# LEGISLATIVE COUNCIL

## Wednesday 4 May 2011

**The PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:18 and read prayers.

### LEGISLATIVE REVIEW COMMITTEE

**The Hon. R.P. WORTLEY (14:18):** I bring up the 23rd report of the committee.

Report received.

## QUESTION TIME

### ROYAL ADELAIDE HOSPITAL

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19):** I seek leave to make a brief explanation before asking the interim Acting Leader of the Government a question regarding ALP chicanery over the new Royal Adelaide Hospital.

Leave granted.

**The Hon. D.W. RIDGWAY:** The government wants to lease part of the Parklands along North Terrace for the new Royal Adelaide Hospital but, instead of a 35-year lease which would, of course, cover the life of the proposed construction and consortia payment period, the government now only wants to lease this piece of land for nine years and 364 days—one day less than 10 years—and, of course, we know why. Mr President, any Parklands lease that is 10 years or more has to be received by you, sir, and laid before this house. By having a lease just short of 10 years, of course, the government avoids a democratic vote on the floor of this chamber. Labor will just renew this lease every nine years and 364 days until the end of the public-private partnership. My questions to the minister are:

1. When will Labor ministers stop inventing new tricks to avoid parliamentary scrutiny on the new Royal Adelaide Hospital?

2. What is the government trying to hide from parliament and the people?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:21):** I think it was the journalist Greg Kelton who wrote that only here in this state could you find a pack of whingeing, whining people opposing things like a state-of-the-art public hospital. Even Greg Kelton drew attention to the fact that to whinge and whine about such an incredible public asset and amenity could not happen anywhere else in the world—where a group of people (this opposition) are opposing such a dynamic and wonderful project in the interests of the South Australian community. Only this opposition could whinge and whine about such a state-of-the-art project that will provide such an incredible asset, amenity and services to South Australians.

The house is obviously well aware that everything this government has proposed to build for this state—the tramline extension, the Adelaide Oval and the new Royal Adelaide Hospital—has been opposed by the Liberal opposition. All the way, all they have done is whinge, whine and oppose. On every initiative that we have wanted to take this state forward with, just about any major initiative, what has the opposition done? Whinge, whine and oppose. They are knockers. They are trying to tackle and undermine public confidence. They are knocking good ideas and knocking good policy. They are negative, carping, whining and disgraceful—absolutely disgraceful.

Then, of course, there was that incredible spectacle where the Hon. David Ridgway called a press conference on the topic of the Royal Adelaide Hospital but was unable to answer any questions. I don't know whether you saw the film footage, Mr President. It was hilarious, absolutely hilarious—calling a press conference and he couldn't answer any questions. He comes to this house referring to documents that he then refuses to table. Of course, we know the history of this party. We know the history of the opposition—dodgy documents. That is what we know—dodgy documents.

In contrast, the government has said it will release the costs details, and we will release those once we are in a position to do so. The facts are that the SA Health Partnership will design, build, finance and maintain the new Royal Adelaide Hospital and provide non-clinical support

services over a 35-year period. The state is currently in the final stages of negotiation over that 35-year contract, I have been advised, with SA Health Partnership. I have been advised that financial details of the project are confidential until contract negotiations with the SA Health Partnership consortium are completed, a contract is signed and a financial close is reached.

As the honourable Minister for Health has already mentioned in another place, consistent with other PPP projects in South Australia, the government will release details of the Royal Adelaide Hospital PPP contract within 60 days of the contract being signed, including the total value of the signed contract. We will provide full information to the public about the final cost of the project over 35 years. The government will release all the information that is not commercially confidential.

That information is well established on the public record. We are open and transparent about what is going on. Instead of the opposition getting behind us in terms of a state-of-the-art healthcare facility—a fabulous amenity, wonderful health services to be provided to South Australians—what does this pack of knockers do? Whinge, whine, carp and undermine this marvellous project.

**The PRESIDENT:** The Hon. Mr Ridgway has a supplementary question.

## ROYAL ADELAIDE HOSPITAL

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26):** Will the minister answer the question, or at least give me a commitment she will refer it and bring back an answer, instead of the waffle we have just heard?

*Members interjecting:*

**The PRESIDENT:** Order!

## POPULATION GROWTH

**The Hon. J.M.A. LENSINK (14:26):** I seek leave to make a brief explanation before directing a question to the Minister for Regional Development, representing the Premier, on population.

Leave granted.

**The Hon. J.M.A. LENSINK:** In March 2004 the Premier announced:

> As part of our population policy Kevin Foley and I will be embarking on a major promotion of our State throughout the eastern seaboard of Australia and overseas.

Certainly anecdotally, I am aware that there were a number of expat South Australians who were invited to soirees for cocktails and South Australian wine several years ago. In March 2011, the ABS statics showed that population growth was the lowest in South Australia of any mainland state, with a net 3,307 people leaving in the last 12 months. My questions for the Premier are:

1. How successful does he believe his promotion of South Australia has been?

2. Has that program ever been formally evaluated? If so, what were the results?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:28):** I thank the honourable member for her most important questions and will refer those to the relevant ministers in another place and bring back a response. At this point I want to make a few very general comments. South Australia has turned around our population demise. We were in a diabolical situation not that many years ago when our population was declining at a very rapid rate. However, we have been able to turn that around so that we do at the moment enjoy population growth.

That has been due to the efforts of a great deal of careful planning and consideration, not just in terms of migration programs, but the South Australian government has been very strong on developing jobs here. We have been very successful in bringing our unemployment rates down to an all-time low, which is a fabulous achievement for this state. We have a huge infrastructure plan. We are investing hundreds of millions of dollars in infrastructure development, and that translates to jobs: mining, defence and international students. I spoke in this place about that yesterday.

These initiatives are about generating jobs and investing in this state for a long-term, sustainable future. We have been able to turn things around here, so it has been a very successful

strategy indeed. Of course, we then have the 30-year plan for the metropolitan area and surrounds. We are on our toes and we are looking forward, and it is about a sustainable future for this state. As I said, I am very pleased to refer the specific questions to the relevant minister in another place and bring back a response.

## POPULATION GROWTH

**The Hon. J.M.A. LENSINK (14:31):** I have a supplementary question arising from the answer in which the minister stated that the 'population had turned around'. Can the minister identify what year precisely did population reach its lowest levels in South Australia and at what point was the net interstate migration from South Australia highest?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:31):** I do not have those details with me; I do not carry that level of detail around in my head. It is not an area I am responsible for, but I do know that in the recent past we have certainly turned those trends around. We certainly have in recent years been able to achieve unprecedented levels of employment. These are things this government is very proud to have contributed towards and now builds on and continues to grow.

## REAL ESTATE LICENSING

**The Hon. S.G. WADE (14:32):** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question relating to educational standards for sales reps.

Leave granted.

**The Hon. S.G. WADE:** The Land Agents Act 1994 is committed to the minister. Through changes to the regulations under the Land Agents Act 1994, qualification levels for sales representatives have been significantly reduced by this government. Sales representatives were previously required to undertake a full certificate IV in training, and now they are required to undertake something less than a certificate IV.

Under the proposed regulatory scheme within the national occupational licensing scheme, real estate agents will no longer be required to undertake training to a diploma level. Similarly, sales representatives will be required to undertake only approximately one-third of the existing requirements.

These changes are being promoted in the name of national consistency and removing barriers to entry, yet the opposition is concerned that the race to the bottom on educational standards is occurring at the risk of the protection of South Australian consumers. My questions are:

1. Does the minister support the proposed changes to the educational standards?

2. Will the minister ensure that any nationally-agreed standards do not lead to the reduction of South Australian training standards?

3. Can the minister guarantee that consumers will not be worse off in South Australia following the proposed national occupational licensing scheme?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:33):** I thank the honourable member for his questions. Indeed, this government has played a key role in bringing in major reforms to the area of real estate. Mr President, you might recall that we put in place a raft of reforms, so that we were able to virtually get rid of dummy bidding altogether—legislation we put in place to address problems that were being suffered by consumers that the opposition sat on their hands and did nothing about during their time in government.

We have been successful in bringing about a raft of different changes, which came into operation in July 2008. It was the most comprehensive overhaul of South Australia's real estate laws in over a decade—a comprehensive reform. One of the main changes introduced was the requirement for real estate sales representatives, including those involved in the leasing of commercial properties, to become registered with OCBA. That was a real first, and I think it was a step in the right direction.

Prior to the real estate legislation, sales reps had to meet the following requirements in order to act as sales representatives for a land agent: completion of an approved qualification; not

been convicted of an indictable dishonesty offence or summary dishonesty offence within the last 10 years; and not suspended or disqualified from carrying on an occupation, trade or business in Australia.

It was the obligation of the land agent to check that their employees met these requirements, and registration was not required, so it was quite an ad hoc approach and there was no guarantee, or very minimal guarantees or assurances, that this was taking place. This government introduced changes following the introduction of the real estate reform legislation. All previous qualifications and requirements were retained, as well as the legislative requirement for a sales representative to be a fit and proper person.

So, in fact, we have lifted the bar, and to make an application for registration clients may either telephone OCBA or attend in person, using the assisted application process. An OCBA staff member asks a series of relevant questions, while any issues requiring clarification can also be addressed at the time. The completed application form is then provided to the client for checking, signing and lodgement, along with any other listed attachments, such as copies of their qualifications or a national police certificate. The AAP, as we know, has streamlined the application process, and I am advised that once lodged the matter is progressed very quickly.

So we can see that the reforms we have put in place in fact went a long way to requiring registration for the first time ever, and a fit and proper person test that had not been previously required as well. So I think that this government has certainly shown that it has a commitment to improving standards within the industry, whilst at the same time being very mindful not to put in place too much of an onerous system in terms of delivering too much red tape to the system that then is a disincentive to thriving business. I think that this government has got the balance right.

## WOMEN'S INFORMATION SERVICE

**The Hon. R.P. WORTLEY (14:37):** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Women's Information Service.

Leave granted.

**The Hon. R.P. WORTLEY:** In addition to maintaining the Women's Information Service shopfront and telephone service, a number of other programs are made available to women through this service. My question is: will the minister report to the chamber on the new Ombudsman service, which will be offered from the Women's Information Service?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:37):** I am very pleased to inform honourable members that the South Australian and commonwealth Ombudsman offices will be providing a fortnightly outreach service from within the Women's Information Service, beginning in May this year. As members would be aware, the Women's Information Service is a free and confidential information, referral and support service for all women in South Australia.

WIS provides assistance in person, over the phone, through regional information hubs and by email. A toll-free number is available for women residing in rural and remote areas. As members would be aware, the commonwealth Ombudsman investigates complaints from people who believe that they may have been treated unfairly or unreasonably by a federal government department or agency. The Ombudsman SA investigates complaints about South Australian government and also local government agencies as well.

