecting:*

**The CHAIR:** No, it suits you to be offended by this remark, but on other days you are happy to acknowledge he is there. So let's just keep our mind on the job. Minister.

**The Hon. C.J. PICTON:** I am sure the deputy leader would love to discuss this at length if she were here, but I am advised that there is a whole range of different common law powers about legal professional privilege that would not necessarily be negated by the provisions of this act. I am also advised that it is quite a complicated question and perhaps we would be happy to provide more information between the houses on that point.

Clause passed.

Clause 9.

**Mr KNOLL:** This is the clause that we will be opposing quite strongly. Again, there is nothing that was put in the government's second reading speech. In fact, there was no mention of this amendment in the second reading speech by the government. It was only in the explanation of clauses that you get down to where they had to admit that this was put in.

This is a clause that DCS and the previous minister were not aware of, then gave incorrect evidence to the select committee to say that they did not breach it, then had to come back and backtrack and say that they did breach it, and then say that they no longer breach it. Now, because this pesky little clause is getting in their way, they are seeking to get rid of it. This will allow any prisoner to be housed in a prison cell for any length of time. You can get somebody who has life imprisonment who will spend that entire time in a police cell. That is not appropriate.

Getting rid of this section means that we are going to house people in circumstances that are not appropriate and not safe for either the prisoner or the prison officer. This is also likely to lead to more unrest. There is no practical reason why we need to get rid of this clause. There are 1,200 prisoners on remand at the moment who could occupy one of these cells. The number of cells that are used in this case fluctuates. I think, from the latest information I had for 2017-18, 12 is the highest number of prison cells that have been in use. I know they have been used a lot more extensively in past years prior to the prison expansions.

This is nothing more than the government seeking to get rid of law that they find pesky to comply with. They have given no reason and no justification for why this clause needs to go. If the intent of this is undertaken—if the reason that we are getting rid of this clause is that the government wants to house sentenced prisoners in police cells for extended periods of time, which is why you would get rid of this clause—we are going to see adverse outcomes. In all good conscience, we cannot support this.

I note that every single stakeholder who has made comment on this clause says that it is inappropriate, including OARS, who will see this at the coalface more than the rest of us. That is why we cannot support this clause and will be opposing this amended clause.

**The Hon. C.J. PICTON:** Boy oh boy, what an overblown bunch of rhetoric that was from the shadow minister. To be saying things like, 'We're going to be seeing prisoners spend their entire life sentence in prison cells' is just completely over the top. I am advised that for a prisoner who has been placed in a police cell, the average time the person is in there is no longer than four days. Let's be very clear about what the law says at the moment. The law currently says that if you are a remand prisoner there is no limit on the amount of time that you can be in a police cell.

There is not a 15-day limit for remandees; there is no limit for remandees. There is only a limit in terms of sentenced prisoners, whereby if you have a sentence of fewer than 15 days then you can be in a police cell. If you have a sentence of more than 15 days, you cannot be in a police cell. This amendment I have to say is not part of the major thrust of this legislation and is certainly not one of the major things that we are hoping to achieve out of this. As with minor pieces of legislation, you do not usually mention them at the top of your second reading speech but you appropriately outline them in the bill and the explanation of clauses, as has happened here.

What we are seeking to do is to say, 'If you have a prisoner who is sentenced for more than 15 days, then there may be a circumstance where the department of corrections might want to hold



that person in a police cell for a very short period of time.' That is what we are trying to amend here, to enable that to occur. What the shadow minister has said in terms of there being this 15-day limit is not true because it does not apply to remand prisoners, which he remarked on himself, that there are a significant number of those people who fit those requirements. We have not seen large numbers of people from that category spending long periods of time in police cells when they could very much do that at the moment under the current law.

You might have a situation where somebody has been in a police cell on remand and they are sentenced. We have to take that person out immediately now under the current provision. It might be appropriate to have them there for a couple of days longer while their needs are properly assessed and we are working out the best place for them to go in the rest of the corrections system. That is one of the scenarios in which amending this legislation would help to focus the management of prisoners on what their actual needs are, rather than on whether they have been sentenced or whether they are a remandee, as to whether they can use a police cell.

Another point worth noting is that we certainly have no intention of wanting to use police cells. It is not something that we set out to want to do. It is something that we have to do from time to time, but our intention is to have people in better and more suitable accommodation and facilities within our corrections systems. As has been outlined, that is why we have been expanding Port Augusta Prison and that is why we are currently in the process of building an extension to the Mount Gambier Prison as well.

There is certainly no push from us needing to do this from a space management perspective. This is purely focused on being better able to focus on the actual needs of the prisoner and the management of the system rather than that arbitrary limit. It is certainly not a major part of the legislation. We note that the opposition is going to oppose it. We will see what the debate is like in the Legislative Council, but I have to correct some of those things that the shadow minister said.

The committee divided on the clause:

Ayes ..... 22  
 Noes ..... 15  
 Majority ..... 7

#### AYES

Atkinson, M.J.  
 Caica, P.  
 Digance, A.F.C.  
 Hughes, E.J.  
 Koutsantonis, A.  
 Piccolo, A.  
 Rau, J.R.  
 Wortley, D.

Bettison, Z.L.  
 Close, S.E.  
 Hamilton-Smith, M.L.J.  
 Kenyon, T.R. (teller)  
 Mullighan, S.C.  
 Picton, C.J.  
 Snelling, J.J.

Brock, G.G.  
 Cook, N.F.  
 Hildyard, K.A.  
 Key, S.W.  
 Odenwalder, L.K.  
 Rankine, J.M.  
 Vlahos, L.A.

#### NOES

Duluk, S.  
 Griffiths, S.P.  
 Pengilly, M.R.  
 Speirs, D.  
 Whetstone, T.J.

Gardner, J.A.W.  
 Knoll, S.K. (teller)  
 Redmond, I.M.  
 Treloar, P.A.  
 Williams, M.R.

Goldsworthy, R.M.  
 Marshall, S.S.  
 Sanderson, R.  
 van Holst Pellekaan, D.C.  
 Wingard, C.

#### PAIRS

Bignell, L.W.K.  
 Tarzia, V.A.

Pisoni, D.G.  
 Weatherill, J.W.

Gee, J.P.  
 Pederick, A.S.

Clause thus passed.

Clause 10.

**Mr KNOLL:** OARS in their submission said that if a prisoner wants to get involved in work as a remand prisoner that is a good thing, as it helps to give structure to their day and it has lots of positive effects in helping them to develop skills which they may not have had before. On reading this clause, I am wondering what 'work' actually means. Are we talking about having to scrub the floor as part of some sort of task that all prisoners are required to perform, or are we talking here about exclusively prison industries and those types of activities?

**The Hon. C.J. PICTON:** I think the short answer is no. Primarily, what we are looking to do is to have remandees involved in areas in which they are going to hopefully gain skills. I know he has been across our prison system and seen a lot of those work programs which are underway and which we are now exploring, and not just exploring—we are investing heavily in expanding a lot of those programs. The vast majority are involved in work that will hopefully lead to employment on the outside. This clause, as I understand it, will also allow more rehabilitation programs for remandees and other education—literacy, numeracy and vocational education—training programs.

Clause passed.

Clause 11.

**Mr KNOLL:** Here we are making changes to prisoners' mail. I think I will read this out:

The Bill does not take into account that there are many prisoners who are subject to part 8A of the Criminal Law Consolidation Act... relating to mental health provisions. For example, section 269W of the CLCA provides counsel for a defendant in criminal proceedings an ability to act in the exercise of independent discretion in what the counsel believes to be the defendant's best interests. In other words [this section] allows a lawyer to act contrary to the wishes of their client. The amendment of section 33 as proposed could result in corrections officers reading the mail of prisoners who do not want to nominate their lawyer, as he/she does not agree with what the lawyer is doing... That would give corrections officers access to highly sensitive, confidential information. Particularly, if the contents of the mail contains psychiatric reports.

My question first off is: in the changes that are being proposed, what provides for those people who, for mental health reasons, decisions made about them are handed over to counsel, or I assume that it could be guardians or caregivers as well? Where in these changes has that right or those opportunities been defended?

**The Hon. C.J. PICTON:** I think this is probably an amendment that in an ideal world you would not have, but unfortunately, particularly in a prison environment, there are people who try to use whatever potential loophole they can to work around the system. Unfortunately, I am advised, one of the areas in which that happens from time to time, and there is certainly a risk of it happening, is in regard to mail, where people might use the stationery of a law firm or a healthcare provider to try to conceal mail that is not legitimate and not for that purpose.

We absolutely understand that there would need to be safeguards around this and, presuming this were to be passed, we would need to work across the department to operationalise those, with safeguards in place, for those prisoners who have legitimate mail and to make sure that when that is identified as legitimate mail that is where it stops. But there needs to be a way in which we can identify when that is not the case and when people are trying to abuse the system and skirt around what is the clear intention of the parliament already in the legislation.

**Mr KNOLL:** Let me phrase the question like this and take one step back. If, for the reasons you have outlined, we are unable to stop mail being read, and I accept the comments made by the minister, what provisions are there that stop a DCS employee from disseminating confidential information once they have read it and realised that it is of a confidential or potentially legal privilege nature?

**The Hon. C.J. PICTON:** That would obviously form part of the policies the department would develop under this. For example, as I understand it, a policy is already in place for the department. At the moment, there are procedures for when there is accidental opening of legal letters, which obviously could happen from time to time. There would be notification to the prisoner and there would be notification to the lawyer of that occurring. Our intention would be that something similar would be

put in place for notification of that, were this amendment to pass, and appropriate procedures would be in place. Obviously, if people were to breach the procedures of the department, then that would be a breach of their responsibilities as a Correctional Services officer, and obviously there are ramifications that could come from that.

Clause passed.

Clause 12 passed.

Clause 13.

**Mr KNOLL:** This amendment relates to the power to monitor and record prisoner communication. There was quite a bit of angst, especially from the PSA, in relation to this clause and whether or not DCS or other staff who are caught up in the communications recording process are going to be recorded at all as part of these changes.

**The Hon. C.J. PICTON:** I am advised that the provision in this section of the bill is specifically between a prisoner and another person; therefore, it is not relevant to personal staff communications. What we are really focusing on here is communications involving the prisoner, for obvious reasons.

**Mr KNOLL:** Am I right in saying that, no matter what communication is being recorded, the parties to that communication will be notified in every instance that they are being recorded?

**The Hon. C.J. PICTON:** No. That is the current situation. The current situation, as I am advised, is that the law says that you have to be notified when a communication is to be recorded. What we are trying to do is remedy that because there are a number of instances where that is not at all practical. One example is if a prisoner is locked in their cell overnight, as the vast majority would be; their way of communication is via an intercom system.

At the moment, to record that you would have to inform the prisoner that they were going to be recorded through that intercom system. Obviously, we might want to record when there is an emergency phone call or something that might be investigated later, potentially even by the Coroner or someone. In an emergency call, it is not practical to have to inform somebody that they are being recorded. The question you have asked is actually what we are trying to remedy in this.

**Mr KNOLL:** How does this remedy correlate with the Surveillance Devices Act, which clearly states that consent is needed from the parties in private communications that are being recorded in whatever format? There is an exemption for defence of their own lawful behaviour.

**The Hon. C.J. PICTON:** I am advised that, in terms of that act, those provisions apply particularly to phone calls. We would still notify people that those phone calls are being recorded. If you were to receive a phone call from a prisoner, then you would be notified that those phone calls were being recorded. I understand that happens at the moment.

**Mr KNOLL:** Finally on this, there was some confusion. In the briefing that we were provided, it was stated that the reason we needed to have these changes was so that it would be easier for—let me try to explain it this way. DCS monitors and records, though there are some circumstances in which DCS is not able to give that information to SAPOL. Is that the only other remedy that is sought to be changed here?

**The Hon. C.J. PICTON:** I am advised that there are two different clauses: one is about removing the need for the notification and the other is about allowing easier information flow between the department and SAPOL. The department refers any suspected criminal matters to SAPOL for investigation. Section 35A(5) provides for the information to be provided to SAPOL; however, there is no clarity in the Correctional Services Act 1982 on providing evidence and information for purposes including criminal proceedings, national security, misconduct, etc.

The department currently relies on section 85C—Confidentiality, which in certain circumstances allows the disclosure of information. Further, depending upon the circumstances of each individual case, currently there may be the requirement for SAPOL to have a warrant or to have appropriately gathered information to be used in court as evidence. This is a matter for SAPOL, not DCS. The amendments in this bill provide certainty to DCS that it is appropriately able to provide a communication to a law enforcement or prosecution agency.

The amendment enhances the justice agencies' abilities to gather evidence and work together to prevent ongoing offending. It is worth noting as well that, as I understand it, it is not just SAPOL but also includes the Independent Commissioner Against Corruption, and he is very supportive of having that amendment so that he can receive information.

**Mr KNOLL:** In clause 13, new subsection (5a)(a)(iii) provides 'any other person or body prescribed by the regulations'. Do you have a draft list of which other agencies are going to be covered by the regulations?