Starting this month, the Women's Information Service will form a partnership with the commonwealth and state Ombudsman offices to reach women from different groups in the community. This partnership is designed to link women, such as women from culturally and linguistically diverse groups, to services provided by an ombudsman that they might not otherwise be aware of.

The aim of offering the service through WIS is to increase women's access to accountable and fair resolution of the complaints they raise. This service is based on the model used in Hutt Street to inform homeless people of the work of the Ombudsman and how the office can help people should they have complaints about being unfairly treated by federal, state or local government agencies.

In the lead-up to providing this service, the SA and Commonwealth Ombudsman offices delivered an information session to staff at WIS. They provided staff with information about the

investigations they undertake and provided examples. This is a welcome addition to the outreach services provided by WIS as part of its community engagement program. This program aims to provide information, support and referral options to women in metropolitan, regional and rural areas. WIS workers regularly meet with individuals, community groups and agencies to inform them of a range of services available to assist women, as well as to inform them about the role of WIS.

WIS information hubs are a key part of this program. Hubs have been established at the Department of Education and Community Services children's centres in many locations throughout Adelaide and at libraries, community health services and community centres in regional areas throughout South Australia. In metropolitan areas, hubs can be found in locations including Enfield, Elizabeth Grove, the Parks and a number of other centres. In regional areas, hubs are located as far afield as Andamooka, Wudinna, Streaky Bay, Milang, Clare, Port Augusta and a number of other centres as well.

Hubs provide a range of printed information about services. Women are welcome to access hub spaces independently, or they can contact WIS to speak to a worker for additional assistance. WIS is obviously committed to providing women in regional and rural areas with assistance, as well as providing talks about the service for interested groups. WIS staff also participate in rural field days and events in country locations and provide free telephone link-up services for women living outside of Adelaide.

## GOVERNMENT BUSINESS

**The Hon. R.L. BROKENSHIRE (14:41):** My question is to you, Mr President. Given the government's decision not to replace a resignation with a second minister in this house, can the President explain to the house how this house will function if, indeed, the minister happens to take ill and is not available? Will we still have a question time, sir? Will we still be able to run this house, or will we be forced to close? Secondly, will the minister—given that the government has chosen to have only one minister—not be able to attend ministerial council meetings to represent South Australia's interests? I think this is a very important question, and I seek an answer from you, sir.

**The Hon. R.K. SNEATH (14:42):** I am sure that the house will continue to operate and stay open for business.

## GOVERNMENT BUSINESS

**The Hon. R.L. BROKENSHIRE (14:43):** As a supplementary question, Mr President, are you saying, sir, that we can have a question time and that we can conduct the business of the house if, indeed—as good as the minister is—the minister takes ill, has a virus or a sickness? Would we be having the doors of this house closed, or would we be able to continue the business of the parliament in the state's interest?

**The Hon. R.K. SNEATH (14:43):** As I said before, the house will remain open for business at all times.

## SERVICE SA

**The Hon. P. HOLLOWAY (14:43):** I seek leave to make a brief explanation before asking the Minister for Government Enterprises and Regional Development a question about measures to improve Service SA's services for rural areas.

Leave granted.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** I know opposition members don't want to hear about all the good things we are doing in rural areas, but I will persist. Service SA is the state government's one-stop contact point for government information and services. Service SA offers choice and flexibility to its customers and provides access to government-related services, information products and financial transactions through an integrated network of phone, face-to-face and online delivery channels. It is very good.

**An honourable member:** Who started that off, Paul? Who started that off?

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** Will the Minister for Government Enterprises and Regional Development tell us how Service SA is acting to improve services to regional areas in South Australia?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:44):** I thank the honourable member for his most important question. Service SA has developed a new service agent model which will be progressively rolled out across regional communities in South Australia. The state government is committed to expanding the range of government information and services available in regional communities.

Service SA provides smaller rural communities with access to a limited range of state government information and services through its rural service agent program. Service SA currently has eight rural agents, which are located at Port Broughton, Port MacDonnell, Wudinna, Yorketown, Peterborough, Keith, Roxby Downs and Millicent. Service SA first established a rural service agent servicing Clare in 2009, in order to improve community access to services.

Clare has been chosen as the first site in regional SA to introduce the new expanded model on 18 April in response to increased community demand for services there. The service was established in an agreement with Country North Community Services, which is a valued and well established local not-for-profit organisation.

The select range of SA government services that are provided by Country North Community Services include: providing information to customers on government services, processing transactions and downloading forms. This service has proved to be extremely popular, with Country North Community Services acting as the authorised Claire service agent. Some registration and licensing services are provided through the local Australia Post.

Service SA has 20 customer service centres, nine in regional areas and 11 in metropolitan areas. In addition to services already being provided under the rural service agent model, the upgraded services provide all EzyReg transactions available to the public and other delegates. It will also enable members of the community to order replacement numberplates or special plates and replace or renew their driver's licences and learner's permits.

This is in addition to services already available, such as vehicle registration, renewals and learner driver theory tests. It will also provide access to a wider range of more commonly transacted registration and licensing services, as well as some recreational boating services. The Clare community has sought this improved accessibility to registration and licensing transactions and the state government is pleased that it is able to respond.

Service SA is developing an expanded suite of services, including many commonly used registration and licensing services not previously available in rural communities, for delivery by service agents in a range of regional locations.

## INJURED WORKER SUICIDE

**The Hon. A. BRESSINGTON (14:48):** I seek leave to make a brief explanation before asking the minister representing the Minister for Industrial Relations questions about measures being undertaken to prevent injured worker suicides.

Leave granted.

**The Hon. A. BRESSINGTON:** Successive ministers for industrial relations and the WorkCover Corporation have consistently failed to acknowledge injured worker suicide as a consequence of the current draconian legislation regime and hostile case management approach. This has led to far too many injured workers being pushed to breaking point.

In October 2009, there was a tragic suicide of the husband of an injured worker at the Workers Compensation Tribunal who, clearly, left so distraught by the cruelty of the system, jumped over the railing of the air bridge between the tribunal and the lifts. It is my understanding that in early 2010 a decision was made to raise the height of these railings to prevent further such tragedy.

While slow progress has been made, with the design for the height and railing decided upon, I am led to believe that the project has stalled due to disagreement between the Department for Transport, Energy and Infrastructure, the building owner and the tenants of the Riverside building over funding of the upgrades. This is most disappointing and it would be tragic if this delay

was to result in another such tragedy, as almost happened last week, with an injured worker hanging on to the outside of the railing for over five hours threatening to suicide. Thankfully, he was talked down.

To ensure that the project is completed expeditiously, I believe that WorkCover should initially pay and then seek to recover moneys owed at a later date. This, of course, is a reactionary measure and needs to be part of a broader suicide prevention approach. One such initiative would be to expand the independent support offered by organisations such as the Work Injured Resource Connection, which advocates for injured workers as well as supplying food parcels, called 'bags of love', and holding informal get-togethers to keep injured workers socially engaged.

Despite efforts to have the Work Injured Resource Connection, recognised and funded by WorkCover, its founder Ms Rosemary McKenzie-Ferguson is forced to operate on the smell of an oily rag. I note today that Dr Kevin Purse has come out and advocated for an industry summit to be held with key stakeholders to be encouraged to commit to a plan to prevent injured worker suicide. My questions are:

1. Does the minister acknowledge that the suicide of injured workers is a serious problem deserving an immediate and effective response?

2. Does the minister acknowledge that it is the system itself that drives injured workers to the point of desperation and hopelessness?

3. Will the minister commit to holding an industry summit as suggested by and advocated for by Dr Kevin Purse this year?

4. Will the minister commit to funding the Work Injured Resource Connection so the excellent work of the founder Ms Rosemary McKenzie-Ferguson can be expanded to assist more injured workers?

5. Will the minister commit to exploring the possibility of funding a 24/7 helpline so that injured workers can get the assistance and intervention that they need when they need it?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:51):** I thank the honourable member for her most important question on worker suicide. Indeed, any suicide is one suicide too many. I will refer those questions to the Minister for Industrial Relations in another place and bring back a response.

## INJURED WORKER SUICIDE

**The Hon. R.L. BROKENSHIRE (14:52):** A supplementary question, Mr President. Can the minister assure the council that people and organisations that are advocates for the vulnerable and injured will not be and are not being jeopardised for grants or funding opportunities simply because they may rattle the cage against the government and/or WorkCover?

**The PRESIDENT:** I don't see how that is a supplementary. That is a separate question altogether.

## FORESTRYSA

**The Hon. J.S.L. DAWKINS (14:52):** I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the regional impact statement released yesterday entitled 'ForestrySA and the South-East Region of South Australia'.

Leave granted.

**The Hon. J.S.L. DAWKINS:** The minister no doubt will be aware of the importance of regional impact statements in the making of decisions that affect regional communities. I note that most of these statements are kept confidential due to their interaction with cabinet deliberations, but in this instance the final report produced by ACIL Tasman was released by the government to seek to ease community concern.

The regional impact statement encourages the government to clearly outline the sale process and key risks to ease community concern about the sale process. One of the key risks outlined by the report is:

> If a large quantity of log was exported, the impact on the local processing industry would be significant.

The report goes on to say:

> We also note that there are no barriers preventing those firms that buy sawlog from ForestrySA exporting that log, rather than processing it in the region.

ACIL Tasman bases its conclusions on economic modelling and analysis, which underpins their assumptions and conclusion, but the information does not form part of the report. My question is: Given that the report encourages the government to release information on the key risks of the sale of ForestrySA and as the increased export of sawlog is a key risk, will the minister release the economic modelling that underpins the economic assumptions and the conclusion of the regional impact statement?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:54):** I thank the honourable member for his most important question. Indeed, the RIS recently released examined the proposal carefully following consultation with stakeholders and the consideration of economic and social impact of the sale of rotations on the region. To accomplish that task, ACIL Tasman examined both the South-East region's economy and the softwood timber industry more broadly. This is all information I have been advised of. I am further advised that the RIS concluded, as has been announced, that there are unlikely to be significant economic or social impacts arising from that sale of forward rotations.

I am also advised that the RIS noted that the community was concerned that the forward sale would lead to substantial job losses with ensuing impacts on the broader community. I am further advised that the RIS stated that the key concern is that the new owner would export logs on a large scale, that all of FSA's uncontracted green triangle production would be exported and that this would have a significant impact on the local processing industry. I am advised that the RIS concluded that it was unlikely that the change in ownership of rotations would, in fact, result in significant additional exports.