**The Hon. C.J. PICTON:** The short answer is no. Probably it is going to involve some of the federal agencies, potentially ASIO. The federal government, as you would be aware, is going through a big change process in terms of its Department of Home Affairs; that has not been established yet, but we will have to see where that goes. I think it is appropriate to have an ability to have a regulation-making power there so that we do not have to go back through the parliament every time a federal government body changes, which seems to be quite rapid at the moment.

Clause passed.

Clauses 14 and 15 passed.

Clause 16.

**Mr KNOLL:** This is the section where we first have a discussion about correctional institution buffer zones. In essence, what we are trying to do is increase the series of offences for prisoners possessing certain items. Let's deal with possession of certain items by prisoners first. I assume that these penalties replace existing penalties. For instance, what we are doing here is replacing what would be an existing possession offence, an existing trafficking offence, and we are increasing the imprisonment from five years. Let's assume it is just a possession offence. Currently, what would the maximum penalty be for a possession offence in a prison?

**The Hon. C.J. PICTON:** I am advised there are a number of different things here. One is that you would have the offences that would apply if you were out in the general public, but a lot of the quantum involved in those are quite high and would not necessarily be reached in terms of a prison situation. That is why there are these particular provisions here. Some of the breaches at the moment involve those small quantities which are dealt with through the system, which corrections has the ability to do at the moment of issuing fines and things like that, which have been the subject of some discussion of late. This would be another avenue where we could take action in regard to some of those offences where it would not just be a fine but we could take other action.

**Mr KNOLL:** A possession offence for a small amount of cannabis may on the street just be a cannabis expiation notice or some sort of expiable summary offence, so here you want the ability to ratchet up those offences. That makes sense. If I can move on then to the offences by persons other than prisoners, first off—and it has been a few weeks since the briefing—in relation to the buffer zone, how does the government propose to deal with the Remand Centre and Yatala Labour Prison, in particular, in relation to how those buffer zones are going to be set?

**The Hon. C.J. PICTON:** We absolutely acknowledge that when you look at a number of our sites, as the member outlined, particularly including some in the Northfield area, we need to be very careful in ensuring that the buffer zones are set in such a way that we are not including people's houses as part of the buffer zones. They will be carefully set to ensure that we are not encroaching on people's backyards as part of a buffer zone. If anyone was concerned about that in the general public, we can put their mind at rest that we will make sure that private property is not being infringed in terms of people's backyards in that area.

**Mr KNOLL:** Going back to possession of certain items by prisoners, I assume that 'an item prescribed by the regulations for the purpose of this paragraph' is going to mean mobile phones, or all sorts of paraphernalia that would otherwise be legal on the outside. Firstly, are the items prescribed by the regulations for those outside prison going to include benign items like mobile phones? I am trying to think of a few other examples, but I will start with mobile phones.

**The Hon. C.J. PICTON:** To take that in a couple of parts, we intend to include mobile phones in the list of items, but there is the protection as part of this that, if you have it for a legitimate reason, then obviously that is not caught up in the offence. So if you are visiting a prison and have locked

your mobile phone in a car, as most of us do when we visit a prison site, that obviously does not quantify an offence in this circumstance. Mobile phones will be one of those things that will be listed there.

**Mr KNOLL:** Given the fact that, again in the same clause, a person who without the permission of the CE has possession of a controlled substance, what happens in the case of someone with, let's say—I do not know the colloquial vernacular here—a small amount of cannabis for personal use who walks up Grand Junction Road past Yatala Labour Prison? If they were walking 500 metres further up Grand Junction Road they may get a simple expiation, but if they happen to be walking past Yatala with the same amount of cannabis are they likely to have a maximum penalty imposed on them of up to 10 years?

**The Hon. C.J. PICTON:** There are a couple of things there. In terms of the provisions of this, a lot of that goes to the difference for what would be otherwise legal medication as well, so that needs to be considered as part of this. You might have a legitimate reason to have a legal drug, which, if you are a staff member, etc., would be appropriate for you to have. If it were found in a prison without a prescription then it obviously would not be appropriate and would not have the permission of the chief executive.

**Mr KNOLL:** That in no way answered my question. If I am walking past with a small bag of pot in my pocket 500 metres from Yatala and if I walk past Yatala and inside the buffer zone or into the car park at Yatala, am I going to be imprisoned for up to 10 years?

**The Hon. C.J. PICTON:** The short answer to that is yes. If you are inside the zone with a restricted item, then you are subject to the offences that we are proposing in the same way that buffer zones around schools operate at the moment. Obviously, we want to be careful about where we set those zones in the same way that we have to consider it for school zones as well. I am sure the court would consider the circumstance in setting the appropriate penalty for that in the breadth that they have been given. That is why it is an important element of this bill to have zones where those sorts of items cannot be allowed to enter.

**Mr KNOLL:** The minister talked before about a defence for legitimate purposes. I am struggling to find what the minister just talked about in the bill itself or the amendments. Is this some sort of common law offence?

**The Hon. C.J. PICTON:** In clause 17(3), new subsection (3) provides: 'A person who, without the permission of the CE or without lawful excuse'. That is the key provision there.

**Mr KNOLL:** My last question on this clause is: will the police officer decide whether the crime has been committed 'without lawful excuse' at the time of arrest or at the time of charging, or is this a defence that is going to be used in court?

**The Hon. C.J. PICTON:** In terms of all of our criminal law, it is a judgement for police and then prosecutors to make in terms of whether that has met both the offence and the defences available under the legislation. 'Without lawful excuse' covers things such as having a prescription for an opioid product or the like, and that would have to be weighed up by both the police and the prosecutors, and then ultimately the courts.

Clause passed.

Clauses 17 and 18 passed.

Clause 19.

**Mr KNOLL:** Does the minister have any awareness now of when the first review will be, let's say after this gets referred off to the Remuneration Tribunal?

**The Hon. C.J. PICTON:** The Remuneration Tribunal will be required to conduct its first determination within the first 12 months after the bill is passed.

Clause passed.

Clauses 20 to 22 passed.

Clause 23.

**Mr KNOLL:** This clause relates to release on parole by application to the board. It was presented to me in the briefing that there is a new offence of murder in some format that needs to be included and, instead of enumerating that, we are going to insert 'of a prescribed class'. My question is: why not simply include the offence? In doing this in this way, does this not just allow the government to much more broadly increase the scope of sentences, which are subject to this provision?

**The Hon. C.J. PICTON:** I am advised that the 'prescribed class' is in the legislation, and that includes offences relating to conspiracy to murder and aiding, abetting, counselling or procuring murder. It links to 77A, if you are looking for that.

Clause passed.

Clause 24.

**Mr KNOLL:** Frances Nelson raises this concern:

There is a possible difficulty regarding the amendment to Section 68(4). I think that opens a legal challenge where, for example, someone is imprisoned for Breach of Conditions, they might well argue that they were either incapable or unwilling to accept such Conditions, and therefore they are not bound by them, and could not be lawfully punished for reaching them.

Is that something that the government sees as legitimate?

**The Hon. C.J. PICTON:** I thank the member, and we also appreciate the comments from Frances Nelson QC in her commentary on this. The advice I have is that this is really about the type of prisoner this would apply to. We would be working with very specific types of prisoners under this provision, such as those who potentially might have a mental health condition or disabilities or other issues such as those, and not some of the people to whom that risk that Frances Nelson refers to in her letter might apply.

**Mr KNOLL:** Let me ask a question in this way, then, because the Law Society raises the same issue. We have a prisoner who has some sort of mental health condition and that person is not able to make decisions for themselves. We know that somewhere between 20 per cent and 50 per cent of prisoners come with a mental health condition, and in the female population that may be even higher. We know that outside of prison we have a guardianship system that allows other people to help make those decisions. What we are giving here is the ability for the CE to make those decisions on behalf of prisoners.

If someone has a mental health condition and they cannot of themselves understand or abide by the conditions that are set as part of the Parole Board's decision, how can we expect them to abide by it? Would it not be more appropriate for us to, for instance, open this up so that instead of just the CE we could be looking at some sort of other caregiver and give them the opportunity to accept these conditions upon the prisoner's behalf?

**The Hon. C.J. PICTON:** As the member alluded to, this is about those exceptional cases and it is where it is in the prisoner's best interest. It would only be taken where a prisoner has been assessed as suitable for parole and where continued imprisonment serves no reasonable purpose. It would not be appropriate for an individual such as a guardian to take responsibility and the burden of accepting parole conditions for an impaired prisoner. The position of the CE has been determined as appropriate and as having the requisite information to be able to make an informed decision. I understand that certainly that section of it has been supported by the Parole Board as well.

**Mr KNOLL:** Just on that, what guidelines will the CE be using to determine whether he sees fit to accept the parole conditions on behalf of the prisoner?

**The Hon. C.J. PICTON:** I understand that the CE will work across government with different agencies. We have the Exceptional Needs Unit, which will cover a number of the people who will be involved here. The Exceptional Needs Unit brings together agencies including Disabilities SA, SA Health, mental health, Correctional Services, non-government organisations and psychiatrists and psychologists to case manage prisoners and offenders and assist them in meeting the conditions of their order.

Support and assistance is provided to ensure the conditions of parole are suitable and can be met by the prisoner, that the prisoner can comply with their requirements, such as attending appointments, and that the prisoner understands their parole. That is the advice that the CE would have through this Exceptional Needs Unit in all those different agencies, and they are the criteria that they would be assessing that through.

Clause passed.

Clauses 25 to 27 passed.

Clause 28.

**Mr KNOLL:** Again, Frances Nelson raises a belief that a person should not be denied natural and proper justice. As I understand it, this provides for people not needing to be physically present proceedings before the Parole Board. I know that this is not done in other states, and I know, given the discussions I have had with Frances Nelson, that she believes her board is much better informed because people are interviewed in person, and that gives the board a much greater ability to make a proper determination on whether it is appropriate for individuals to be released on parole. Does the minister think that if people are denied that natural justice then it will lead to greater disputation of the decisions of the Parole Board?

**The Hon. C.J. PICTON:** There is currently an entitlement that you have to be physically present. What we are hoping to amend this to is that it would be up to the Parole Board. If the Parole Board wants prisoners to be physically present, then they are totally able to do that. If they are happy for the prisoner to be present via a video link, for which I understand the facilities are available, then that would be up to them to decide as well.

This is giving the Parole Board more opportunity to decide that based on the particulars of the case. We do not think that this would lead to significantly more appeals to the Supreme Court, but we certainly acknowledge the comments by Frances Nelson. As we said, it would be up to the board to decide on the particular circumstances of the prisoner.

**Mr KNOLL:** Can you confirm that only the Parole Board makes the decision about whether they require a prisoner to be present?

**The Hon. C.J. PICTON:** I am advised that the Parole Board can still decide whether or not they believe a particular prisoner should be physically present. That choice would be up to them.

Clause passed.

Clause 29 passed.

Clause 30.

**Mr KNOLL:** As I understand it, essentially this amendment provides for a broader range of decisions that will be sent off to the Parole Administrative Review Commissioner. I assume it is a different process from the normal Parole Board process. This amendment states:

(3) Section 77A, definition of reviewable decision—delete "serving a sentence of life imprisonment" and substitute:

of a prescribed class

Does that give scope for the government, through regulation, to put any and all decisions to the Parole Administrative Review Commissioner?

**The Hon. C.J. PICTON:** I am advised that we would not be able to add to that. This is the prescribed list of offences that would be under that provision.

**Mr KNOLL:** I have a question on the same clause but a different part of section 77A, which provides:

(ii) there are reasonable grounds to believe that the offender also committed a serious sexual offence against...(whether or not the offender was also convicted of the serious sexual offence);

Are we saying here that if someone is accused of committing a serious sexual offence—and it is likely this clause will be used because they have not been found guilty of it—they will also be sent off to the Parole Administrative Review Commissioner?

**The Hon. C.J. PICTON:** I am advised that the power does not introduce a new matter for judgement or punishment that has not previously been considered by the courts. Rather, this amendment allows the Parole Administrative Review Commissioner, a retired Supreme Court judge, to consider whether the evidence raised at the trial meets the standards.

**Mr KNOLL:** So this is a matter where somebody would have to have been charged and found not guilty?

**The Hon. C.J. PICTON:** I think the short answer is no. For example, if you were found guilty of murder and there also happened to be rape involved in that, that would be able to be considered as part of the analysis.

**Mr KNOLL:** What prompted the decision for this change?

**The Hon. C.J. PICTON:** What is being considered here is that these are obviously abhorrent crimes. I do not want to go through examples, but you may have a series of crimes that may involve a couple of people where perhaps one person was aiding and abetting the murder but was also involved in some awful sexual-related crimes, so all of that should be considered as well. The motive in looking at this was to take into account those crimes that really go to very horrific situations.

Clause passed.

Clauses 31 to 33 passed.

Clause 34.

**Mr KNOLL:** Proposed section 81T is seeking to have investigative powers for the chief executive. This seems quite strong and draconian and it is not something that is given to private sector employees. What is the need for this power? Where is the shortfall in what currently happens? I am trying to understand why this part of the clause has been put in.

**The Hon. C.J. PICTON:** I have a bit of information but, to start with, prisons being particularly different from a whole range of other places, I think there is a need for the chief executive to have some significant powers to investigate situations that might occur. This mirrors the powers that the public sector commissioner has under the Public Sector Act. Section 18 of that act empowers the commissioner to require a public sector employee to appear for examination, to produce a record or object and to answer truthfully and also to provide for a finding of misconduct for failure to comply and protects against self-incrimination.

It is also similar to provisions in the Police Complaints and Discipline Act 2016 that allow the internal investigations section to direct an officer to furnish information, produce property, a document or other record, and also provides for a breach of discipline if an officer refuses or fails to do so, or provides false or misleading information, and protects against self-incrimination. The bill proposes that the CE be able to commence an investigation, with the same allowances, powers and limitations as the public sector commissioner, into matters that have occurred subject to this act.

**Mr KNOLL:** I refer to the same clause but a different part. In relation to procedures for drug and alcohol testing, who will be conducting the drug tests and what will happen to the samples?

**The Hon. C.J. PICTON:** The testing is undertaken by SA Pathology. After the testing takes place, the samples, I am advised, will be appropriately destroyed.

**Mr KNOLL:** Is it the intention that prison health staff and subcontractors will also be subject to these provisions?

**The Hon. C.J. PICTON:** Potentially, any person engaged to work for the department under a contract could also be subject to drug and alcohol testing in some form. Section 4A of the act provides for the minister to designate a person to be an officer of the department, and section 4A(3) applies to contractors specifically. If required, the department could potentially include a clause in any contracts requiring persons working for or with DCS to be subject to drug and alcohol testing as part of that contract.



**Mr KNOLL:** It is proposed that drug testing of Corrections officers will occur after high-risk incidents. As explained to me in the briefing, that then triggers when a drug test will occur. New section 81Z obviously limits where the test results can be used. Does it stop those tests being used as evidence in a prosecution, let's say, when a Corrections officer is charged with assault?

**The Hon. C.J. PICTON:** The section is clear in terms of its wording:

...an admission or a statement made by a person relating to such drug or alcohol testing, is not admissible in any proceedings other than disciplinary proceedings under the Public Sector Act 2009.

**Mr KNOLL:** Would the minister contemplate testing for steroids or other testosterone-enhancing substances?

**The Hon. C.J. PICTON:** At the moment, testing is focused on the common drugs that are of concern, and these will be determined through consultation with SAPOL, the PSA and SA Pathology. No decision has been made to limit the testing to MDMA, cannabis and methamphetamines, so potentially other drugs could be considered in the future as part of that process. At the moment that is not necessarily the intention, but it could be considered in the future.

Clause passed.

Clauses 35 and 36 passed.

Clause 37.

**Mr KNOLL:** Can you explain the rationale for the change from 'family or a close associate of the prisoner' to 'immediate family'?

**The Hon. C.J. PICTON:** Essentially, our concern is that the current wording is too broad. 'Close associate' could include a range of people who should not necessarily be getting access to information. It could involve a club member of an outlaw motorcycle club or it could include a curious work colleague. We think that the definition should be tighter. We understand that there will be lots of circumstances in which it would be appropriate for more than just 'immediate family'. That is why there is a provision to enable the CE to approve other people to receive information. But, just a close associate, as we all are close associates in this building, is a very broad definition. I am sure the member for Schubert would not want me, as a close associate of his, to have access to his personal information.

**Mr KNOLL:** By that, is the minister suggesting that there is an automatic right that, for instance, if my brother is in prison I can request the release of information in relation to him even though he may not want me to have that information? Is there no prisoner consent?

**The Hon. C.J. PICTON:** The prisoner gets to decide. If your brother was in prison and he did not want you to have access to information about him, then that is totally his right to refuse you access to that.

**Mr KNOLL:** What you are essentially trying to remedy here is that where the prisoner wants it and where the CE does not want it, but where this person is a close associate, the CE has to release the information?

**The Hon. C.J. PICTON:** I am advised that at the moment the close associate has to apply for that information. Part of what we are trying to do here—and I am sure the member will be very keen on this—is deal with some of the red tape issues where approvals have to happen under the current legislation. In terms of the definition of 'close associate', as I said before, the concern is that that is just too broad and we should consider that on a case-by-case basis of approvals, rather than just allowing that to happen.

**Mr KNOLL:** Does the CE currently have the power to refuse to release information when the prisoner has consented?

**The Hon. C.J. PICTON:** I am advised that potentially that can and does occur, but it is probably at the more unusual end. Particularly in circumstances where we know of somebody's criminal links, the CE might take action to do that. What we are trying to remedy here is where we might not know about somebody's criminal links or where there might be a broader scope of people

who we might not want to have access to that information. The short answer to the question is yes, it can be refused. It does happen at the moment, but it is probably more at the rare end.

**Mr KNOLL:** I assume the reason we are doing this is to reduce the scope—and I assume they would be processing hundreds of these things a year. Why immediate family and why not, for instance, include caregivers or those in a significant relationship or a de facto situation or any other sort of relationship?

**The Hon. C.J. PICTON:** People who are in a caregiving relationship are exactly the sort of people we have in mind when we say that the CE would approve people who have a proper interest in that particular person. That would be caregivers or partners and people like that. A de facto partner would probably be counted as a family member—I would have to check that, but I would have thought so. That is why the term 'proper relationship' is the one used for that CE test at the moment.

**Mr KNOLL:** Where does 'proper relationship' exist in either the current act or the amendment?

**The Hon. C.J. PICTON:** What is listed is 'any other person who the CE thinks has a proper interest'. That is the test in the legislation. Further, I can advise that 'immediate family' is listed as a spouse or domestic partner; a parent; a grandparent; a child, including an adult child; a grandchild, including an adult grandchild; or a brother or sister.

Clause passed.

Clause 38 passed.

Clause 39.

**Mr KNOLL:** There is a concern from the PSA that this clause is going to extend the use of sniffer dogs into locker areas and other private areas occupied by Corrections officers. Is that how broad the extension of this amendment is?

**The Hon. C.J. PICTON:** I am advised that it is the intention that sniffer dogs could be used in a wide variety of situations, including in regard to an officer. I have to say that the first prison I went to after being sworn in as the minister was the Remand Centre, where I was sniffed by a sniffer dog. The minister is not listed in here, but I was happy to be sniffed by the sniffer dog.

**Mr KNOLL:** That is on *Hansard* forever.

**The Hon. C.J. PICTON:** That is right—and on video now as well. I am happy to report that there was nothing detected. When it comes to our correctional facilities, I think that all of us who visit, work or interact with correctional facilities need to understand that a high degree of scrutiny and accountability goes into those sites. Sniffer dogs is one of those.

Clause passed.

Clause 40.

**Mr KNOLL:** Are there any Correctional Services facilities that are within 5½ kilometres of the airport?

**The CHAIR:** Which airport?

**The Hon. C.J. PICTON:** Chair, you will be glad to know that in my brief here I have some notes saying that the Civil Aviation Safety Authority has existing regulations in place that provide guidance on the operation of remotely piloted aircraft such as drones. This is very important for everybody to know. These regulations already limit the operation of remotely piloted aircraft in built-up and populated areas. These rules would apply in areas surrounding the Adelaide Remand Centre, Yatala Labour Prison and the Adelaide Women's Prison.

So the short answer is, yes, absolutely. We would make sure that the use of any drones at correctional facilities already take into account that the Civil Aviation Safety Authority has restrictions in place there. I think that it is prudent for everybody to consider the CASA rules whenever they consider any public policy that they are determining. I endorse working with CASA and making sure that our policy and CASA requirements are harmonious because it is hard for a state government

body to change CASA requirements, as some people might seem to think if they wanted to, for instance, operate a drone at the West Beach Surf Life Saving Club.

**Mr KNOLL:** Does the minister accept that, if the Adelaide Remand Centre is within 5.5 kilometres of the Adelaide Airport, it would be possible under the existing interim regulations by CASA that a drone would be able to be operated as long as the operator held a remote drone licence?

**The Hon. C.J. PICTON:** I think we might be veering off the topic of the corrections bill. When you are devising policies regarding the operation of drones, you would have to comply with the CASA regulations. If you had a small drone, then there would be bans in terms of that being operated around an aircraft. It is only drones that are of a larger size that have a much more significant level of training and operation involved that would be able to be operated around an aircraft and have to comply with CASA directions around the operation and use of that.

I do not think that was quite what was envisaged a couple of weekends ago in regard to a different area of public policy. I do not think it was quite what was regarded. Back to the corrections bill, in regard to our sites that are in the Adelaide CBD area or within the location of an airport, there are restrictions that apply. At the moment, what we are seeking to do is to strengthen them even further, particularly those sites that might not be close to an airport to make sure that we can restrict the use and the threat of drones bringing contraband into our prisons.

**Mr KNOLL:** Where the drone is over two kilograms and the operator has a Remote Pilot Licence and where the Remand Centre is within 5.5 kilometres of the tower at Adelaide Airport, will we be able to operate a drone?

**The Hon. C.J. PICTON:** Do you mean under what we are proposing or generally?

**Mr KNOLL:** More generally.

**The Hon. C.J. PICTON:** Generally, yes. As the member knows, more generally, if you comply with the whole range of different requirements for the additional training, the additional compliance with CASA, the additional weight of the drone, then there is the possibility of operating near an airport. But when it comes to the veiled references we are making to the surf lifesaving announcement—

**Mr KNOLL:** I look forward to my apology coming.

**The Hon. C.J. PICTON:** There is no apology coming, I can assure you of that. I think it is always important that when people come out with policies that they think them through very carefully. I encourage the member for Schubert to do that when he comes out with his next emergency services policies.

Clause passed.

Schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. C.J. PICTON (Karna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (17:02):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 28 September 2017.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:04):** I rise to speak on the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2017. This was introduced on 28 September this year by the Attorney-General, essentially outlining an expansion of the role and the complaints function of the Judicial Conduct Commissioner. In South Australia, the Hon. Bruce Lander QC is the Judicial Conduct Commissioner, in addition to his role as the Independent Commissioner Against Corruption. The principal act was assented to in November 2015 and deals with complaints about the conduct of serving judicial officers.

The first annual report of the commissioner was required by 30 September 2017 and was tabled on 17 October this year. Fortunately, because there has not been the advancement of this bill, perhaps because the government had priority in relation to other bills, I have had an opportunity to read the annual report tabled by Mr Lander. I noticed that in June this year the Premier issued a new edict as to how annual reports are to be provided to the parliament and in what format. They now have to follow some standard precedent.

Although I could not identify in Mr Lander's report as Judicial Conduct Commissioner an indication that he was cognisant of that directive and was complying with it, because there is no apparent reference to it, I am pleased to say that he has provided a comprehensive report to the parliament on the obligations of his office, how he has conducted that office in the period since his appointment, and he has identified initiatives and legislative changes that he recommends. Obviously, it has a small budget and he has provided the annual financial statements, as we would expect to receive.

There are some graphic designs throughout it, which makes me wonder whether he has read the missive of austerity that has come from the Premier's office as to what is to be in and out of annual reports. I make the point that on 22 June this year the Treasurer tabled his report to the parliament, namely, the budget in South Australia in its multiple volumes. It is even thicker and longer than previous volumes that have been provided, and in that document it has for almost every agency that he has reported on, as to their prospective budget, a list of achievements.

Perhaps the Attorney-General could bring to the attention of the Treasurer that one of the missives that has been issued in this directive from the Premier is that in fact they are to avoid the listing of achievements in the preceding year and that the Treasurer perhaps should actually take some notice of that. We might get a better summary that is certainly more compliant with the directive that has come from the Premier.

Of course, he has been Treasurer for only a relatively short time, but I can remember that the member for Playford, when he was Treasurer, had lots of glossy photographs of happy families and how everyone was going to be so much better off under his budgets. It is quite clear from the edict of the Premier that you are not to have unnecessary information and you are certainly not to have lists of achievements. What is more, you are not supposed to have graphic design, so perhaps somebody should let Mr Lander know that in future he is obliged to comply with that directive, as appalling as I think it is, to make sure that he does not find himself in breach of the Premier's edict.

In any event, the government suggests that this bill incorporating the amendments was requested by the commissioner and the Crown Solicitor's Office. Incidentally, I did not notice in his annual report the call for these amendments. I might have missed it, but there was only one piece of legislative reform that I found to indicate that the JCC Act was amended three days after it came into operation to allow complaints about jurisdictional heads to be referred to the Chief Justice, and that was an anomaly we sorted out. That was actually something that had been identified and properly attended to, but I cannot see anything in his report that requests this. Essentially, the amendments:

- clarify the acts of victimisation by the judicial officer;
- investigate a complaint that would have otherwise been dismissed if further or new evidence was provided;
- dismiss an application without a requirement for a preliminary examination nor any notice to the judicial officer concerned being given;

- details of the complainant do not need to be provided to the judicial officer concerned unless consent is given, or if the commissioner thinks it fit to do so for the complaint to be dealt with;
- require a copy of the report from the judicial conduct panel to be provided to the commissioner;
- allow staff from ICAC (the office also held by Mr Lander QC) to be utilised by the Judicial Conduct Commissioner; and
- clarify that no information can be published relating to a complaint unless authorised by the commissioner.