As we know, the minister has announced that the South-East forest industry round table will be established and chaired by Trevor Smith. Mr Smith has represented the forest and forestry products industry employees, communities and industry interests in several roles for over 35 years, in particular as national secretary of the Forestry and Furnishing Products Division of the CFMEU. The round table, I am advised, will examine the broader issues facing the forestry industry in the South-East and provide recommendations to the Treasurer and the Minister for Forests. It will also provide advice to the Treasurer regarding the proposed conditions of the divestment, such as extending existing log supply contracts, placing a cap on exports and imposing minimum rotation length before going to market.

The minister has announced that the government will ensure that this arrangement will ensure that the government retains ownership of the forest land, as well as the water and carbon rights, and ForestrySA's staff will also continue to be employed by the government. As I said, the government will establish the round table, and it will provide sawmill owners who have existing log supply contracts with ForestrySA an option to extend their current contracts up to a further five years to help protect job security.

The other commitments that have been announced are: to ensure that any sale condition includes the new purchaser agreeing to target rotation length consistent with the current and planned ForestrySA standard—that is about keeping the integrity of the standard of the forest product coming out of the region; to ensure that there is a commitment by a new purchaser to match ForestrySA's current level of planned global domestic supply; and a commitment to create an obligation on the successful purchaser to report yearly to the government to ensure that it is meeting the conditions of its purchase.

We can see that there are a number of considerable safeguards that have been put in place to protect the industry, to protect workers and to retain the ownership of that land.

## FORESTRYSA

**The Hon. J.S.L. DAWKINS (14:59):** I have a supplementary question. As Minister for Regional Development, will the acting leader insist that this important economic modelling forms part of the regional impact assessment statement?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:59):** I am happy to refer that question to

the relevant minister who is responsible for the modelling and details associated with that. A great deal of detailed information has already been made publicly available. In relation to other details, I am happy to refer those to the relevant minister and bring back a response.

**FORESTRYSA**

**The Hon. J.S.L. DAWKINS (14:59):** I have a further supplementary question. Does the minister concede that, without this information being released, employees whose livelihoods are at stake will continue to fear job losses?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:00):** I have already outlined a number of measures that have been put in place to protect job security in the area. I have already outlined those, and I have already outlined the basic thrust of the report, which clearly indicates that there are unlikely to be significant economic or social impacts arising from the sale.

**FORESTRYSA**

**The Hon. R.L. BROKENSHIRE (15:00):** Supplementary.

**The PRESIDENT:** The Hon. Mr Brokenshire has a supplementary question.

**The Hon. R.L. BROKENSHIRE:** As a supplementary question to the Minister for Regional Development, is the minister concerned that, in the regional impact statement released yesterday, one of the big holes in that regional impact statement that you could drive a truck through is that there was no net cost benefit analysis done by the government before selling and privatising the forward plantations? No net cost benefit analysis.

**The PRESIDENT:** The honourable minister should ignore the opinion in the question.

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:01):** Yes, thank you, Mr President. Look, the honourable member makes certain assertions. I am not the minister responsible for leading this project. The details are the responsibility of the minister involved, and I am more than happy to refer those particular questions to the relevant minister and bring back a response.

**FORESTRYSA**

**The PRESIDENT:** The Hon. Mr Ridgway has a supplementary question deriving from the answer.

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:01):** Has the minister read the regional impact statement?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:02):** I have not read the full document. I have been briefed about its contents and given an overview of that document.

**The PRESIDENT:** She has been a very busy minister.

**The Hon. G.E. GAGO:** I am not the minister responsible for this project. The relevant minister has informed himself. I have informed myself of the general overview of the project and its outcome, so I have been briefed about that and I am confident in those outcomes.

*Members interjecting:*

**The PRESIDENT:** Order! A very busy minister.

**FORESTRYSA**

**The Hon. R.L. BROKENSHIRE (15:02):** Supplementary. Mr President, based on your comments, in particular, about being a very busy minister, has the Minister for Regional Development read the executive summary of the regional impact statement?

**The PRESIDENT:** Where is that question going? The honourable minister. The Hon. Ms Zollo.

**WOMEN INFLUENCING DEFENCE AND RESOURCES INDUSTRIES PROGRAM**

**The Hon. CARMEL ZOLLO (15:03):** I seek leave to make a brief explanation—

*Members interjecting:*

**The PRESIDENT:** Order! The honourable minister hasn't got as much time as the Hon. Mr Brokenshire, I am sure.

**The Hon. CARMEL ZOLLO:** I will start again. I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the defence and resources industries support for women.

Leave granted.

**The Hon. CARMEL ZOLLO:** The minister has told this place on other occasions of the importance of encouraging more women to enter non-traditional areas of employment such as mining and defence. Will the minister provide the chamber with details of initiatives which aim to support women in the defence and resources industries?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:03):** I thank the honourable member for her most important question. I recently had the pleasure of attending the launch of a new industry program designed to support 60 women currently working in the defence and resources industries. The Women Influencing the Defence and Resources Industries program was launched on 13 April by the Hon. Jack Snelling, Treasurer and Minister for Employment, Training and Further Education.

The Department for Further Employment, Education, Science and Technology (DFEEST) has provided the Defence Teaming Centre and the Resources and Engineering Skills Alliance with funding to undertake the Women Influencing the Defence and Resources Industries program. The Defence Teaming Centre is the peak defence industry association in South Australia. Its role is to facilitate the collaboration and development of industry companies to work together, strengthening their ability to win a larger share of defence business locally, nationally and internationally. I am advised that the Resources and Engineering Skills Alliance was established in mid-2007 to assist mining, oil and gas, energy and related engineering companies involved in the resources sector in South Australia.

The purpose of the Women Influencing Defence and Resources Industries program is to support the roles and responsibilities of women as directors and managers, coaches and mentors, and industry advocates. The program has been developed from the Women in Defence Industry and Women in Resources SA groups and will contribute to meeting workforce demand in resources and defence industries. It aims to develop over 60 women to effectively manage and influence decision-making and workforce development by supporting their roles and responsibilities as industry advocates, directors, managers and mentors.

The program will facilitate a collaborative approach to a number of key issues. Key components of the program include coaching and mentor training, board training and community of practice. Twenty-five of the program's participants will be selected to attend three core introductory components of the Australian Institute of Company Directors course. Coaching and mentoring training will also be held after the program, and the Office for Women will be providing a session on how to develop a board CV.

The Women Influencing Defence and Resources Industries program complements the Women at Work strategy, and members of the Office for Women, DFEEST and the Department of Education and Children's Services are on the steering committee of that program. Approximately 80 men and women attended the launch and the subsequent community of practice session that was held later on that morning.

The community of practice allowed the women to discuss the positive aspects of their career and start developing a toolkit to address barriers to women's full participation in the Defence Force and resources industries. The next community of practice session will be held on 19 May 2011 at the Naval, Military and Air Force Club, with further sessions to be held in June, August and October.

## GOVERNMENT BUSINESS

**The Hon. M. PARNELL (15:07):** I seek leave to make a brief explanation before asking the minister a question about proceedings in the Legislative Council.

Leave granted.

**The Hon. M. PARNELL:** Yesterday in question time the minister was confident in her ability as the sole minister in this place to manage the business of the house. On radio this morning she went even further by declaring that yesterday's business 'went very well'. Other commentators have expressed a different view, and the fact that the Legislative Council started at 2.15 and ran out of work before 5pm suggests that yesterday was not a very productive day. My questions are:

1. Given yesterday's experience, will the minister commit to publishing before sittings commence a credible agenda so that members will have confidence as to the order and priority of business?

2. How long will this interim period be when the minister is the only minister in the Legislative Council?

3. What is the plan to cover the absence of a single minister through ill health or other unforeseen reasons?

*Members interjecting:*

**The PRESIDENT:** Order! Honourable minister, some of that question does not relate to information that you might have.

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:09):** But, Mr President, I would relish the opportunity to make a few comments. In fact, the opposition's performance yesterday was nothing short of a disgrace—an absolute disgrace. I am calling on them to desist from obstructing the process of this chamber. It was nothing short of a disgrace. They had three or four weeks where we had identified well in advance—

*An honourable member interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** —as the honourable member alluded to, a *Notice Paper* that went out and that said supply would be our priority bill—three or four weeks in advance. Not one—

*Members interjecting:*

**The Hon. G.E. GAGO:** It did say it would be a priority. There was a list of priorities, and it was down as No. 1. I don't know how higher up you can get, other than No. 1, on the priority list. It went out weeks in advance, and not one of those lazy members opposite had used all of those weeks off during the break to prepare a response to the Supply Bill—not one.

There was not one contribution made by the lazy opposition in this place yesterday; that is outright obstruction to government business. It does not matter how many priority lists we send out; that is not going to make any difference, because we have an opposition that is out to deliberately obstruct the business of this government. Let's move on to liquor licensing. That bill has been on the *Notice Paper* for six weeks—

*The Hon. J.M.A. Lensink interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** Six weeks that bill had been on the *Notice Paper*, and it was also on a notice that went out many weeks ago listing it also as a priority for debate this week. Again, not one lazy member of the opposition had bothered to prepare a contribution in advance.

*An honourable member interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** Briefings were made to honourable members weeks in advance.

*The Hon. T.A. Franks interjecting:*

**The PRESIDENT:** I don't think the Hon. Ms Franks needs to defend the opposition.

**The Hon. G.E. GAGO:** Briefings from my agency and my office were offered to members weeks in advance. They were too lazy to avail themselves of these things, or they left it to the last minute. So, on the eve of coming into this place, they were too lazy to prepare themselves in advance. They are just two examples of bills that went out on a *Notice Paper* weeks in advance—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** —as priorities for debate. The lazy, lazy opposition were just so badly prepared and so lazy that they did not bother to make a contribution in this place yesterday.

*The Hon. J.M.A. Lensink interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** So, this place was not able to progress with government business, because we were obstructed by this irresponsible opposition, which would not allow the progress of government business to go ahead. It won't matter how many priority lists I put out—and we do that—because they are deliberately using the current situation to obstruct the democratic business of this place. It is an absolute disgrace.

I have indicated and put on the record in this place that it is an interim position only and that we are attempting to resolve this as soon as is possible. I have also indicated in this place that, in terms of this being a precedent, this is not anything new. This has happened in this place and, Henny Penny, the sky did not fall in.

Previously, as I have indicated in this place, the Hon. Paul Holloway was the sole minister in this place for some time and the sky did not fall in. The business of government went ahead. There were no problems that any member in this place, or any other place for that matter, could identify was a problem that resulted from that.

Similarly, Barbara Wiese was the sole minister for a period of time as well, and the sky did not fall in. Our democratic processes were upheld; the integrity of this chamber was achieved at all times. I will continue in exactly the same way. I am an experienced minister. I have been a minister now for six years across 13 or so portfolios. I am doing my job, but the job will not and cannot be done while we have an opposition that deliberately seeks to exploit the situation of this chamber and deliberately obstructs the government business of the day.

So, I call on them to do the right thing and to allow the business of this day to go ahead, as it should; to be prepared, as they should, as per the notices that go out, and not to waste taxpayers' money in this place.

**The PRESIDENT:** The Hon. Mr Parnell has a supplementary to his Dorothy Dixer.

**GOVERNMENT BUSINESS**

**The Hon. M. PARNELL (15:15):** Not at all! Will the minister commit to publishing a priority list for government business that includes only genuine priorities and not every government bill?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:15):** Our notices of priorities are all genuine.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** Our notices of priority are all genuine.

**The PRESIDENT:** The Hon. Mr Ridgway has a supplementary question.

**GOVERNMENT BUSINESS**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:15):** Does the minister support the time-honoured convention of allowing bills to sit on the *Notice Paper* for a week prior to debate?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:15):** I support the convention of allowing the government of the day to get on and do the business of this place, to do the job that we are paid to do.

**GOVERNMENT BUSINESS**

**The Hon. T.A. FRANKS (15:15):** I have a supplementary question arising from the original answer. Does the minister stand by her assertion that the government wanted the liquor licensing bill debated in full this week, when her staff indicated last week, when they were finally available for a briefing—

**The PRESIDENT:** Order! No explanation.

**The Hon. T.A. FRANKS:** —that they would not be going into committee on this bill this week because of the government's own—

**The PRESIDENT:** No—no explanation.

**The Hon. T.A. FRANKS:** —announcement that this bill had a six-week review—

**The PRESIDENT:** Order!

**The Hon. T.A. FRANKS:** —which ended on Friday?

**The PRESIDENT:** Order! I must say—

*Members interjecting:*

**The PRESIDENT:** Order! I must say that we have all been here long enough now to know how to ask a supplementary question.

**The Hon. R.I. Lucas:** It was a very good supplementary.

**The PRESIDENT:** It would have been, without the explanation. It might have been a supplementary question. The Hon. Mr Lucas.

**GOVERNMENT BUSINESS**

**The Hon. R.I. LUCAS (15:16):** I have a supplementary question arising out of the answer. Is it correct that yesterday afternoon you sat red-faced and embarrassed because you had forgotten—

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** —to bring a second reading speech for a bill—

**The PRESIDENT:** Order! No supplementary.

**The Hon. R.I. LUCAS:** —that you wanted to introduce, and the proceedings of the council were held up—

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** —while you tried to find the second reading speech—

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** —and the council couldn't proceed with the work of the council?

**The PRESIDENT:** Order! Sit down!

**The Hon. R.I. LUCAS:** Thank you, Mr President.

**The PRESIDENT:** Sit down! The Hon. Ms Lee.

**BUSINESS CONFIDENCE INDEX**

**The Hon. J.S. LEE (15:17):** I seek leave to make a brief explanation before asking the Acting Leader of the Government a question about South Australia's Business Confidence Index.

Leave granted.

**The Hon. J.S. LEE:** On Cruise FM radio yesterday, 3 May, Business SA CEO, Peter Vaughan, stated that the Business Confidence Index is down by 3 per cent, from 96 points to 92, in

the March quarter of 2011. Mr Vaughan adds that 'it's clearly tough out there, and it's looking to be tougher in the future because business confidence predictions are a great forecaster of things to come'.

Additionally, according to Business SA's March quarter report's survey of business expectations, 57 per cent of businesses indicated that the cost of overheads increased in the March quarter and 58 per cent of respondents expect the cost of overheads to rise in the June quarter. Separately, the latest *MYOB Business Monitor* revealed that SA business owners are among the least optimistic in the nation about the economy. The *Monitor* also shows that 53 per cent of SA business owners are dissatisfied with the support they receive from the state government. My questions are:

1. With the Business Confidence Index on the decline, business costs on the increase, and survey results indicating that businesses expect that South Australia's economy will perform more weakly in the next 12 months, how will the government restore business confidence in South Australia?

2. Does the government believe that increasing electricity and water costs for SA businesses in an attempt to cover the government's budget black hole is an appropriate policy to introduce when businesses and business confidence are already under severe pressure?

**The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:19):** I thank the honourable member for her most important questions. I will refer those questions to the relevant minister in another place and bring back a response. However, just in general terms, I would like to point out that the 2010-11 budget provided $10.7 billion in infrastructure funding, supporting 12,000 jobs this year.

Of course, we know that there were a number of projects that this infrastructure spending underpins: things like the upgrading of the major metropolitan rail lines, including the electrification of the Gawler and other lines; the South Road Superway; the duplication of the Southern Expressway; the refurbishment of the Port Bonython jetty; road and other service improvements for the Greater Edinburgh Parks; the Rural Road Safety Black Spots program; and the Greenways and Cycle Paths project—a large number of projects.

Those infrastructure projects alone, as I said, generate significant business opportunity and jobs for South Australia. So, it is those sorts of initiatives that ensure the business integrity and viability of South Australia and put us in a very good position for our future growth and development.

## MATTERS OF INTEREST

### INTERNATIONAL WORKERS' DAY

**The Hon. J.M. GAZZOLA (15:21):** This year, International Workers' Day (also known as May Day) was celebrated on Sunday, 1 May. Tens of thousands of people took to the streets around the world to fight for their rights, protesting and marching. Nowadays, May Day is a national holiday celebrated in 80 countries around the world; however, it is celebrated unofficially in many more. It is a day where we pay tribute to workers and celebrate labour unions. May Day consists of street demonstrations, rallies and marches organised by workers and their labour unions. It is also a day where workers protest for change.

May Day originated in the US in 1886, where labour organisations fought for better working conditions such as the eight-hour day, as opposed to 10 or 14-hour days, and other work-related issues. A few days later, there was a rally in Haymarket Square in Chicago, where a bomb was thrown, killing 12 people. Police then arrested eight leaders of the movement, who were later executed. It took a few years before governments recognised this day as a national holiday, but it grew bigger and bigger each year and with more and more workers fighting for better conditions. In 1890, European workers went on strike, forcing their governments to consider it as a national holiday, to be held on 1 May each year.

As part of International Workers' Day, it is also important to recognise those who have lost their lives at work, and to pay tribute to them and their loved ones. SafeWork SA spokesman, Peter Adams, states that there have been 10 deaths in the last year which have been caused in the workplace. As part of International Workers' Day, we also have International Worker's Memorial

Day, held in April, which commemorates those who have died in workplace accidents, or work-related accidents.

In 2003, a special memorial place was started in Bonython Park by Rosemary McKenzie-Ferguson, who is the head of the Work Injured Resource Connection. She said:

> Workplace accidents do happen. They are very preventable. To commemorate a life lost in this way is important to remind us all that a workplace can be a dangerous place.

She planted a tree to remember her brother, who died while working in 1969. Over the years, sadly, many trees have been planted, each a symbol to represent someone who has died as a result of workplace injury, disease, during transportation to and from work, and suicide as a result of workplace matters. This forest is known as the Deceased Workers' Memorial Forest, where people are encouraged to visit and honour their lost loved ones. On Thursday, 28 April, a ceremony was held where 13 new trees were planted, followed by the release of balloons—each representing a tree.

On Thursday, 28 April, I had the privilege of attending the International Workers' Memorial. Among those present were, of course, yourself, Mr President; the Hon. John Darley; the Hon. Rob Lucas; the Hon. Tammy Franks; Michael Atkinson MP, representing the Hon. Patrick Conlon; Rachel Sanderson MP; Senator Anne McEwen; my assistant, Kara Marks, and trainee Olivia Gellard. This was a special service held at Pilgrim Uniting Church, devoted to honouring those who have lost their lives due to workplace illness and accidents. More than 150 people attended the service, many paying tribute to family and friends they have lost.

Andrea Madeley, from Voice of Industrial Death, organised the event, stating that she wanted this year's memorial to be 'truly beautiful'. The event consisted of different representatives from organisations, such as Voice of Industrial Death, Asbestos Diseases Society of South Australia, WorkSafe SA and more, reading passages from the bible and commenting on how important it is to remember that the workplace is not always safe, and to remember those who have been unfortunate to lose their lives.

Friends and families were encouraged to go to the alter to light a candle in remembrance of their loved ones. Once the ceremony was finished, all guests were invited out to the front of the church to view the releasing of six doves and many balloons. In closing, may I thank my trainee Olivia Gellard for her research and preparation of this matter of interest.

## COUNTRY PRESS SA AWARDS

**The Hon. J.S.L. DAWKINS (15:25):** I rise today to speak about the Country Press SA 2010 Newspaper Awards held at the Crowne Plaza Adelaide earlier this year. The awards were hosted by the new president of Country Press SA Mr Trevor Channon from *The Murray Valley Standard*, who had taken over that day from Mr Ben Taylor of the Riverland-based Taylor Group of newspapers. Also in attendance was Mr Mike Ellis of the *Yorke Peninsula Country Times* in his capacity as the new president of Country Press Australia.

I would also like to acknowledge the presence at the dinner of the member for Mawson in another place and parliamentary secretary, Mr Leon Bignell, the member for Goyder, Mr Steven Griffiths, and my colleague in this place the Hon. Jing Lee.

It is the 10th year in which I have presented an award through Country Press SA, and I am pleased to continue my support of the community profile award. This year the first prize went to Genevieve Cooper from *The Courier* at Mount Barker, and that was her second win in three years in that category. Second was Anelia Blackie from *The Border Watch* and third Val Rafanelli from *The Recorder* at Port Pirie.

I would like to thank my son, Tom Dawkins, who is editor of the *Stock and Land* in Melbourne, for judging the award. He stepped in fairly late in the piece when the original judge withdrew due to health issues. I thank him for adjudicating the award.

The best newspaper over 6,000 circulation went to *The Border Watch* at Mount Gambier, ahead of *The Courier* at Mount Barker and *The Leader* at Angaston. The best newspaper between 2,500 and 6,000 circulation went to *The Murray Valley Standard* at Murray Bridge for the seventh time in a row. Second place went to *The Naracoorte Herald* and third to the *Whyalla News*. In the category for best newspaper under 2,500 circulation the winner was *The Loxton News*, second place could not be split between *The Pennant* at Penola and *The Islander* at Kingscote, and third place went to *The South Eastern Times* at Millicent.

I will cover some of the other awards that were made on the night. The best sports story went to Ben Goldfinch of *The Courier*, second went to Bronte Hewett of the *Plains Producer* at Balaklava and third went to *The Loxton News*. In the award for excellence in journalism, Lisa Pahl of *The Courier* at Mount Barker was the winner, from Paul Mitchell of *The Murray Pioneer* at Renmark and Jacob Moss from *The Border Watch*.