In respect of the utilisation of staff, as I understand it that is to ensure that there is some utilisation of the administrative staff. We are not talking about the investigation officers who obviously operate and have an ICAC role.

The original Judicial Conduct Commissioner Act 2015 was modelled on New Zealand law and, although rarely used in New Zealand, it also provides an annual report with statistical data. As members would know, essentially the commissioner has taken over the role previously handled by the Chief Justice and/or the Attorney-General and/or both houses of parliament (although thankfully that has been rarely used) in extreme cases where a judge may be dismissed.

We are advised by the government that the confidentiality of the name of complainants is largely to protect legal practitioners who might otherwise be concerned about their treatment by a judge in a jurisdiction in which they practise, the judge being of course one who has been the subject of a complaint by the legal practitioner. In those circumstances, we can see that that may intimidate them into silence perhaps and not make a complaint, and that would be unfortunate.

In all the circumstances, the opposition has considered the amendments. They are not incorporated, I note, in New Zealand law. This has been operating there a bit longer and does not seem to prevent them from being able to carry out their job. Perhaps they have more fearless practitioners who do not need to have this protection, or perhaps the commissioner over there has not encountered any retaliation actioned by an aggrieved judge who may have had a complaint made against them. Nevertheless, on the face of it the amendments seem to be reasonable and so the opposition will be supporting the bill.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:13):** I thank the deputy leader for her contribution and her indication of support for the bill. The main point really is the one she referred to, that is, that there is some concern that perhaps people are being discouraged from making legitimate complaints for fear of some form of retribution. Obviously, we want to remove that as an impediment to bone fide complaints being made about improper conduct. With those few words, I will not delay the parliament any further.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:14):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT  
BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 9 August 2017.)

**Mr KNOLL (Schubert) (17:16):** I rise to speak to the Health and Community Services Complaints (Miscellaneous) Amendment Bill and to say that I will be the lead speaker on behalf of Her Majesty's Loyal Opposition. I indicate—and I do not like to keep people in suspense, unlike the statistician this morning who took his time to shine in almost Oakeshott proportions—

**Ms Chapman:** It was like a moment in the sun, wasn't it?

**Mr KNOLL:** —yes—that we will be supporting the bill, not to the tune of 61 per cent but more like 99 per cent. The bill would amend the Health and Community Services Complaints Act 2004, which provides a legal framework for making complaints against health and community service providers. Under the act, the Health and Community Services Complaints Commissioner (HCSCC) operates as an independent statutory office that assists health service providers and users to resolve complaints against both registered and unregistered health practitioners. In 2015-2016, the HCSCC responded to 2,186 complaints and investigated 86 matters relating to the code of conduct for unregistered health practitioners.

The bill would amend the act in four ways: it would allow the National Code of Conduct for Health Care Workers to be implemented, it would enable volunteers to be subject to complaints under the act, it would allow the commissioner to obtain information from professional and other associations, and it would prevent a person on an interim or final order from providing services or promoting themselves as a healthcare provider.

The national code, which would replace the state code of conduct, protects the public by setting minimum standards for all unregistered healthcare workers. If workers fail to meet the standards of conduct and practice and appear to pose a threat to public health and safety, the code allows disciplinary action to be taken against them. States and territories have agreed through COAG to legislate the code of conduct. I am advised that only New South Wales and Queensland have legislated at this point.

The bill would also allow the commissioner to publish public statements identifying persons who breach the code of conduct or commit a prescribed offence. Currently, volunteers cannot be required to participate in HCSCC proceedings under the act. Instead, complaints relating to a volunteer who works for another person or body are treated as complaints against that other person or body. Under this bill, however, volunteers who break the code or pose a risk to public health and safety would be required to participate in proceedings and may be subjected to the act's disciplinary procedures. Associations, such as the Australian Association of Social Workers or the Australian Register of Naturopaths and Herbalists, may hold information that would be valuable to the commissioner.

The bill would allow the commissioner to obtain information regarding health practitioners from professional and other associations. Prohibition orders issued against unregistered health practitioners in South Australia following the HCSCC's investigations include preventing those practitioners from providing healthcare services. In a past episode observed by the commissioner, a person who was subject to a prohibition order continued to offer services to the public, potentially accepting payment for future provision. The bill seeks to avoid this by preventing a person on an interim or final order from providing health services or offering to provide health services for 12 weeks or a shorter period.

The only real concern that we have with the bill is in relation to the clause that enables volunteers to be subject to the complaints proceedings under the act. Our real concern lies in this. According to Health and Community Services Complaints Act:

health service means—

- (a) a service designed to benefit or promote human health; or

- (b) a service provided in association with the use of premises for the care, treatment or accommodation of persons who are aged or who have a physical disability or mental dysfunction; or
- (c) a diagnostic or screening service; or
- (d) an ambulance service; or
- (e) a service to treat or prevent illness, injury, disease or disability; or
- (f) a service provided by a health professional; or

and this is the bit that interests us—

- (g) a service involving the provision of information relating to the promotion or provision of health care or health education; or

The act goes on:

- (h) a service of a class included within the ambit of this definition by the regulations; or
- (i) a social, welfare, recreational or leisure service if provided as part of a service referred to in a preceding paragraph; or
- (j) an administration service directly related to a service referred to in a preceding paragraph,

Our real concern lies in this. Can I say from the outset that in the medical community there are differences of opinion. I want to put aside some of the most contentious opinions, such as whether or not people should be vaccinated. For instance, there are disagreements about how often people should take antibiotics. There are different decisions made in relation to proposed diets that people should undertake. There are issues around the provision of alternative health treatments. Essentially, there are disagreements in the broad about what kind of health service should be provided.

For instance, there will be health professionals who would want to prescribe medical cannabis as a form of pain relief, whereas others may believe that is not appropriate. As I understand it, from my discussions with the shadow minister, there are 14 associations which regulate certain kinds of health services, from surgeons and physicians to Chinese medical practitioners. For those, they have a professional body that helps to regulate the way they should operate.

There is also a series of other health professionals who provide supposedly lower risk services who are not regulated in the same way, but again there are still standards by which they need to operate. If they are a health professional, then they are covered by this act. What is happening here is that we are bringing volunteers into this. These volunteers are providing a health service if they are providing a service involving the provision of information relating to the promotion or provision relating to the promotion or provision of health care or health education.

Our question becomes this: are we limiting free speech for those who would seek to promote alternative health treatments or health lifestyles by including volunteers providing a health service that is merely providing information? Could this be a situation where somebody who provides an unpopular opinion as a volunteer—they are not being paid, nor are they part of any professional regulated organisation—will be brought under the control of this bill and silenced for providing a minority opinion?

The Health Complaints Commissioner has the ability to get someone to cease and desist the provision of that service. We could even go so far as to say that a volunteer is providing a health service under this act if they are handing out pamphlets that advise people against getting an abortion. Would those people then be subject to undertakings under this act? That is really where our concern lies. We appreciate what the government is trying to do and the fact that they are trying to ensure that a person who is providing a health service, even in a volunteer capacity, is subject to the same rigour as those who are health professionals and paid to do it.

However, because a health service can be as simple as just providing information relating to the promotion or provision of a healthcare service or health education, we may end up bringing a class of volunteer into this that may be unwanted and may also go against freedom of speech and the ability of people to have alternative minority opinions, regardless of how abhorrent some other people may think those opinions are. With those few words, we are happy to support the bill.

**Mr SNELLING (Playford) (17:26):** I rise in support of the bill. I think I can provide reassurance to the member for Schubert that it is not the intention of the bill to restrain freedom of speech. The bill is about protecting potential consumers of health services. It goes back to 2009 when the then health minister received complaints or a report from the Health and Community Services Complaints Commissioner that various people were supposedly offering health services where they made incredible claims about providing cures for cancer and so on.

Because these practitioners, for want of a better word, were operating outside of the normal registered health practitioner provisions, they could do so unregulated and with little capacity for the state to intervene and to protect possible consumers. There was a Social Development Committee report and, as a result of that, the parliament made amendments to the health practitioners act I think it was at the time to enable the Health and Community Services Complaints Commissioner to issue orders to prevent these practitioners from operating outside the boundaries of the law by continuing to offer their quackery to consumers.

People were spending thousands of dollars on these people out of desperation and they were being swindled by these highly unethical operators. The bill will provide for a national scheme to operate so that, if a dodgy operator had had a ban placed on them in one state, that would be able to be enforced in other states in a nationally consistent way, and I think that is welcome. With regard to the issues raised, I will leave it to the minister to perhaps reassure the parliament of what the intentions are, but it is certainly the case that a person operating in a voluntary capacity can cause as much potential harm to a patient as someone operating in a professional or paid capacity, and it is entirely appropriate that the law should seek to encapsulate volunteers.

It really only encompasses volunteers who are providing services and not people who are merely expressing an opinion. I would be very surprised if the intention of the legislation were to pick up anti-vaccination campaigners and the like. It is really about people who are purporting to be a health practitioner who are providing a service in the scope of the law and being able to prevent them from continuing to provide that service if it is considered to be dangerous or if they are merely seeking to exploit the vulnerable.

With those words, I heartily endorse the bill. Going through the COAG Health Council, in my experience, takes an incredibly long time and a lot of work. It is very good to see this piece of work coming before the parliament.

**Mr WHETSTONE (Chaffey) (17:29):** I rise to speak on the Health and Community Services Complaints (Miscellaneous) Amendment Bill. The bill will amend the Health and Community Services Complaints Act, which provides the legislative framework for making complaints against health and community service providers.

The bill will amend the act in four ways: it will allow the National Code of Conduct for Health Care Workers to be implemented, it will enable volunteers to be subject to complaints under the act, it will allow the commissioner to obtain information from professional and other associations and it will prevent a person on an interim or final order from providing services or promoting themselves as a healthcare provider.

Currently, volunteers cannot be required to participate in the HCSCC proceedings under the act. Instead, complaints relating to a volunteer who worked for another person or body are treated as complaints against that other person or body. However, under this bill, the volunteers who break the code or pose a risk to public health and safety would be required to participate in proceedings and may be subject to the act's disciplinary procedures. I know the point about volunteers participating in the HCSCC proceedings will be explored in further detail.

The bill, as I understand it from stakeholder feedback, will generally provide greater patient safety in our health system. Anything that improves safety in our health system is welcome. I have worked with the office of the South Australian Health and Community Services Complaints Commissioner on a number of occasions to assist constituents. Sadly, it is very emotional when people's loved ones are ill and they come to an MP's office with concerns. In many cases, those concerns are about the wellbeing of people or the expediency of the health system in attending to those people; I understand that. Those people usually have one thing in mind, and that is the care and health of their loved ones.



The HCSCC is a statutory office established by Health and Community Services Complaints Act, and it was opened to the public in October 2005. Essentially, the service assists people—service users, carers and service providers—with complaints about health and community services in South Australia. This includes government, private and non-government health and community services. The health needs of metropolitan and regional South Australia, as we know in the regions, are vastly different. The regions do not want to see the centralisation of health services.

Of the some 31,500 people in my electorate, almost 60 per cent in the Riverland and the Mallee are over the age of 40. This compares with the Australian population, where 45 per cent of people are over 40. What is clear from these statistics is that the region has an ageing population that will need further investment in health infrastructure going forward. I say this with a fair bit of understanding because, sadly, I am over the age of 40 and I have worked on the land for the majority of my life.

People who have worked on the land have greater health needs. They wear themselves out at younger age, and in a lot of instances suffer a large number of farm injuries and farm concerns from working on their own, with overlifting and overexertion. I acknowledge the disparity with regional farmers in regional centres, with people working on the land, perhaps on their own, and we see a lot of injury. What is clear from these statistics is that the region has an ageing population and, having an ageing body, I am an example.

This is not complemented by the lack of public transport, which is a real concern. Another of the great complaints is that when people have to travel from regional centres, from one town to another—and I will use the Riverland as an example, as we have six or seven or eight small communities or towns and we have one centralised, main hospital—in a lot of instances they have to travel 20, 30, 40, or 50 kilometres perhaps without having their own vehicle, so it often comes down to having to get a taxi, having to ask a friend or having to ask family members.

These are some of the challenges that regional people have to endure when seeking health services, so it is important to provide adequate health services in each town. I understand that we cannot have the full gamut but, if each town cannot have the health services, they need to have the public transport or some form of community transport so that they can get to appointments, to health services, to the specialists and to the doctors they rightfully deserve. They pay their taxes. They do live in the regions and they do live in a more sparsely populated area, but they have the right to good health care.

While the \$36 million upgrade to the Riverland General Hospital has been welcomed, there is continued community concern that the services in other hospitals in the region are being centralised. There is nothing surer. If the hospitals are not losing services one way or another, they are losing front-line staff and front-line specialists. It is centralisation by stealth, and that is of real concern.

Reducing the need for patients to travel to Adelaide for specialist care is another issue. I understand that most specialised medical services or providers are in Adelaide. I get that. Again, it is about the support mechanism being in place for them to do that. We have the PATS system, which has gone from a manual system to a mostly online system. It has become more clunky than ever and it is very hard to use, and in a lot of instances people who are isolated do not have access to the internet. Again, there is another disadvantage when needing to access health services.