In the category of editorial writing, *The Courier* won that award, ahead of *The Times* at Victor Harbor and *The Border Watch*. The best front page was won by the *Riverland Weekly* in its first year of entering the Country Press SA Awards. Second prize went to the *Plains Producer* and third to *The Border Watch*.

The best sports photograph was taken out by the *Yorke Peninsula Country Times*, ahead of *The Islander* and *The Recorder* at Port Pirie. The best news photograph category was taken out by *The Murray Pioneer* at Renmark, second *The Border Watch* and third the *Northern Argus* at Clare. The best supplement was won by *The Islander*, with second place to *The Border Watch* and third to the *Yorke Peninsula Country Times*.

Best advertising feature was taken out by *The Loxton News*, ahead of the *Barossa & Light Herald* and *The Courier*. The best advertisement (priced product) was won by the *Yorke Peninsula Country Times*, ahead of *The Murray Pioneer* and *The Courier*. The best advertisement (image/branding) was won by *The Border Watch* ahead of *The Naracoorte Herald* and the *Riverland Weekly*.

I would like to thank Country Press SA for the opportunity to be involved with those awards. I think members in this place who have attended the annual dinner, like my colleague the Hon. Mr Gazzola, know that they run those awards in a first-class fashion. They really do highlight the excellence in journalism that is featured in country newspapers across this state.

Time expired.

## INTERNATIONAL DAY AGAINST HOMOPHOBIA

**The Hon. I.K. HUNTER (15:31):** I rise to speak about 15 May, which is hurtling towards us, which marks the International Day Against Homophobia (IDAHO). IDAHO is not only a chance to highlight ongoing discrimination against the LGBT community; it is also an opportunity to celebrate diversity. In September of last year a campaign directed specifically at LGBT youth was established. The 'It Gets Better' campaign offers young people coming to terms with their sexuality in a sea of homophobia a message of reassurance, acceptance and hope. The 'It Gets Better' campaign has gathered worldwide momentum.

Over 10,000 user-created online video messages have been generated, and these videos have been viewed over 35 million times. YouTube videos have been made by politicians, celebrities, organisations and activists. Some of the great videos include those by President Barack Obama, Secretary of State Hillary Clinton, former speaker Nancy Pelosi, actress Anne Hathaway, television host Ellen De Generes, comedian Sarah Silverman, media personality Perez Hilton, the Broadway community and some of my favourites from staff members of The Gap, Google, Facebook, and Pixar to name to name just a few.

It is a universal truth that growing up is not an easy process. Many children and teens suffer at the hands of bullies. This is especially true for LGBT youth. Coming to terms with same-sex attraction in a bigoted world is tough. In many instances, gay and lesbian adolescents face rejection from family and peers and are bullied and abused, even tortured, both mentally and physically, and sometimes, as we know, raped and murdered simply for being who they are.

People aged between 15 and 24 are in the highest risk brackets when it comes to suicide—we know that. But if they are same-sex attracted, the risk increases fourfold. Australian Bureau of Statistics data shows that LGBT youth have far higher levels of anxiety disorders than their heterosexual counterparts and more than triple the rate of depression and related disorders. A 2010 La Trobe University survey of 3,134 young people found a significant jump in homophobic violence in schools since 2005. The research also found strong links between homophobic abuse and higher levels of self harm and suicide.

The University of Sydney's research 'School's out, homosexuality and bullying' found that parents of LGBT young people, and in particular fathers, seem likely to hold negative attitudes and are often unable to support their children. Teachers are also in a difficult position as they have limited time, feel unable to cope with the complexities surrounding same-sex attraction, often lack

the specific skills and training needed and do not know where to refer young people who require additional support.

Research has found that support networks for same-sex attracted youth are sparse, which is why the 'It Gets Better' campaign is so important. It is also why I was concerned to hear that South Australia's only stand-alone support program for LGBT youth, the Inside Out Project, is facing an uncertain future. Run by the Children, Youth and Women's Health Service, the Inside Out Project is a gay youth support service unlike anything else on offer in South Australia, offering counselling, workshops, support groups, advocacy, HIV/AIDS counselling and testing, and valuable links to other support agencies.

I have been told that management has decided to cut the Inside Out Project's Friday night drop-in sessions and peer education training. Knowing the minister's strong support for such programs in the past, I sincerely hope that those concerns that have been expressed to me are misplaced. One of my constituents who approached me regarding this issue told me that the Inside Out Project has 'been most valuable in helping me come to terms with my sexuality, plus contributed to my physical, psychological and emotional health and well being'. The Inside Out Project has provided him with a feeling of belonging and a crucial network of support.

I have written to the Minister for Health to raise my concerns about the mainstreaming of this specialised service. In fact, I have written to the minister twice and I thank the minister for his ongoing support for the service, his timely response and his offer of a briefing with departmental officers. I trust that management, recognising the value of these services, will move swiftly to explain that the review that they are proposing is not designed to cut services to gay and lesbian youth. They certainly have not handled this issue well. There was an article that appeared in *The Advertiser* last week and three mentions in a recent edition of *Blaze*—the lead story, a letter to the editor and the editorial itself—all raising this issue.

Finally, I would like to end with a message of hope in the lead-up to IDAHO Day. I would like to read the closing sentence from the *It Gets Better* video of Vice-President Joe Biden. It states:

> ...I know for many of you young folks each day can be a struggle. I know for LGBT Youth it can be especially hard. And some days it seems almost unbearable. But when you feel that way think about what I'm saying to you. You have nothing to be ashamed of, you have every reason to be proud. Don't let them take your self-worth away. Things do get better.

Time expired.

## PARLIAMENTARY LABOR PARTY

**The Hon. R.I. LUCAS (15:35):** Many commentators refer to this Labor government as the most incompetent and most secretive in this state's history. Sadly, I think now we must add to that the most scandal-ridden government that this state has ever seen. We have a government led by a Premier and a former deputy premier whose well-publicised scandals have been widely circulated in the media. We have a former attorney-general whose only experience of the courtroom was generally as a defendant.

We have a former road safety and gambling minister (Mr Koutsantonis) who did not pay his gambling debts and had more speeding and traffic offences than your average hoon driver. Sadly, now, of course, we have a member of the Labor party on (for the first time, I think in my memory) child porn charges in South Australia. This is the sad record of this scandal-ridden government that members opposite represent.

One of the problems this government has is the arrogance of its leadership and its factional leaders and the lack of talent that it appoints to this chamber and to another place. Its team here in the Legislative Council, Mr President, as you would well know, is full of failed candidates, factional hacks and union bosses who pensioned off or retired into the Legislative Council so the young Turks can take their positions within the unions.

You have failed candidates like the Hon. Mr Holloway and the Hon. Ms Gago, who kept losing marginal seats, and the only way the Labor Party could stop them from losing marginal seats was to pop them into the Legislative Council. So the sad end of this tale is that we end up with the accidental leader—the Steven Bradbury of Labor Party politics; the last person standing as the winner of the leadership ballot in the Labor party—the Hon. Gail Gago as leader.

What has that come about as a result of? The former leader, the Hon. Mr Holloway, was dumped by his own faction a year after the election, when he wanted to go on. Then we have the

Hon. Bernard Finnigan, who resigned in circumstances still not explained by him or, indeed, the Premier.

Then the Premier looks at what else is left on the Legislative Council backbench, and he sees, first, the Hon. Mr Holloway waiting for any superannuation or salary increase in July so that he can take early retirement and the Hon. Carmel Zollo, who is desperately trying to hang on to her seat to maximise her superannuation until the next election, whilst people like Nicole Cornes and others snap at her heels for her seat, but I know the Hon. Carmel Zollo will hang on and not let her have it.

There is you, Mr President, who we know next year will retire to take a long trip around Australia in your campervan, so that the Hon. Mr Gazzola can at least get the taste of the President's benches before potentially any change in government at the next election; then, of course, we have the Hon. Mr Wortley—enough said, Mr President! He has been in more factions than probably exist, and no-one would appoint him to anything, and that is why he has not been appointed to the ministry.

The Premier looks at the backbench, and what is he left with? He is left with no talent, the hopeless and, basically, what has to happen is that he has to appoint, not a permanent leader, but an interim acting leader, or an acting leader for an interim period, or whatever it is that the Hon. Gail Gago indicated that she had been appointed. The sad fact of life is that, as the Hon. Gail Gago says, she has been here for five or six years. She is not up to the task. I think she probably within herself knows she is not up to the task of being a minister, or indeed, being the Leader of the Government.

We saw the chaos that ensued yesterday in terms of her own handling of question time but, more importantly, the procedures in this house. When she did not have second reading speeches available, she was unable to stand up and move procedural motions to manage the government business on behalf of the government.

I think it is widely accepted, even by her own supporters, that she is a waste of space on the front bench, but that is basically what we have left because of the arrogance and because of the fact that the Labor factions, the Labor leaders, will appoint and continue to appoint failed candidates, factional hacks and retired union bosses coming here for a retirement home before they take the superannuation from the parliament.

## GOVERNMENT BUSINESS

**The Hon. R.L. BROKENSHIRE (15:40):** My focus on this matter of interest is similar to the Hon. Rob Lucas' because this is a very serious issue facing the Legislative Council. In fact, from the investigations I have made, I think it is unprecedented in the history of this parliament that we have a situation where we have only one minister when there has been a resignation.

I understand that there have been previous situations like when there is a leave of absence as someone is unwell, but when a minister has resigned and is not replaced and we are left with one minister, it defies democracy and the opportunity to conduct this parliament properly. By convention, up until when the Premier wanted to get rid of the Legislative Council because it was there preventing the dictatorship that he would have preferred, we actually had three ministers in the Legislative Council.

I feel very sorry for the one minister who is here now because no minister, as good as she is, can carry the workload of three. It is hard enough with two ministers trying to carry the workload of three. Minister Gago herself has said in the last week or so that this is the house where the work is really done. By that, the minister is saying, as I understand her, that we are seeing more and more rubber stamps occurring in the House of Assembly because the government is using its numbers there and we are getting more and more messy legislation coming up into this house. Even by the admission of one of the senior ministers within their own government, this is where it is sorted out. It is impossible to sort it out with one minister.

The South Australian public are very focused and support the Legislative Council as the house of review. The Premier finally found that out when his qualitative and quantitative surveys showed that his policy of abolishing the Legislative Council was actually exactly against what the South Australian community wanted. Indeed, I say that even his own rank and file Labor members did not want to see this house of review abolished.

We cannot function with one minister in this house. We heard the answer from the President today. I feel sorry for the President, but the bottom line is that this house will close if

minister Gago is unwell. It will close because, as I understand it, we cannot work in this house without a minister. We would have no question time, and who would be responsible for handling the government's legislation? The only way it can work is with a minister.