The regional hospital at Berri does have those added extra services. Former minister Hill came up with a budget of just over \$40 million for a redevelopment of the hospital, but all of a sudden they found cost savings—down to \$36 million. Sadly, the cost savings they found were actually a reduction in services. That is something that sticks in my throat and sticks in the craw of every Riverland and Mallee person. When we find savings, it is normally to the detriment of providing services. I have spoken about PATS and I have spoken about Country Health funding repairs for compliance in hospitals and services within the Riverland area.

It is about regional communities having ownership of those health services, it is about them raising money and it is about putting services in place from money that has been fundraised, donated and bequeathed to those hospitals. It should not have to be that way. What I would like to know is just how much bequeathed money was put into the NRAH. How much bequeathed money is put into

the Modbury or the Lyell McEwin or The Queen Elizabeth or the Noarlunga hospitals? I would like to know. That would be an interesting question for the minister, or the minister representing the minister, to give me a little bit of detail on.

Luckily for the government, we have dedicated and passionate volunteers. We have health advisory councils, and I have a representative on all my HACs. They do an outstanding job, and I thank them for that because they keep me abreast of the vast range of concerns that the hospitals have, that the medical providers have and that the community has. I thank them for that and for being my eyes and ears in and around those hospitals.

Obviously, retaining medical staff is always a challenge. I note that many concerns have been raised in the past regarding a shortage of health professionals, such as the great work done by nurses and doctors, those front-line services. We need good administration, too. Good administration complements what the front-line service people are doing—nurses, doctors, radiologists, those involved in day surgery procedures. It is all about small medical centres that provide an outstanding service even though they are dealing with a reduction in support right across the board.

There is always a need for more specialists to visit the Riverland and Mallee, so I urge any of those doctors who want a great experience to come up to the Riverland and spend a small part of their life there—please come up. We have a lack of community Aboriginal health services in the Riverland. There is nothing surer than that, and it is one of the great bugbears within our health services in the Riverland and Mallee—it is something the HACs report back to me on regularly—as well as the mental health services provided at the Berri hospital. We see a lot of people come to Berri from all over the state because beds are full elsewhere.

The mental health service is providing a great service not only to the Riverland people but to South Australia, and I commend them for that. In conclusion, I commend the bill to the house and look forward to the bill passing.

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (17:41):** I thank the honourable members for their contribution to this debate. As has been outlined, this bill amends the Health and Community Services Complaints Act 2004 to include the National Code of Conduct for Health Care Workers, agreed by the COAG Health Council, in the regulations under the act and to make some other minor changes. It is intended to make South Australia's current code of conduct consistent with the nationally agreed approach.

As outlined by the member for Playford, both in his initial speech and in his speech now as the deputy whip to the government, the most significant change to the act will be to enable interstate orders to be recognised and enforced in South Australia and vice versa. There are also some minor changes to the act and some of the language is tidied up; however, in essence the intent and most of its contents will remain unchanged.

The Health and Community Services Complaints Commissioner is an important statutory office established by this government that provides the public with an independent, impartial, free and confidential service. I know that many members of parliament will have interacted with the commissioner, helping their constituents, since enactment in 2004. The commissioner may investigate complaints against government, private and non-government providers. This is a vital role in ensuring that health and community services are held to account and provide a level of service that South Australians expect and deserve. This bill will strengthen the commissioner's ability to fulfil that role.

One element that was particularly noted by the member for Schubert in his remarks was responded to quite eloquently by the member for Playford, but I will make some comments about it as well. This is about the element of volunteers. The proposal in regard to volunteers is specific in that the functions of the act, in terms of them having to comply, are as part of investigations. So if there was a volunteer at one of our health services, then that would not apply to them. What this seeks to apply is a section of the act that deals with unregistered health practitioners.

As the member for Playford outlined, this came into the act back in 2009 to deal with, to put it bluntly, quacks—to put it bluntly, people who are seeking to exploit vulnerable people in our society

with made-up, fictitious and completely bogus claims of healthcare cures, preying upon people at their most vulnerable time. I think it is entirely appropriate that a volunteer to one of those quacks should be subject to the provisions regarding the code of conduct relating to unregistered health practitioners.

If you are a volunteer providing volunteer support to somebody in that role and you breach the code of conduct, then you absolutely should be subject to scrutiny by the Health and Community Services Complaints Commissioner. The idea that this is somehow an attack on free speech—I thought I was listening to the Institute of Public Affairs there for a moment—is completely bogus. This is about people who are exploiting vulnerable people in our community, who are providing them with false hope of false cures, and, sadly, there have been reports of this in this state over previous decades.

The people who do this are some of the most disgusting people you could possibly imagine, that they would seek to exploit people at their most vulnerable time. I think that they absolutely should be subject to the code of conduct, both in terms of those practitioners who are unregistered (essentially, quacks) as well as volunteers who might be falling into the same category or providing volunteer support to people who would do such things. They should absolutely be subject to the code of conduct outlined in this act, and that is what we are seeking to do in this. It is not in any way trying to limit free speech, except for when it is clearly going to the point of exploiting vulnerable people, and that is something that this parliament should take very seriously. I endorse the bill to the house.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 4 passed.

Clause 5.

**Mr KNOLL:** I accept the assurances from the minister and the member for Playford, although I do not necessarily appreciate the fact that we are not even allowed to ask questions anymore without being slagged off. One would have thought that we were in Stalinist Russia.

**The CHAIR:** Order! Can we just get on to the questions about the bill before us?

*Members interjecting:*

**The CHAIR:** Order! If you have something to—

**Mr KNOLL:** Although I suppose I am happy to be part of—

**The CHAIR:** Order, member for Schubert! If you have a problem, you speak to the member elsewhere. We are dealing with the bill. You are on clause 5. What is your question on clause 5?

**Mr KNOLL:** I understand that a volunteer needs to be connected to a health practitioner to be part of this, or least that is the indication that the minister gave in his speech. The clause I was referring to regarding what constitutes a health service is in the current act. Health professionals who are subject to the act currently have been subject to that provision since 2004, I assume. I am happy even to take it over the last financial year: I think it was said there were about 2,185 investigations sent over to the commissioner; how many of those complaints, if we have that information, relate to providing information or education? This is under paragraph (g) in the act as to what a health service constitutes. Were any of those investigated?

**The Hon. C.J. PICTON:** It is great to be here in South Australia and not in Stalinist Russia. Let me say that from the outset. I did not get to experience Stalinist Russia, I have to admit. My good friend Nick Champion, the member for Wakefield, often says that if you reference the Nazis you have clearly lost the argument, and I think that maybe the same case can be made if you start referencing Stalinist Russia.

In regard to the question of how many complaints have been made about information or education, we do not have those stats right at hand, but we are happy to chase them up between the houses. I understand that, in terms of the specifics of the breaches of code of conduct by people

who are unregistered practitioners or, as I like to call them commonly, quacks, there have been seven orders made against people who fit that category who have breached the code of conduct and do not fit one of the other categories of registration under the health registration practitioners act, and that has been over the course of the last four or five years. Essentially, this seeks to extend that to volunteers who might be providing volunteer services in that capacity where they might breach the code of conduct.

Clause passed.

Remaining clauses (6 to 11) and title passed.

Bill reported without amendment.

**Mr KNOLL:** Not to speak on behalf of the minister directly but, given that these provisions are already in the current act and that there would be a reasonable amount of history to suggest whether or not this commissioner has used his powers to go after people who are providing contentious information, I think that that would go a long way to suggesting to us that this component of it is appropriate. I thank the minister for his assurances to provide us that information between the houses.

*Third Reading*

**The Hon. C.J. PICTON (Karna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (17:52):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**AUSTRALIAN ENERGY MARKET COMMISSION ESTABLISHMENT (GOVERNANCE)  
AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

*Resolutions*

**WATER RESOURCES MANAGEMENT**

The Legislative Council passed the following resolution to which it desires the concurrence of the House of Assembly:

1. That this council—
  - (a) notes that it is in the best interests of South Australia for the commonwealth water portfolio to be separated from the agricultural portfolio and that it is held by a separate minister as it is in the South Australian government; and
  - (b) notes the history of gross mismanagement of water resources and the Murray-Darling Basin in this country.
2. That the resolution be transmitted to the House of Assembly seeking its concurrence thereto.
3. On the House of Assembly's concurrence, requests that the President conveys the resolution to the Prime Minister of the Commonwealth of Australia.

At 17:54 the house adjourned until Thursday 16 November 2017 at 10:30.

*Estimates Replies***PRIVATE SECTOR PROJECTS**

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised that at the time of reporting for the budget papers, there were 76 private sector proposals referred to the Development Assessment Commission (DAC) and by the end of the year, this increased to 87 private sector proposals as follows:

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
1	Wilderness College	30 Hawkers Road, Medindie	Additions and alterations to existing school facilities	Walkerville Council	Wilderness College	\$8.5 million
2	Supermarket	Corner Main Tce/Village Tce, Blakeview	Construction of a 1020sqm supermarket and onsite car parking	City of Playford	ALDI	\$5 million
3	Independent Living Apartments	145-157 Beulah Rd, Norwood	Construction of independent living apartments of 2-3 stories	City of Norwood Payneham and St Peters	Life Care Incorporated	\$35 million
4	Integrated Residential Aged Care Facility	247-261 Payneham Rd, Joslin	Construction of an integrated residential aged care facility 2-3 stories	City of Norwood Payneham and St Peters	Life Care Incorporated	\$50 million
5	Service Station Complex	210 Port Road, Aldinga	Fuel pumping station including service building canopy and signage	City of Onkaparinga	Peregrine Corporation	\$5.5 million
6	Service Station Complex	390 Fullarton Road, Fullarton	Fuel pumping station including service building canopy and signage	City of Unley	Peregrine Corporation	\$3.4 million
7	Service Station Complex	328 Salisbury Highway, Salisbury Downs	Fuel pumping station including service building, canopy and signage	City of Salisbury	Peregrine Corporation	\$4.2 million
8	Service Station Complex	328 Senate Road, Risdon Park	Fuel pumping station including service building, canopy and signage	Port Pirie Regional Council	Peregrine Corporation	\$3.2 million
9	Service Station Complex	212-216 Murray Street, Tanunda	Fuel pumping station including service building, canopy and signage	The Barossa Council	Peregrine Corporation	\$4 million
10	Service Station Complex	20A Main North Road, Thorngate	Fuel pumping station including service building, canopy and signage	City of Prospect	Peregrine Corporation	\$3.25 million
11	Service Station Complex	134-136 Anzac Highway, Glandore	Fuel pumping station including service building, canopy and signage	City of West Torrens	Peregrine Corporation	\$3.25 million
12	Service Station Complex	1-77 Globe Derby Drive, Globe Derby Park	Fuel pumping station including service building, canopy and signage	City of Salisbury	Peregrine Corporation	\$4.6 million

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
13	Service Station Complex	19 Francis Terrace, Kadina	Fuel pumping station including service building, canopy and signage	District Council of the Copper Coast	Peregrine Corporation	\$3.15 million
14	Service Station Complex	1 Mildred Street, Kapunda	Fuel pumping station including service building, canopy and signage	Light Regional Council	Peregrine Corporation	\$3 million
15	Service Station Complex	50 Bookpurnong Terrace, Loxton	Fuel pumping station including service building, canopy and signage	District Council of Loxton Waikerie	Peregrine Corporation	\$3.8 million
16	Service Station Complex	665 Golden Grove Road, Surrey Downs	Fuel pumping station including service building, canopy and signage	City of Tea Tree Gully	Peregrine Corporation	\$3.3 million
17	Service Station Complex	Corner of Princess Highway and Northern Power Station Road, Port Augusta	Fuel pumping station including service building, canopy and signage	City of Port Augusta	Peregrine Corporation	\$3.4 million
18	Service Station Complex	177-181 Adelaide Road, Murray Bridge	Fuel pumping station including service building, canopy and signage	The Rural City of Murray Bridge	Peregrine Corporation	\$4.2 million
19	Service Station Complex	21-23 Penola Road, Mount Gambier	Fuel pumping station including service building, canopy and signage	City of Mount Gambier	Peregrine Corporation	\$5 million
20	Shopping Centre Redevelopment	2 Victoria Crescent, Mount Barker	Redevelopment and expansion of existing shopping centre and specialty shops	The District Council of Mount Barker	Mount Barker Shopping Centre Pty Ltd	\$6.3 million
21	Tailm Bend Motor Sport Park	603 Dukes Highway, Elwomple	Motor sport park and associated facilities	The Coorong District Council	Peregrine Corporation	\$50 million
22	Restaurant and Dwelling	1-5 Edwards Street, South Brighton	Hungry Jacks Restaurant and two-story dwelling	City of Holdfast Bay	Hungry Jacks Pty Ltd	\$3.3 million
23	Residential Development	Corner of Frederick Road and West Lakes Boulevard, Royal Park	Residential development comprising 72 dwellings within a community scheme proposal	City of Charles Sturt	Rivergum Homes	\$11 million
24	Coopers Brewery	461 South Road, Regency Park	Expansion of facility to include malting plant, car park and access changes	City of Port Adelaide Enfield	Coopers Brewery Ltd	\$60 million
25	Supermarket	Corner of Belair Road and Angus Road, Hawthorn	Construction of a 1603sqm supermarket and basement-level car parking	City of Mitcham	ALDI	\$5 million

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
26	Mitre 10 Store	10 Gawler Road, Nuriootpa	Relocation of a new Mitre 10 Store and on-site car parking	The Barossa Council	The Barossa Co-op	\$9 million
27	Concordia College	Corner of Winchester and Cheltenham Streets, Highgate	Additions and alterations to existing school facilities	City of Unley	Concordia College	\$11.7 million
28	Supermarket	34-36 Frederick Road, Seaton	Construction of a 1590sqm supermarket and on-site car parking	City of Charles Sturt	ALDI	\$5 million
29	Supermarket	Lot 1035 Helicon Drive, Golden Grove	Construction of a 1564sqm supermarket and on-site car parking	City of Tea Tree Gully	ALDI	\$5 million
30	Supermarket	Lot 402 Barnet Road, Evanston	Construction of a 1058sqm (retail floor area) supermarket and on-site car parking	Town of Gawler	ALDI	\$5 million
31	Supermarket	Lot 120 and Lot 101 Corner of Warooka Drive and George McCullum Road, Smithfield	Construction of a 1683sqm supermarket and on-site car parking	City of Playford	ALDI	\$5 million
32	Redevelopment of existing aged care facility	48 Smith- Dorrien Street, Mitcham	Alterations and additions to the existing aged care facility	City of Mitcham	Resthaven Incorporated	\$13.8 million
33	Redevelopment of the Sportsman Tavern	134-136 & 150 Warnertown Road, Solomontown	Additions and alterations to existing tavern facility	Port Pirie Regional Council	Eureka Group Pty Ltd	\$4.8 million
34	Waste Recovery and Bioconversion Facility	440 Hanson Road, Dry Creek	Addition of bioconversion facilities to an established waste and resource recovery facility	City of Port Adelaide Enfield	Adelaide Resource Recovery	\$20 million
35	Abergeldie House Redevelopment	548 Portrush Road, Glen Osmond	Additions and alterations to existing hospital and allied health facilities	City of Burnside	Patricia Weinert	\$22 million
36	Land Division and Residential Development	25 Glen Stuart Road, Woodforde	Land Division and Residential Development	Adelaide Hills Council	Woodforde JV Pty Ltd	\$70 million
37	Minda Campus Redevelopment	King George Avenue, Brighton North	Staged redevelopment of the Minda Incorporated Brighton North Campus (stage 2)	City of Holdfast Bay	Minda Incorporated	\$77.5 million
38	St Andrews Primary School Redevelopment	22 Smith Street, Walkerville	Additions and alterations to existing school facilities	Town of Walkerville	St Andrews Primary School	\$8 million

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
39	Service Station Complex	65 Mount Barker Road, Stirling	Redevelopment of existing service station	Adelaide Hills Council	Agostino Group	\$4.2 million
40	Supermarket	1-7 Mawson Lakes Boulevard, Mawson Lakes	Construction of a supermarket and on-site car parking	City of Salisbury	ALDI	\$6.5 million
41	Service Station Complex	131 Heaslip Road, Angle Vale	Fuel pumping station including service building, canopy and signage	City of Playford	Peregrine Corporation	\$3.2 million
42	Service Station Complex	50 Adelaide Road, Mannum	Fuel pumping station including service building, canopy and signage	Mid Murray Council	Peregrine Corporation	\$3.2 million
43	Service Station Complex	Corner of Smith Street and Deviation Road (Riddoch Highway) Naracoorte	Fuel pumping station including service building, canopy and signage	Naracoorte Lucindale Council	Peregrine Corporation	\$4.3 million
44	Service Station Complex	93 Main Road, Balhannah	Fuel pumping station including service building, canopy and signage	Adelaide Hills Council	Peregrine Corporation	\$3.6 million
45	Service Station Complex	21 McRitchie Crescent, Whyalla Stuart	Fuel pumping station including service building, canopy and signage	District Council of Whyalla	Peregrine Corporation	\$3.2 million
46	Redevelopment of existing aged care facility	740 Torrens Road, Rosewater	Redevelopment of existing aged care facility	City of Port Adelaide Enfield/ City of Charles Sturt	Southern Cross Care	\$11.1 million
47	Consulting Room Facility	103 Henley Beach Road, Mile End	Large scale consulting rooms facility with basement and ground level car parking	City of West Torrens	Corporate Health Group	\$10.3 million
48	Bridgeport Hotel Redevelopment	2-6 Bridge Street, Murray Bridge	Development of tourist facilities and accommodation	Rural City of Murray Bridge	Eureka Group	\$20 million
49	Supermarket	398 Magill Road, Kensington Park	ALDI supermarket with associated car parking	City of Burnside	ALDI	\$5 million
50	Incitec Pivot Relocation	18-40 Ocean Steamers Road, Port Adelaide	New warehouse facilities to accommodate Incitec Pivot including formation of road	City of Port Adelaide Enfield	Commercial & General Constructions	\$17 million
51	Supermarket and Retail Precinct	43-51 Goodwood Road, Wayville	Supermarket and retail precinct with associated car parking	City of Unley	T & S Goodwood Pty Ltd	\$7.1 million
52	Supermarket and Mixed Use Development	Adelaide Road, Hayborough	ALDI supermarket with medical centre and show room	City of Victor Harbor	ALDI	\$13.2 million



No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
53	Expansion of Glasshouse Buildings	234 Carmelo Road, Buckland Park	Expansion of glasshouse buildings for hydroponic production including offices space and associated car parking	City of Playford	P'Petual Holdings	\$50 million
54	Supermarket and Retail Development	Port Road and Main South Road, Aldinga	ALDI supermarket and specialty retail with associated car parking	City of Onkaparinga	ALDI	\$6.7 million
55	Shopping Complex Additions	976 North East Road, Modbury	Additions and alterations to Westfield Tea Tree Plaza Shopping Centre with associated car parking	City of Tea Tree Gully	Scentre Group	\$235 million
56	Mixed Use Residential, Commercial and Student Accommodation	17A -21 Gameau Road and 2-6 Woodmere Avenue, Paradise	Residential, Commercial and Student Accommodation development with associated car parking	Campbelltown City Council	Barrio Developments	\$22.5 million
57	Mixed Use Residential, Serviced Apartments and Retail Development	149-151 Melbourne Street, North Adelaide	Residential, Serviced Apartments and Retail Development with associated car parking	Adelaide City Council	Frank Azzolini	\$6 million
58	Hotel and Restaurant	Lot 502 Dauncey Street, Kingscote Kangaroo Island	Multi-level mixed use building comprising hotel and restaurant and café additions/ alterations to existing heritage building	Kangaroo Island Council	Caj Amadio	\$18.1 million
59	Service Station Complex	1 Main Road, Belair	Redevelopment of existing service station	City of Mitcham	Peregrine Corporation	\$5.2 million
60	Supermarket and Bulky Goods Retail Development	Lot 5 Adelaide Road, McCracken, Victor Harbor	Coles supermarket, Bunnings Bulky Goods store, medical facility and associated landscaping and car parking	Victor Harbor Council	Bunnings/Coles	\$35 million
61	Service Station Complex	285-278 Kensington Road, Kensington Park	Demolition of existing motor repair building and construction of new service station complex	City of Burnside	Peregrine Corporation	\$3.1 million
62	St Michaels Secondary School campus additions	1 Lawrie Street, Henley Beach	Construction of two-storey learning centre, car park and drop off area	City of Charles Sturt	St Michaels	\$9 million

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
63	Multi-storey mixed use development	99-107 Rundle Street, Kent Town	Additions to existing heritage building (Tin Cat Café) and construction mixed use development comprising apartments, retail, office and fitness centre	City of Norwood, Payneham and St Peters	Hummingbird Homes	\$37.5 million
64	Beef Cattle Feedlot expansion	8117 Barrier Highway, Bryan	Expansion to existing beef cattle feedlot	Goyder	Princess Royal Station	\$5.5 million
65	Glenside Development Stage 1	226 Fullarton Road, Glenside	Stage 1 – demolition site remediation, signage, tree removal, fencing and new sales office	City of Burnside	Cedar Woods	\$13.2 million
66	Mt Gambier Retail complex	58-72 Commercial Street East, Mount Gambier	Retail shopping complex redevelopment	Mt Gambier	GLG Asset Management Investment Development	\$23 million
67	Twin Creek Wind Farm	Twin Creek (10km east to north east of the Kapunda Township)	Up to 50 wind turbine generators and associated facilities/infrastructure	Goyder/ Mid Murray/ Light Regional	RES Australia Pty Ltd c/- Masterplan	\$350 million
68	Multi-storey mixed use development	78 Rundle Street, Kent Town	Demolition of existing buildings and construction of multi-story mixed development comprising apartments, serviced accommodation and retail	City of Norwood, Payneham and St Peters	Greg Meyer	\$22 million
69	Pembroke School additions	3-5 Shipsters Road, Kensington Park	Demolition of existing buildings and construction of new school building and footbridge	City of Norwood, Payneham and St Peters & Burnside	Pembroke School	\$27 million
70	St Michaels Primary School campus additions	78 East Terrace, Beverley	Alterations and additions to existing school including tree removal and car park	City of Charles Sturt	St Michaels	\$3 million
71	Marleston Distribution Centre	11-13 Desmond Avenue, Marleston	Alteration to existing building and change of use to a Distribution centre (Couriers Please)	City of West Torrens	Future Urban Group	\$3.4 million
72	Service Station Complex	1121 & 1122 Playford Avenue, Whyalla	Construction of new service station complex	City of Whyalla	Peregrine Corporation	\$3.7 million

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
73	Woodforde apartments	25 Glen Stuart Road, Woodforde (Lots 157 & 221 new land division)	Construction of two apartment buildings within the recently approved Woodforde Land Division	Adelaide Hills Council	Starfish Developments	\$24 million
74	Winwest Mixed Use Development	130-168 Aldinga Beach Road, Aldinga Beach	Construction of four multi-storey mixed use development including aged care, serviced apartments and residential	City of Onkaparinga	Winwest Group	\$50 million
75	Bulky Goods Development Edwardstown	1028-1042 South Road, Edwardstown	Demolition of existing buildings and construction of bulky goods development	City of Marion	C & G Group	\$25 million
76	Playford Ice Arena	Lot 259 Ashfield Road, Elizabeth	Sports Stadium – Ice Arena	City of Playford	Ice Rinks Adelaide	\$35 million
77	Glenside Development Stage 2	226 Fullarton Road, Glenside	Super Lot land division for stage 1 and construction of public roads and ancillary works	City of Burnside	Cedar Woods	\$12.5 million
78	Service Station Complex	2 Commercial Road, Sheidow Park	Redevelopment of existing service station complex	City of Marion	Peregrine Corporation	\$3.5 million
79	Service Station Complex	591 Grand Junction Road, Gepps Cross	Construction of new service station complex	City of Port Adelaide Enfield	Peregrine Corporation	\$3.1 million
80	Medical Research Facility	Lot 47 Oldham Road, Elizabeth South	Construction of new medical research facility	City of Playford	ACH	\$9 million
81	Woodforde Townhouses (Stage 2)	25 Glen Stuart Road, Woodforde	Construction of 66 row dwellings and one residential flat building	Adelaide Hills Council	Starfish Developments	\$10.6 million
82	Nazareth College	1 Hartley Road, Flinders Park	Additions and alterations to school campus	City of Charles Sturt	Nazareth College	\$10.6 million
83	Service Station Complex	306 Glen Osmond Road, Fullarton	Demolition of existing buildings and construction of new service station complex	City of Unley	Peregrine Corporation	\$3.3 million
84	Supermarket	104-109 Adelaide Road and 33-37 Thomas Street, Murray Bridge	Construction of new Aldi supermarket with associated car parking and landscaping	Murray Bridge Council	ALDI	\$5.5 million
85	Glenside Stage 3 – Townhouses	Corner of Greenhill Road and Fullarton Road	Stage 3 – Glenside Townhouses	City of Burnside	Cedar Woods	\$17.1 million

No	Proposal	Site Address	Description	Relevant Council	Proponent	Estimated Value
86	Multi storey mixed use development, West Lakes	147 Brebner Road, West Lakes	Seven storey mixed use buildings comprising residential apartments and ground level restaurant	City of Charles Sturt	CNS Investments	\$15.3 million
87	Monarto Industrial Estate	Old Princess Highway, Monarto	Additions to existing manufacturing facility and land division to create new industrial hub	The Rural City of Murray Bridge	Australian Portable Camps	\$159 million

Of these, 30 private sector proposals totalling \$810 million were referred to DAC during 2016-17.

#### NORTHERN TERRITORY PARTNERSHIP AGREEMENT TASKFORCE

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised:

1. To date, two South Australian public servants from the Department of the Premier and Cabinet have been deployed to the Northern Territory government. For the inaugural exchange, a secondee was placed in the Northern Territory Department of Housing and Community Development for three months, concluding in December 2016. The second placement, which commenced in April 2017, was also for a three month period. This secondee was placed in the Northern Territory Department of the Chief Minister.