If that minister then cannot go to ministerial council meetings because she is the only minister in this house, then this state suffers again. I had to be withdrawn from ministerial council meetings because, when I was a minister, we could not trust the pairing arrangements of the then leader of the opposition, and I know that South Australia missed out on important business in those police ministerial council meetings. So, this is an unacceptable situation.

We have two very capable former ministers here now, in minister Zollo and minister Holloway, who could be brought in here tomorrow, taken across to Government House and sworn in. They were very capable ministers who were highly respected right across this state. They are sitting here; they could be sworn in.

We have the Hon. Russell Wortley. The fact of the matter is that you do not know how good someone may or may not be at the job until you give them a chance. Here is someone who has been democratically elected by the Labor Party to serve in the Legislative Council, who is a member of the right, who is keen I am sure to become a minister and, because there is so much factional fighting and dysfunction within the government at the moment, the South Australian community suffers.

I emailed the Premier on Monday, urgently calling for him to swear in a second minister in this house so that we can be guaranteed that the business will continue. As I take it from the answer from our honourable President, who I very much think does a good job, the fact of the matter is that we would not be able to function and we would have to close this house down and shut down the business of the parliament. This state deserves absolute focus and attention from both houses of the parliament. There are very serious issues facing South Australia at the moment, and the Premier, his cabinet and his caucus cannot sit there and leave this job to one minister only. It is an indictment on the government.

Time expired.

## DARWIN DEFENDERS

**The Hon. CARMEL ZOLLO (15:45):** We all acknowledge that the ANZAC tradition belongs to those who fought in Gallipoli, but today I will pay special tribute to the Darwin Defenders. I have had the honour since becoming a member of parliament of attending a number of Darwin Defenders services. This year, on Saturday 19 February 2011, I was pleased to represent the government at the commemoration service for the bombing of Darwin held at the Repatriation General Hospital.

In Australia, Darwin bore the brunt of the Second World War, and this year I understand there was a special ANZAC Day focus on Darwin. Many veterans of World War II, Korea and Vietnam travelled to Darwin, most of them on the Ghan, via Alice Springs. Members of the Darwin Defenders 1942-45 SA branch continue to commemorate this important event in our nation's history, which occurred 68 years ago. The commitment of the members, and in particular Mr Ray Buttery OAM, the State Chairman of the Darwin Defenders, is to be commended.

The defenders well understand the importance of commemorating and recording history, and it is a responsibility that is fulfilled with pride and enormous respect for those whom we remember. All of us, I know, would be aware of the historic significance of the bombing of Darwin. It was one of the most difficult times in our nation's history, but also one of the most heroic. Rightly so, there is the view that this time in our history did not initially get the recognition it deserved.

The main target was the 45 ships in port at the time. By the time the first raid was over, three hospitals had been bombed and attacked; shops, offices and police barracks flattened; the post office and the communications centre shattered; Government House wrecked; and the harbour and airfields left burning and in ruins. Figures from investigations tell us that some 300 to 320 people were killed, and 297 were never accounted for. The first raid was on 19 February 1942 and, over the next 21 months until the last raid on 12 November 1943, bombing took place on 61 days.

The address on the day was given by Commander Michael Doherty ADC, RAN Navy HQ. Commander Doherty drew on the theme of fate for the address; more specifically, the heroism of those who defended Darwin with what was available, given the so many other theatres of war that Australia was involved in at that time. Commander Doherty gave a most touching example of a

civilian postal worker who lost his life, along with his colleagues, in a bomb shelter he had helped to build. I will quote what he had to say about the death of postal worker Arthur Wellington:

> In a letter to his wife written just days before the attack, Arthur described the assistance he had been giving to the Postmaster, Mr Hurtle Bald, in constructing a shelter behind the post office. He wrote: 'The depth is about five feet. We have galvanised iron across the top and hope to get another three layers of sandbags. Everyone says it will be safe from anything but a direct hit—it's where I'll be if there is going to be a raid.'

Commander Doherty told the gathering that Darwin's post office was located close to the harbour on the southern edge of the town. It received direct hits from the first wave of planes, one bomb striking a direct hit on the shelter constructed by Arthur, killing him and eight others instantly.

I was also pleased recently to represent the Premier, the Hon. Mike Rann MP, at the commemoration for ANZAC Day at Saint Peter's Cathedral on Sunday 17 April. Whatever gathering we were at this year, I will again borrow the words of Commander Doherty:

> We gather here today to remember not only those that fell on this day in 1942 and in the 68 subsequent raids on Australian territory—we gather to remember and honour those who have fallen in the service of their country before and after these events and who continue to lay down their lives for their country today.

## LEGISLATIVE COUNCIL

**The Hon. M. PARNELL (15:50):** I want to make some observations today about how business in this chamber is conducted. Whilst most members of the public show very little interest in parliamentary proceedings, they do expect us to be efficient and diligent in the execution of our parliamentary duties. The public pay for parliament; they have a right to see that it is managed properly.

The recent downgrading of ministerial representation in this chamber is a real challenge to the efficient functioning of the council. However, even before the current situation of only a single minister in the Legislative Council, it was apparent to me that considerable improvement could still be made to the way in which business in this house is conducted. For a start, the priorities of each sitting day need to be clarified. The practice of publishing a priority letter that lists all, or nearly all, government business for the following sitting week is unhelpful. It tells us that everything is a priority, and when everything is a priority nothing is a priority.

The priority letter should also include the relative priority of items of business and a commitment by the government to deal with matters in that order as far as possible. Where this order changes, members should be notified with as much advance notice as possible. The priority letter should also be more open and honest about critical dates and the consequences of not passing legislation within a certain time. For example, we know that, for sound administrative reasons, having a bill passed and operative by the start of the financial year can make a lot of sense.

We also have situations where a particular federal government incentive or a penalty might apply if a certain bill is not passed by a certain date. Knowing these dates would assist members of parliament in prioritising in their work. It does not guarantee that a bill will pass, but it does provide valuable information that will help with more appropriate scrutiny and consideration of legislation. That said, my plea to government is: do not lie to us. In the past, the government has cried wolf only to be found to have completely misrepresented the urgency of a particular bill.

As well as more information in the weekly priority letter, the daily whipping sheet distributed by the government and the opposition should also make clear the order in which business will be dealt with. Every other business meeting has a clear and prioritised agenda, why should parliament be any different? We have all been in the situation where a bill on which we wished to speak is listed at a much lower priority than other bills, yet it is called on for debate early in the day without warning, and this often means members running up or down the stairs to their office to retrieve files and speech notes. Yes, we all need to be flexible and ready to debate bills, but the order of business on some days seems to be entirely random and unpredictable. We can avoid dead air in the chamber with better planning and better communications.

It is also discourteous to members not to be told what is going on, and a good example is condolence motions. In the majority of cases, the first that crossbench members find out that there is to be a condolence motion is when standing orders are suspended, and that is no help to a member who may have wanted to make a contribution if only they had been given more notice. Presumably, the government knows days beforehand that a condolence motion will be moved. It is discourteous not to tell all members of parliament to enable them to prepare a contribution if they so choose.

In relation to bills, I do not think it makes sense for members to have to watch the public gallery to see which public servants or advisers have turned up in order for them to guess which bill is about to go into committee. Sometimes, ministers and whips will do the rounds of the chamber and advise us of government intentions and desires but not always. On other occasions, a question posed to the whips, 'What are we doing next?' results in the answer, 'I don't know; it's up to the minister.' How remarkable is that?

I note that the Hon. Michelle Lensink, back in February this year, wrote to all MLCs to express her frustration at the way in which business was being conducted in this chamber. Her particular concerns related to the rushing through of legislation, against convention and often in the face of negotiated arrangements through the party whips. I echo her concerns.

In conclusion, we can and must do better if this council is to function efficiently and appropriately as a legislative chamber. Clearly, there needs to be give and take to deal with changed circumstances. If there are genuine reasons to change the order and priority of the business before us, a courteous and professional approach will most often yield cooperation and results. The government should remember that it holds only one-third of the votes in this place and that the patience of the other two-thirds is not unlimited.

## CHILDREN'S PROTECTION (RIGHT TO RECORD CERTAIN CONVERSATIONS) AMENDMENT BILL

**The Hon. A. BRESSINGTON (15:55):** Introduced a bill for an act to amend the Children's Protection Act 1993. Read a first time.

**The Hon. A. BRESSINGTON (15:56):** I move:

That this bill be now read a second time.

The Children's Protection (Right to Record Certain Conversations) Amendment Bill 2011, which I introduce today, would empower constituents to record conversations in meetings with Families SA employees. As I have previously stated, I am aware of constituents who have already clandestinely recorded their interactions with Families SA. They do so out of fear of false allegations—a genuine fear of many—out of fear that commitments made during meetings will be denied and not honoured unless they can be proven; and for fear that, unless a recording is made, they will not be believed if they complain about an employee's conduct. Others simply desire to keep a record of, and be able to review, meeting outcomes and the steps they have been advised to take.

I would just like to go over one particular case, where I went to Whyalla to represent a constituent who had been accused of neglecting her 3-month-old baby and was accused of malnourishing that child. When we got to Whyalla, we went to see the family GP who had been looking after this baby since it had got out of hospital. He was quite happy with the child's development. The three children were taken from this mother, based on nothing more than a whim.

A hospital report was done on the baby's condition which said that it was in the 91$^{st}$ percentile of development for its age and that the hospital had no concerns for this child, yet the three of them, the baby and two older ones, were removed, and we had to sit through a 5½-hour meeting with three social workers to come to an agreement that they had absolutely no evidence for the action they had taken, that there was still no evidence after assessments had been done by medical professionals that there was anything wrong with this baby, and then the mother was required to go on a 6-month safety plan—for doing nothing! There was no evidence to support it; it was for doing absolutely nothing.

These social workers then insisted on a 6-month safety plan. That mother had to relocate from Whyalla to Adelaide, relocate her two children in school, and for that 6-month period she was not allowed to be alone with her three children. She had to move in with her brother and live in a house with four other children and two other adults and was not allowed even to pick up her children after school on her own. She was not allowed to take the children on outings on her own, and was not allowed to take them shopping.

There was no evidence to support this, and when we asked for this safety plan to be put in writing, the social workers did not want to do it. They did not want to give a final date of when this 6-month safety plan would be up and what sort of things the mother had to comply with to prove that she was not a negligent mother. The whole six months, this mother's life and the lives of her children were completely disrupted for no reason whatsoever.

There was no proof of what was being said in that meeting. Six months later, we have a meeting with social workers in South Australia, in Adelaide, from the Salisbury office who, for all the reports that we were required to accumulate—medical reports and psychological reports—they did not even read one of them. They closed the case; all done, and they had not even sighted this mother for six months, but she had relocated.