2. The cross-border police team has been established. Two SAPOL sworn intelligence officers are now located at Alice Springs with the Northern Territory Police cross border team in a jointly funded arrangement. The resources will collaboratively focus on illicit drugs, transit routes, road safety, alcohol and family and domestic violence.

#### BUDGET PERFORMANCE CABINET COMMITTEE

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised that the Budget and Performance Cabinet Committee met on 10 occasions during 2016-17. At these meetings a total of 28 funding requests were approved.

#### BUDGET PERFORMANCE CABINET COMMITTEE

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** The members of the Budget and Performance Cabinet Committee (current at July 2017) are:

Premier	Hon Jay Weatherill (Deputy Chair)
Deputy Premier	Hon John Rau
Minister for the Public Sector	
Minister for Health	Hon Jack Snelling
Treasurer	Hon Tom Koutsantonis (Chair)
Minister for Education and Child Development	Hon Susan Close
Minister for Transport and Infrastructure	Hon Stephen Mullighan

#### UNLOCKING CAPITAL FOR JOBS PROGRAM

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised that the Economic Development Board (EDB) commissioned an independent review of the Unlocking Capital for Jobs Program.

The review began in February 2016 and was completed in May 2016. The review was conducted by Ernst & Young. The completed report was forwarded to the Treasurer on 10 June 2016.

The EDB acted in the role of sponsor for the review and passed the report through to the Treasurer without modification.

The review investigated the soundness of the approach of the program, reviewed the program's design against what it was trying to achieve, and to suggest program modifications.

Specific questions regarding the contents of the report should be directed to the Treasurer.

#### **BUDGET PERFORMANCE CABINET COMMITTEE**

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised:

1. Ms Richardson transferred to the Department of State Development in the role of Group Executive Director, Delivery and Engagement on 1 April 2017.

2. A number of former CARA staff are still employed within the Public Service. Some staff returned to substantive positions or roles within their home agency following secondment to CARA. Where contracts ended, some staff pursued roles within and outside the Public Service.

#### **CONSULTANTS AND CONTRACTORS**

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** The following information is provided on behalf of all ministers:

The Department of the Premier and Cabinet Circulars PC013 – Annual Reporting Requirements and PC027—Disclosure of Government Contracts covers payments to consultants and large payments to contractors.

The Annual Report will show payments to consultants in excess of \$10,000 and the nature of their work.

Contract Disclosure requires certain information about contracts to be published on the Tenders SA website:

- Contract title
- Contractor's details
- Start and end date of the contract
- Contract value; and
- Procurement process used.

The Contract Disclosure requirements apply to all consultancy contracts and other goods and services contracts where the value of the contract is more than \$500,000.

#### **GILLMAN LAND SALE**

#### **BUDGET PERFORMANCE CABINET COMMITTEE**

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised that the State Coordinator-General has no involvement in the Renewal SA expression of interest process for whole or part of its land holdings at Gillman.

#### **CABINET DOCUMENTS**

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised that this protocol has been put in place. The Auditor-General will not be permitted access to cabinet documents except records of cabinet's decisions where such a record is required for the audit of transactions being scrutinised by the Auditor-General. This process will be managed by the Chief Executive of the Department of the Premier and Cabinet.

#### **CITIZENS' JURIES**

In reply to **Mr DULUK (Davenport)** (26 July 2017). (Estimates Committee A)

**The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts):** I have been advised that there has been no budget allocation in the 2017-18 financial year, or in the forward estimates, for the Department of the Premier and Cabinet to conduct citizens' juries.

#### **EDUCATION AND CHILD DEVELOPMENT DEPARTMENT, CHILD SAFETY**

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The Department for Education and Child Development's insurance arrangements with SAICORP do not include accidental injury cover for children participating in sporting events or competitions representing their school. Children are covered as part of their parent/guardian's private health insurance arrangements and/or Medicare.

Parents are made aware of the insurance arrangements of the department when they provide their authorisation/permission for their child to participate in sporting activities.

#### INTERNATIONAL STUDENTS

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

SACE enrolments for 2017 have not been finalised so the data and response relate to 2015 and 2016.

The number of visa 571 students who completed a stage 1 or stage 2 subject (undertaken in year 10, 11 or 12) in a school in South Australia are:

Visa 571 Students commencing the SACE 2015 and 2016	2015	2016
	1177	1326

Of the visa 571 students who, based on their enrolment pattern, were attempting to complete the SACE in that year the below is the total percentage of students that did complete the SACE:

Visa 571 Students' Completion Rate 2015 and 2016	2015	2016
	93.0%	94.2%

#### TEACHER REGISTRATION

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The registration of teachers is not a departmental process. The Teachers Registration Board, an independent body, handles all teacher registrations in South Australia.

#### PHONICS TRIAL

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The department is expecting the written evaluation report by the end of the year.

#### ERRINGTON SPECIAL EDUCATION CENTRE

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The matters relating to Errington Special Education Centre are still subject to the review. While that review is underway and other legal matters remain outstanding, it would not be appropriate for me or the Chief Executive of the Department for Education and Child Development to meet with any of the staff involved.

#### DEPARTMENTAL STAFF

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

There were 25 formal applications received for the position of Executive Director, Strategic Policy and External Relations.

The successful applicant commenced in the role on 8 June 2017 and the salary is \$251,142.

#### NATIONAL EQUITY PROGRAM

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The National Equity Program for schools is funded by the state government. Each year, government grants are allocated to eligible non-government organisations that provide education and related therapy services to children and students with a disability in South Australia. This program also supports a crisis support program which provides funding to government and non-government schools to support children and students during a period of unexpected need, often due to a complex health support requirement on return to school after hospitalisation.

Funding was also provided to Flinders University to fund the Autism professional learning project (\$211,164).

The Ministerial Advisory Committee: Children and Students with Disability administers the following grants on my behalf.

For the 2016-17 financial year the following organisations received grants:

	16-17	Purpose
Autism Association of SA	\$2,162,290	Early Years Intervention & School Support program
Cora Barclay Centre	\$175,835	Early Years Intervention & School Support program
Down Syndrome of SA Inc.	\$95,566	Early Years Intervention & School Support program
Guide Dogs Association of SA and NT	\$143,284	Early Years Intervention & School Support program
Inclusive Directions	\$419,622	Early Years Intervention program
Novita Children's Services	\$1,155,249	Early Years Intervention & School Support program
Pt Augusta City Council (Miriam High Special Needs Centre)	\$70,000	Early Years Intervention program
Townsend House Inc.	\$268,361	Early Years Intervention & School Support program
Various government and non-government schools	\$33,451	Crisis Support program

#### NATIONAL EQUITY PROGRAM

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The National Equity Program for schools is funded by the state government. Each year, government grants are allocated to eligible non-government organisations that provide education and related therapy services to children and students with a disability in South Australia. This program also supports a crisis support program which provides funding to government and non-government schools to support children and students during a period of unexpected need, often due to a complex health support requirement on return to school after hospitalisation.

Funding has been provided to Flinders University to fund the Autism professional learning project (\$211,164), and to the Ministerial Advisory Committee: Children and Students with Disability to administer the grants on my behalf.

#### BETTER BEHAVIOUR CENTRES

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

Student placement numbers at any point in time depend on students' start and completion dates. These dates vary the most in the three learning centres (Cowandilla Learning Centre, Southern Learning Centre and Beafield Education Centre), where excluded students are continuously referred and placed during the school year. Students are involved in personalised transition programs back to school at different times and rates.

SERVICE	LOCATION	MAXIMUM CAPACITY	PLACEMENTS ON 30/06/2017
Elizabeth East (Yrs 3-7) Better Behaviour Centre	Elizabeth East Primary School	20	16
Huntfield Heights (Yrs 3-7) Better Behaviour Centre	Huntfield Heights Primary School	20	18
Woodville (Yrs 3-7) Better Behaviour Centre	Woodville Primary School	20	15
Salisbury Downs (Yrs 3-7) Better Behaviour Centre	Salisbury Downs Primary School	20	14
Murray Bridge (Yrs 7-10) Better Behaviour Centre	Murray Bridge High School	15	9

SERVICE	LOCATION	MAXIMUM CAPACITY	PLACEMENTS ON 30/06/2017
Port Lincoln (Yrs 7-10) Better Behaviour Centre	Port Lincoln High School	15	17
Access for Learning (AfL, Hospital School SA; Yrs 3-7)	Windsor Gardens B-12	12	12
Cowandilla LC (Yrs R-9)	Cowandilla Primary School	25	20
Southern LC (Yrs R-9)	Mander Rd., Christies Downs	25	22
Beafield Education Centre (3 sites; Yrs R-9)	Para Hills High School (main site); Paradise Primary School; Brahma Lodge Primary School	57	43
ACCEPT (Autism program, part of Beafield Education Centre; Yrs 3-7)	Para Hills High School		6
<b>TOTALS</b>		<b>229</b>	<b>192</b>

### SCHOOL ABSENTEEISM

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

There are no current cases with me for approval to prosecute.

### EARLY CHILDHOOD EDUCATION

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The professional strategies include:

- targeted professional learning for the 18 prototype services;
- continuation of the professional learning communities formed by the 18 prototype services;
- opportunities for South Australian citizens to engage with international and local perspectives on early childhood; and
- sharing the prototype services research widely to highlight and promote the rights of children.

The Department for Education and Child Development is working to establish an evaluation project with a South Australian university of the four prototype services that are committed to researching the Reggio Emilia education principles within the South Australian context.

Evaluation will also consist of feedback from:

- the Re-imagining Childhood – a collaboration of local and international perspectives on early childhood conference delegates;
- the 18 prototype services; and
- citizens that access professional learning.

### DEPARTMENTAL STAFF

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The Chief Executive of the SACE Board is responsible for the leadership and management of the board's policies and for the provision of its curriculum, assessment, certification, reporting and data/information services.

The position is a South Australian Executive Service (SAES) level 2 position and as such has a total remuneration package value range between \$220,362 and \$367,270.

### PERFORMANCE INDICATORS

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:



In the last financial year, three teachers who were subject to a managing persistent unsatisfactory performance process have improved to a satisfactory level and the process has been closed. These teachers continue to be employed.

#### SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The Merit Ceremony, which took place on 7 February 2017, cost \$112,993.

Of that figure, \$22,650 was for logistics management (i.e. project management fees). The same private company has been used for the last two years.

#### RE-IMAGINING CHILDHOOD EARLY LEARNING CONFERENCE

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The \$410,000 will include:

- A grant to four prototypes. Criteria and a selection process are currently being developed.
- Opportunities for the four prototypes to share their research widely.
- Professional learning opportunities for the 18 prototype services.

The \$500,000 is a contribution towards the costs of the Re-imagining Childhood – A Collaboration of Local and International Perspectives on Early Childhood Conference including venue, catering and keynote speakers' travel and accommodation costs.

The conference is a prestigious event attracting international leaders in early childhood to Adelaide. This will also showcase South Australia's commitment to early childhood development and education, our world class convention centre and our beautiful state.

#### DEPARTMENTAL STAFF

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

The following table reports the number of Department for Education and Child Development staff who were on unpaid leave as at the last pay day in June for the last two years, including a further breakdown of those who were on unpaid leave for less than 56 days and greater than 56 days.

As part of the departmental mandatory reporting requirement to the Department of the Premier and Cabinet, unpaid leave has been further categorised as those less than 56 days and those greater than 56 days. These figures have been provided as they align directly to the mandatory workforce reporting definitions across government.

It is important to note that the total on unpaid leave for 2016 includes the former Families SA, as they were still part of the department at that time. 2017 totals no longer include Families SA employees due to the formation of the new Department for Child Protection in November 2016.

Year (last pay period in June)	Total employees on unpaid leave (last pay period in June)	Total on unpaid leave <56 days	Total on unpaid leave >56 days
2016	1179	285	894
2017	1038	297	742

#### EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

I have been advised by the department that the expenditure for people moving between Hindmarsh and the city and back is not recorded centrally.

#### SCHOOL ABSENTEEISM

In reply to **Mr GARDNER (Morialta)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

Schools are required to monitor attendance of all students. They must ensure that any unsatisfactory participation or unexplained absence is investigated (including frequent absences due to illness or for family reasons). Initial follow-up often includes phone calls, notes in the student diary, face to face meetings with parents at the school or the home, and connection to relevant services. Some schools also have text messaging systems, which alert parents to student absences on the day it occurs.

The Department for Education and Child Development (DECD) has adopted definitions to identify students at risk through non-attendance:

- Habitual non-attendance: where a student has 5 or more absences in a term (average of 1 day per fortnight)
- Chronic non-attendance: where a student is absent for 10 days or more in a term (average of 1 day per week).

These thresholds provide a mechanism by which schools can be alerted to the need to assess a child's circumstances and the degree of risk posed by their non-attendance.

If schools feel they need extra support to re-engage these children with school they can refer to our DECD attendance and engagement social workers. These workers employ a suite of responses, including case management support and interagency responses with other agencies, to address the issues that result in student non-attendance.

New referrals to attendance and engagement social workers are as follows:

- 2017 (to date as at 17 August 2017) – 561
- 2016 – 1,415
- 2015 – 1,600

#### **TAFE SA BERRI**

In reply to **Mr WHETSTONE (Chaffey)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

TAFE SA lecturers and tutors teach WorkReady and non-subsidised training programs at their base campus, various TAFE SA sites, in the community, and online to meet student and industry demand.

#### **TAFE SA BERRI**

In reply to **Mr WHETSTONE (Chaffey)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

TAFE SA staff regularly operate across a range of campuses, even in regional areas. These staff may have a base campus, but the willingness to operate across campuses supports the organisation's objectives to deliver high-quality, flexible, demand-driven training options.

There are currently 22 permanent staff and five temporary staff operating at Berri campus.

In respect of permanent staff only, there has been an increase of one staff since last financial year.

#### **INTERNATIONAL EDUCATION**

In reply to **Mr WHETSTONE (Chaffey)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

There are 22 staff currently employed in the Global Engagement unit. This includes the two managers.

It is not possible to provide a direct and meaningful comparison of staff numbers over the last two years as there has been significant organisational restructure of TAFE SA's international education activities.

This restructure includes realignment of marketing staff and the merger of two formerly distinct units, International Student Recruitment and Transnational Engagement.

#### **ECARL**

In reply to **Ms SANDERSON (Adelaide)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

In 2015-16 there were 28,016 eCAREL notifications and in 2016-17 there were 30,056 eCAREL notifications.

#### RESIDENTIAL CARE

In reply to **Ms SANDERSON (Adelaide)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

Residential Care costs for 2015/16 were \$74.3 million and \$113 million in 2016-17. The amount spent on residential care has increased in 2016/17 as a result of increased funding for out of home care.

#### FOSTER CARE

In reply to **Ms SANDERSON (Adelaide)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

In 2016-17 the Department for Child Protection implemented the 'growth in foster care' initiative to create the 138 new foster care placements over three years.

This initiative has generated 76 new placements so far, and is on target for achieving the 138 target.

#### FOSTER CARE

In reply to **Ms SANDERSON (Adelaide)** (28 July 2017). (Estimates Committee A)

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills):** I have been advised of the following:

At 30 June 2017, 20 children have been placed with specific child only carers by Anglicare SA.

#### BUDGET EXPENDITURE

In reply to **Mr KNOLL (Schubert)** (27 July 2017). (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. SA Health issues budgets at a unit level annually to reflect funding commitments to be incurred in the given year. The Office for the Ageing unit budget across the forward estimates could therefore be assumed to represent the 2017-18 budget adjusted for indexation and any other determined initiatives as required in that year. No material changes are foreshadowed, presently.

#### BUDGET EXPENDITURE

In reply to **Ms REDMOND (Heysen)** (27 July 2017). (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 2017-18 budget provision for the Aged Rights Advocacy Service to provide an advocacy service for residents of retirement villages is \$136,000.

The 2017-18 budget provision for the Aged Rights Advocacy Service to provide the Elder Abuse Prevention Phone Line Support and Referral Service is \$80,000.

The 2017-18 budget provision for the Aged Rights Advocacy Service Elder Protection Service is \$54,000.

The total 2017-18 budget provision for the Aged Rights Advocacy Service is \$270,000.

#### ELDER ABUSE

In reply to **Mr KNOLL (Schubert)** (27 July 2017). (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. Between 1 July 2016 and 30 June 2017, 45 callers or (18.67%) identified as older people experiencing abuse (out of 241 calls during this period). The highest proportion of callers (43.57%) identify as family members of people experiencing elder abuse.

2. The number and percentage of callers, who identified as being third parties between 1 July 2016 and 30 June 2017, are set out in the table below:

Caller Type & Total calls	Total	%
Self, Older Person (see qu. 1 above)	45	18.67%
Family Member	105	43.57%
Friend	31	12.86%
Unpaid Carer*	2	0.83%
Neighbour/ Acquaintance	8	3.33%
Service Provider	41	17.00%
Alleged Abuser	3	1.25%
Other	4	1.66%
Unknown	2	0.83%
<b>TOTAL CALLS</b>	<b>241</b>	<b>100%</b>

\*NOTE: 'Carer' was recorded in caller type from June 2017 due to the Stop Elder Abuse campaign focus on carers.

3. The types of alleged abuse identified by callers, between 1 July 2016 and 30 June 2017, are set out in the table below:

Types of abuse*	Total	%
Financial / material	146	31.95%
Misuse of Power of Attorney	21	4.60%
Psychological / emotional	167	36.54%
Physical	33	7.22%
Sexual	4	0.88%
Social	24	5.25%
Neglect	52	11.38%
Reportable Assault	1	0.22%
Self-neglect	0	0%
Scam	3	0.65%
Other	6	1.31%

\*NOTE: There may be more than one type of alleged abuse identified per call.

#### COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT

In reply to **Mr SPEIRS (Bright)** (27 July 2017). (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:

The 120.9 FTEs based in the Community Services Division of the Department for Communities and Social Inclusion, as outlined in Budget Paper 4, Volume 1, page 108, includes corporate overhead allocations of approximately 13 FTEs. It also includes 26 FTEs who deliver Aboriginal-specific youth programs in metropolitan Adelaide, under the Communities and Social Inclusion portfolio.

The remaining staff work across a range of programs, including grants management, community sector capacity building, policy development and placed-based programs. It is estimated that, overall, around 40% of effort of these staff in the Community Services Division is directed at youth-related activities, under the portfolio areas of Multicultural Affairs, Volunteers and Communities and Social Inclusion, as well as Youth.

#### DEPARTMENTAL STAFF

In reply to **Mr TARZIA (Hartley)** (27 July 2017). (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 funding package includes \$3.54 million for the Office for the Public Sector to provide centralised case management for affected employees of the Department for Communities and Social Inclusion (DCSI); \$1.89 million for the Department of Treasury and Finance to coordinate market engagement and procurement processes; and \$0.515 million for DCSI for change management and communication and engagement.

2. The 2017-18 budget for employee benefit expenses for Program 2, Community Care Services, is \$31.4 million. Of this amount, \$26.9 million relates to the operations of Domiciliary Care.'

#### COMMUNITY CONNECTIONS AND SUPPORT

In reply to **Mr TARZIA (Hartley)** (27 July 2017). (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 Department for Communities and Social Inclusion workforce report of 31 May 2017 identified 37 staff employed in the Concessions Hotline and Processing (CHAP) team, with an annual cost of \$2,429,246.

The CHAP team is responsible for the ConcessionsSA Hotline and processing of State Government household concessions applications, including the energy concession.

The actual number of staff assigned to process concessions applications varies during the year due to standard staff turnover.

#### GRANTS SA

In reply to **Mr TARZIA (Hartley)** (27 July 2017). (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 Department for Communities and Social Inclusion (DCSI) provided one-off multicultural grants through the Grants SA and Multicultural Infrastructure Grants in 2016-17.

These programs are highly competitive and heavily oversubscribed, with grant rounds receiving many more applications than can be funded.

In 2016-17, 75 organisations lodged successful Grants SA applications and a further 78 organisations were unsuccessful.

In 2016-17, two organisations lodged successful applications to the Multicultural Infrastructure Grants program and a further 19 organisations were unsuccessful.

The provision of names for unsuccessful applications may negatively impact on the organisations, their relationship with DCSI, and/or the reputation of the funding scheme itself.

2. Applications for Grants SA and Multicultural Infrastructure Grants are assessed independently by Assessment Panel members.

The Assessment Panel does not provide individual commentary on applications, but assesses them using merit based scoring against assessment criteria. Scores for individual applications are then ranked in order of merit. Funding is allocated according to rank until the funding is fully expended.

An organisation's application is deemed unsuccessful when its application is not ranked as highly as others in merit, when assessed by the panel.

Due to the competitive nature of these grant programs, an application may not rank highly for a variety of reasons, including:

- Does not demonstrate cost effectiveness/benefit to the extent of other applications;
- Does not demonstrate the organisation's capacity to deliver on the project to the extent of other applications;
- Community need not considered as high in priority as other applications;
- Does not demonstrate an outcomes focus; and
- Does not demonstrate benefit to target group/community to the extent of other applications.

All unsuccessful applicants are encouraged to contact the DCSI Grants Team on 1300 650 985, to receive feedback on their applications and discuss ways to develop and strengthen future funding proposals.

The department has also recently provided funding to the Multicultural Communities Council of South Australia (MCCSA), to deliver a new capacity-building support program for multicultural community organisations. Through this program, the types of support available to multicultural organisations may include, but not be limited to,

assistance with grant writing, complying with grant requirements, governance advice and support, and facilitation of strategic planning activities. Further information is available by contacting MCCSA on 8213 4610.

#### GOVERNMENT ADVERTISING

In reply to **Mr TARZIA (Hartley)** (27 July 2017). (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):**

a) Department for Communities and Social Inclusion

Year	No of FTEs Employed in Communication & Promotion Activities	Employment Expense \$'000
2016-17	11	898

\*NOTE: not all FTE's were employed for the full 2016-17 financial year.

Office for the Ageing, SA Health

Year	No of FTEs Employed in Communication & Promotion Activities	Employment Expense
2016-17	0.6 x ASO6-3	55,646

b) Department for Communities and Social Inclusion

Year	No of FTEs budgeted to provide Communication & Promotion Activities	Estimated Employment Expense \$'000
2017-18	9	1,002
2018-19	8	882
2019-20	8	895
2020-21	8	908

The Department for Communities and Social Inclusion is unable to provide a portfolio breakdown of FTE staff (4a) and employment expenses (4b) as communication and promotion staff work across all portfolio areas of the department.

Office for the Ageing, SA Health

Year	No of FTEs budgeted to provide Communication & Promotion Activities	Estimated Employment Expense
2017-18	0.6 x ASO6-3	55,646
2018-19	0.6 x ASO6-3	55,646
2019-20	0.6 x ASO6-3	55,646
2020-21	0.6 x ASO6-3	55,646

c)

- i. Response to be provided by Department of the Premier and Cabinet.
- ii. Department for Communities and Social Inclusion

Budgeted Cost of Government-Paid Advertising (all mediums) in 2017-18 \$'000
835

The total budgeted cost of government-paid advertising (all mediums) in 2017-18 is for the whole of DCSI. This includes:

- \$100,000 in the Communities and Social Inclusion portfolio for the Responsible Gambling Awareness Week; and
- \$735,000 in the Disabilities portfolio, for which minister Hildyard is responsible, for the National Disability Insurance Scheme communication and engagement campaign.

Office for the Ageing, SA Health

Budgeted Cost of Government-Paid Advertising (all mediums) in 2017-18 \$'000
153

**COUNTRY FIRE SERVICE**

In reply to **Mr KNOLL (Schubert)** (28 July 2017). (Estimates Committee B)

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse):** I am advised:

In order to comply with Australian Design Rule 80/03 for heavy vehicles, there are two emission control systems commonly in use with all new diesel powered trucks sold in Australia. These include Diesel Particulate Filters (DPF), as fitted to most Japanese built vehicles, and AdBlue (or Urea) as fitted to most European and American built vehicles. The function of these systems is to reduce the sooty particulate matter (i.e. black exhaust smoke and reduce the emission of harmful chemical emissions).

Currently in use with the Country Fire Service (CFS), are 36 bulk water carriers along with 218 tankers which are fitted with DPF. In addition, four CFS Pumpers are fitted with AdBlue systems. No post-market additions have been installed.

At the time at which all trucks are delivered to CFS brigades and groups, detailed training relating to either DPF or AdBlue systems is provided, in order to ensure that drivers of such vehicles have an understanding of system operations and requirements.

The CFS has no recorded incidents of a CFS vehicle accidentally starting a fire as a result of these fitted systems.

**METROPOLITAN FIRE SERVICE**

In reply to **Mr KNOLL (Schubert)** (28 July 2017). (Estimates Committee B)

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse):** I am advised:

The statistics of current Metropolitan Fire Service firefighters by age bracket are as follows:

No. of firefighters	Years of age
32	20 – 29
180	30 – 39
217	40 – 49
146	50 – 54
184	55 – 59
61	60 – 64
12	65+

This equates to a total of 257 firefighters over the age of 55 which represents 28.9% of the firefighting workforce.

**PRISONS, VISITING INSPECTOR PROGRAM**

In reply to **Mr KNOLL (Schubert)** (28 July 2017). (Estimates Committee B)

**The Hon. C.J. PICTON (Kurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse):** I am advised:

The Visiting Inspector Program provides for the inspection of South Australia's correctional institutions in accordance with the requirements set down in the *Correctional Services Act 1982*. Visiting Inspectors are independent and are appointed by the Governor. Visiting Inspectors regularly visit prison sites to monitor daily operations, speak directly with prisoners and receive and investigate complaints.

The Department for Correctional Services currently has 25 Visiting Inspectors who attend and inspect each of South Australia's eight prisons on a weekly basis. At minimum, this means that there are over 400 inspections conducted per year.