None of this was in writing. None of it was recorded, and I challenged the social workers about the fact they were not even reading these psychological reports that were done, the health reports that were done on the children, and the GP's reports—that they weren't even reading any of this—and this was all part of that safety plan. If they did not sight it, and record that they had read it, and sign off on it, they could quite easily say that the mother had not complied with any of it.

So, in those cases where you have an agreement made between the social worker and the parents or other family members, surely if social workers are refusing to put this stuff in writing, the parents have a right to record these meetings so that there is a record of exactly what is said, what is required of them and the fact that they have absolutely complied with the requirements made of some of these social workers.

While there are many potential scenarios in which a recording will prove to be beneficial, at the heart of each is the fact that a recording will provide an indisputable record of interactions between Families SA employees and constituents, and this is something that is sadly lacking at the moment. They get into court and it is a social worker's word against a constituent's word and, understandably, magistrates are very reluctant to go against the recommendations of social workers because, if anything does happen to these children, it comes back on the head of the magistrate.

To have these recordings to be able to be used in court proceedings will also provide, I think, a clearer path forward for magistrates to be able to make sure that they are not actually doing more harm than good by following through with care and protection orders. As I said, this mother from Whyalla had all of the evidence to show that absolutely none of the concerns were warranted at all. I believe this bill to be an improvement on my earlier bill, the Children's Protection (Recording of Meetings) Amendment Bill 2010, which I recently withdrew from this place.

I would just like to put on the record that I would like to thank the Hon. Stephen Wade for his input, and also crossbenchers who have given another perspective on this, I suppose, and also—

**The Hon. S.G. Wade:** Don't expect it from the government.

**The Hon. A. BRESSINGTON:** —exactly—and also, some of the constituents who have come forward and who have actually recorded these meetings and been brave enough to give them to me and put them on disk, so that I can view them myself and see the sort of concerns constituents have and that they are actually warranted.

In particular, this bill focuses on extending the ability of constituents to record meetings, as opposed to placing that onus on Families SA. It ensures that the limited resources available in child protection cases are not expended on recording equipment and the associated infrastructure. Additionally, my earlier bill required all meetings to be recorded, and hence it was conceivable that meetings in which the mundane or trivial were being discussed would need to be recorded by Families SA and then stored for some years, with the associated costs, for perceivably no benefit.

Placing this right with constituents has the advantage of making the bill cost neutral to the government—something I have come to recognise as being absolutely necessary to a bill's progress in this and the other place. Given that recording devices are now available with most mobile phones and can make audio or audiovisual recording, I do not believe that placing this responsibility with constituents who feel the need would be onerous. Additionally, the concern expressed to my office, through consultation, that crucial recordings may become corrupted or go missing will no longer be an issue.

When we were conducting the inquiry into Families SA, Professor Freda Briggs was just one of the professional witnesses who stated, quite clearly, that records go missing, files are changed and files are altered, in fact, social workers came in and gave evidence to the same effect. Therefore, putting this responsibility with the constituent guarantees that a record will be kept and they can rely on the records that would be presented.

This bill also has the advantage of giving constituents who find themselves involved with Families SA an absolute right, something that they have very few of currently while they are

involved with that system. I have sat in on a number of meetings between parents and social workers where the parents have made it known at the beginning of the meeting that they intended to audio record the meeting and they have been told, in my presence, that if they were to continue to do that the meeting would be called off, it would finish, and that they were not allowed to record these meetings for their own benefit.

I was of the understanding that it is legal to make a recording of any meeting or any person only when you have informed them that is your intent, but apparently Families SA social workers are above that and they can terminate a meeting immediately if they are not comfortable with the fact that the meeting is being recorded.

A couple of those meetings that I sat in on were quite intimidatory and my question is: if it is an upfront meeting where genuine issues are going to be discussed and remedies sought, why would you not want it on tape and why would you not want parents to have a record of that when social workers, as I said before, often refuse to put this in writing for the benefit of the parents?

While the government may dispute this, unless you are in favour with Families SA, in particular the social worker handling your case, the reality is that you have few rights which cannot be taken away. My office has been working with one constituent who for six months was denied access, both in person and over the phone, to her children, something that I would consider a right unless there were safety concerns.

However, in this case there were no safety concerns; rather, the mother was simply dealt a cruel blow in the social worker assigned to her case. I can thankfully report that through the assistance of the executive director's office, that mother was able to get phone access just prior to Christmas and is now regularly seeing her children and, further, that social worker is no longer in the employ of Families SA.

If the recording of certain meetings legislation was to be in place, this mother would have had, at the very beginning of this, proof that the social worker was being spiteful, unprofessional and biased in the decisions that she was making. The lives of this woman and her children would not have been turned upside down for this long, with no contact at all being allowed, if she could have provided that visual or audio proof.

Even so-called voluntary custody orders, provided for by section 9 of the Children's Protection Act 1993, simply are not voluntary, with many constituents alleging that they are threatened that if they do not sign then the department will go for a court order, and to quote one social worker, 'We always get our court orders.' Sadly, the statistics show this to be the case. It is my hope that parents in such a situation will be aware of their right provided by this bill to record this interaction, and that doing so visibly will temper these threats.

Of course the intention of my earlier bill, and this bill, is the same and as such much of what I would have said when introducing the Children's Protection (Recording of Meetings) Amendment Bill remains relevant. For this reason I will focus today on the detail of this bill. The effect of the proposed subsection 57A(1)(a) is that any person will have a statutory right to make an audio or audiovisual recording of a conversation with an employee of Families SA in relation to a child protection matter, provided they first inform the employee of their intention to record.

If a child is present, the conversation may also be recorded, provided the person is a guardian of the child and if the child is of the age of 10 years the child is informed of the intention to record. While there is an obligation to inform the departmental employee, it is not a requirement to obtain their consent and, as such, any interaction following the notification can be lawfully recorded.

While it will, of course, be open to the employee to terminate the conversation, it is envisaged that recording will become so routine that this will be rare. Further, proposed section 57A(2) makes it unlawful to treat a person unfavourably on the ground that the person has made a recording. Hence, if the conversation is to convey anything of significance or is in some other way of importance, terminating the conversation would be, I believe, to treat that person unfavourably.

I have also ensured that those who are engaged by the department in relation to the child protection matter such as psychologists conducting psychological examinations are also covered. I have had numerous constituents allege that these so-called psychological reports are biased towards Families SA. Among those critical of Families SA, it is generally accepted that the psychological assessments are at best superficial and at worst simply guns for hire. This may be in

part due to the heavy reliance by psychologists on the constituent's file as the basis of their assessment, with often only a single and sometimes brief face-to-face interview being held.

As constituents who have submitted a Freedom of Information Act request for their file will attest, the notes and information recorded in their file by Families SA employees are often heavily prejudicial against the constituent, even when the matters in question are subject to dispute. The ability to record these interviews will enable constituents to firstly ensure that the report submitted accurately reflects what was conveyed during the interview.

Secondly, in certain circumstances, it will allow a constituent to get a psychologist they have engaged to give a second opinion on an interpretation of an answer given to Families SA psychologists. Thirdly, it could be used in any complaint proceedings against a psychologist or Families SA. As I said in my previous speech, it could also be used to clear the name and reputation of a social worker who is being falsely accused of unprofessional or inappropriate conduct.

A recording made under proposed section 57A(1)(a) must be provided by the person within seven days if requested to do so by the chief executive. These recordings must be provided at no expense; however, given the relative ease of burning such a recording to a disk or even sending it to the department by email if sufficiently compressed, I do not believe this to be onerous. While proposed section 57A(1)(a) permits the recording of interactions between Families SA and constituents, proposed subsection (1)(b) enables parents or guardians of children to record interactions between themselves and their children. Again, as a condition, the conversation to be recorded will need to be held in relation to a matter under the Children's Protection Act, such as an access visit.

It is access visits that I had in my mind when drafting this clause, as many constituents have alleged to me that their children have disclosed abuse or neglect while in foster care, or more commonly in NannySA-run facilities, only for the disclosure then to be ignored or denied to have occurred even though the access was supervised by a social worker or other employee.

I cited as an example when I spoke to my earlier bill the case in which children during access spoke of being covered in school sores and how they were not being treated. His sister told of being sworn at and being told what bad children their mother had raised. This, of course, was denied. It was these parents who began recording the access visits and meetings they were having with social workers on the telephone. I put that on a CD and gave it to the chief executive, and it was not long after that this mother's children were returned to her.

In recognition that permitting the recording of meetings and phone calls is intended to assist constituents navigate the process, proposed subsection (4) guides and in effect places some limitations on who the recordings made under this bill may be provided to. The recordings may be used in any proceedings under the Children's Protection Act 1993 to any employee of the department; to a person acting as an advocate, including a member of parliament; to any complaints bodies such as the Health and Community Services Complaints Commissioner or the Ombudsman; and, of course, as required by law.

It is also my intention that recordings could and should be used in proceedings in the Youth Court if relevant, and this has also been provided for. I believe this bill to be a positive addition to the Children's Protection Act and can foresee it being of great assistance to constituents who presently find it a daunting experience when dealing with Families SA.

I would also like to say that I know and I understand that the Children's Protection Act and Families SA are there solely for the protection of children and that the psychological or emotional well-being of parents and family members is not of concern to them. However, when the department removes children from their family, from their siblings and from their extended family on nothing more than a whim, what greater child abuse could there be?

It turns those children's lives upside down for six months, 12 months or 18 months when the department refuses to admit that a mistake has been made and then builds cases against these parents for sometimes longer than 18 months. Those children's lives are absolutely changed forever when this sort of thing happens. We cannot deny that this happens because, as I said, I have numerous case files in my office alone showing that quite often the building of a case by a social worker is done to protect their job, their reputation and often to protect the department.

This was also attested to in the report that was handed down from the Families SA inquiry when five current social workers from the department came in to give evidence of this sort of carry-

on. People who come up against this department, based sometimes (not always) on false allegations or an overzealous, inexperienced social worker, find themselves in a hole that they just cannot dig themselves out of.

Although the Children's Protection Act is there to protect children, if we do not protect the family unit as well and make sure that the actions that we are taking are warranted and needed and deserved, then we are letting these children down. I believe that it is time that we started to take a balanced view on child protection and the actions we take where child protection is concerned.

I hope that this council and this government will see that we have gone way too far one way and that there is a middle ground to be found here where parents can be supported so that when they make allegations or complain about the conduct of social workers we are, at least, able to consider that their allegations are possible rather than dismissing them as being mere disgruntled constituents. I commend the bill to the house.

Debate adjourned on motion of Hon. I.K. Hunter.

## AMNESTY INTERNATIONAL

**The Hon. I.K. HUNTER (16:18):** I move:

That this council congratulates Amnesty International on its 50th anniversary which will be celebrated on 28 May 2011.

**The Hon. I.K. HUNTER:** The iconic symbol of Amnesty International, as we all know, is a candle wrapped with barbed wire, an image that was inspired by an ancient proverb: better to light a candle than curse the darkness. This month Amnesty International celebrates its 50th anniversary; five decades of human rights campaigning. Amnesty International is the world's largest human rights organisation. It is an organisation largely made up of voluntary members and currently has approximately three million supporters across 150 countries, with over 100,000 supporters here in Australia, including myself and, of course, many of my parliamentary colleagues.

For many years I was less than enthusiastic about Amnesty International. Whilst I recognised and valued the important political work AI did, at the same time I was incredibly disappointed with Amnesty International's formerly narrow approach to equality. I only decided to join Amnesty International quite some time after the organisation included the human rights of lesbians and gays as part of its mandate. I am pleased to say that, today, AI is a passionate advocate for LGBT rights on the international level, and I am a passionate supporter of it.

AI was founded in 1961 by London barrister Peter Benenson, who was outraged when he learnt of two Portuguese students who had been arrested after raising their glasses to toast freedom. This simple act led to their imprisonment, and their loss of freedom outraged that lawyer. He wrote an article for *The Observer* titled 'The forgotten prisoners', calling on readers to join a mass letter writing campaign to pressure governments to set such prisoners free. His appeal was reprinted in other papers across the world and turned out to be the genesis of Amnesty International.

In 1977, Amnesty International was awarded the Nobel Peace Prize. The Nobel Committee based its election on a number of factors, not the least of which was AI's apolitical stance. Amnesty International is renowned for its political and geographical impartiality. It seeks out injustice in the East, in the West and in developing nations. In fact, the organisation set out to follow Voltaire's famous dictum: 'I may detest your ideas, but I am prepared to die for your right to express them.' AI never engages in comparisons between countries nor promotes one political system as superior to another.

As most of my colleagues would no doubt be aware, Amnesty International's key areas of interest are:

- protecting human rights and dignity;
- protecting the rights of women, children, Indigenous people, minorities and refugees;
- securing a prompt and fair trial for all political prisoners;
- securing the release of prisoners of conscience—those imprisoned for non-violent expression of their views;
- ending torture and the ill treatment of prisoners and political objectives;

- abolition of the death penalty;
- promoting economic, social and cultural rights for marginalised communities; and
- promoting religious tolerance.

It is difficult to estimate just how many prisoners of conscience have been released as a result of Amnesty International's campaigns. One study, over a three-year period in the 70s, found that, of the approximately 6,000 prisoners for whom AI was working at the time, 3,000 were released. There is every reason to believe that Amnesty International continues to enjoy a similar success rate, if not a greater one, thanks to new technology that allows urgent appeals to reach supporters online without delay.

Email now allows supporters the chance to contact political authorities speedily. By alerting these authorities that the eyes of the world are watching their next moves, there is a much stronger chance of release. Professor Luiz Basilio Rossi, a prisoner of conscience in Brazil, believes that the Amnesty International campaign saved his life. He has said of the campaign:

> I knew that my case had become public, I knew they could no longer kill me. Then the pressure on me decreased and conditions improved.

For all its successes, Amnesty International is the first to concede that there is still a great deal of work to be done to address human rights violations around the world. An Amnesty International report found that in 2009:

- torture or ill-treatment still took place in at least 111 countries;
- unfair trials took place in at least 55 countries; and
- restriction on free speech occurred in 96 countries worldwide.

It also reported that there were 48 countries with known prisoners of conscience and 18 countries that continued to execute their citizens through stoning, electrocution and beheading.

While there is still much to be done, we can be grateful that an organisation such as Amnesty International exists—an organisation which fights for the most vulnerable and oppressed in our world, which acts to defer further human rights abuses and which aims to strive for a fairer and more secure world.

Debate adjourned on motion of Hon. S.G. Wade.

## WATER ALLOCATION PLANS

**The Hon. J.A. DARLEY (16:23):** I move:

> That this council calls on the Minister for Environment and Conservation to exercise his discretion, pursuant to section 80 of the Natural Resources Management Act 2004 and not adopt the draft Western Mount Lofty Ranges Water Allocation Plan and the draft Eastern Mount Lofty Ranges Water Allocation Plan.

Section 80 of the Natural Resources Management Act 2004 deals with the draft water allocation plans submitted to the minister. It provides that, 'the Minister must consult with the NRM Council, and may consult with such other persons or bodies as the Minister thinks fit' in relation to the plan.

Further, it provides that the minister must, in considering the draft plan, have regard to any submissions received from members of the public and to the reports of the persons who conducted public meetings. The minister may then either adopt the plan, with or without amendment, or refer the plan back to the board for further consideration. Before making an amendment to a plan, the minister must consult with the regional NRM board. If the minister refers the plan back to the board, it must prepare a new draft plan and follow the procedures as to consultation in respect of the new draft, as provided for in the act.

The general consensus from all the people I have spoken to in relation to the draft Western Mount Lofty Ranges plan, as released for consultation, is one of concern and disapproval. Indeed, at a recent public meeting held by FLAGSA in Strathalbyn, an overwhelming majority of the thousand-odd food producers and landowners who turned out voiced their opposition to the draft plan. The same sentiment is now being expressed about the more recently released draft Eastern Mount Lofty Ranges plan.

As I alluded to in my second reading contribution to the Natural Resources Management (Review) Amendment Bill yesterday, a great deal of criticism has also been levelled at NRM boards in relation to the poor consultation processes for the plans. For example, the Western Mount Lofty

Ranges draft plan was released for consultation in November last year, with submissions closing at the beginning of this year. The consultation period coincided with the harvesting season and Christmas and New Year. It was timed very poorly. Farmers who attended the meetings organised by NRM boards also complained of the poor attitude of NRM board members and other departmental staff at those meetings.

Both plans are still in draft form and are subject to change, and are also yet to be presented to the minister. The purpose of this motion is to once again highlight to the minister the level of disapproval that exists in regional communities and urge him to consider any plan submitted to him carefully and cautiously, taking into account the serious level of community concern expressed in relation to these issues. I urge all honourable members to support this motion.

Debate adjourned on motion of Hon. I.K. Hunter.

## STOLEN GENERATIONS REPARATIONS TRIBUNAL BILL

Adjourned debate on second reading.

(Continued from 21 July 2010.)

**The Hon. S.G. WADE (16:27):** The bill before us would establish a stolen generations reparations tribunal, which would essentially administer a statutory redress scheme delivering ex gratia payments for victims of the stolen generations. It was proposed to address a range of injustices against Aboriginal South Australians related to their removal from their parents under previous state governments.

As members would be aware, the highest profile legal case in South Australia of this type was that pursued by Mr Bruce Trevorrow. After seeking initial legal advice in 1994, Mr Trevorrow took his matter to court in 1997. It took 10 years for the case to be finalised, and in 2007 the Full Court of the South Australian Supreme Court ruled that the government had been negligent in its treatment of Mr Trevorrow, who had been taken from his parents as a child in 1958.

The Supreme Court awarded Mr Trevorrow $525,000 in compensation, plus interest, which totalled $775,000. Sadly, Mr Trevorrow passed away a year later in June 2008. The state government subsequently appealed the decision, I understand, to set a precedent on these matters. On 22 March 2010, the Full Court of the Supreme Court dismissed the Rann government's appeal.

The Aboriginal Legal Rights Movement has also issued proceedings for a further six claimants with similar cases to that of Mr Trevorrow. The Executive Director of the Aboriginal Legal Rights Movement, Mr Neil Gillespie, advises that the Aboriginal Legal Rights Movement has been contacted by 156 people seeking a similar remedy. They have also identified up to 250 people who were taken away between 1950 and 1962 under the regime described in the Trevorrow case.

Appropriately, questions are being asked about the best means to pursue justice for these people. After all, we all know that justice needs to be delivered in a timely way to be real justice. Legal advocacy bodies such as the ALRM and the Law Society of South Australia support the introduction of a mechanism to facilitate the payment of appropriate compensation to Indigenous people who were removed from their families in accordance with a previous government policy as a means for dealing with their claims.

On a similar issue, the Liberal opposition has previously given in principle support for a statutory redress scheme for victims of abuse in state care as a means of both minimising the stress that victims need to go through to obtain their entitlement and to minimise the legal costs of all parties. However, we did not feel able to endorse the two models put forward in private members' bills in 2009 on the grounds that, at this time, only the government has the necessary information to effectively assess the models.

We find ourselves in a similar situation in relation to this bill. Similarly, in the case of stolen generations reparation, we are open to a statutory redress scheme but feel we need more information. We seek to bring that information into the public arena through an inquiry looking into the effectiveness and options for a redress scheme for stolen generations in South Australia. We have also received a range of feedback from stakeholders suggesting that further changes should be made to the bill before us to ensure that the state uses the most appropriate means to address any injustices suffered by stolen generations.

The opposition is committed to timely justice for South Australians who have been wronged. We acknowledge that life expectancy is lower for Aboriginal South Australians and therefore recognise the urgency of dealing with the issues raised by this bill. The opposition proposes that the Aboriginal Lands Parliamentary Standing Committee would be an appropriate body to explore this issue further and expeditiously.

Section 6(d) of the Aboriginal Lands Trust Act states that one of the functions of the committee is 'to inquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people, or any other matter concerning the welfare of Aboriginal people'. Section 6(f) also allows for the committee to perform any other functions imposed on the committee under this or any other act or by resolution of both houses of parliament.

The committee would be directed to explore the pros and cons of the scheme proposed in the bill and should include the costs of such a scheme in its considerations. We hope that the mover, other members of this council and the government will see the wisdom of this approach as a step in pursuing justice for Aboriginal South Australians who were involved in the stolen generations. I move to amend the motion as follows:

Leave all words after 'That' and insert:

> the bill be withdrawn and referred to the Aboriginal Lands Parliamentary Standing Committee for inquiry and report.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

## SUPPLY BILL

Adjourned debate on second reading.

(Continued from 3 May 2011.)

**The Hon. T.A. FRANKS (16:34):** I conclude my comments in response to the government's Supply Bill by rounding up that the total number of positions lost in the Public Service, since the horror budget of last year, is at the moment a little over 477 full-time positions, or equivalent full-time positions. These have come from the Department of Education and Children's Services, where we have seen 22 jobs go, including those in family day care.

We have seen jobs lost in the Attorney-General's Department of some 25.6 equivalent full-time positions, and these were in the Equal Opportunity Commission, the Office of Business and Consumer Affairs, Multicultural SA, the Office for Youth, Justice Youth Reform and the Crown Solicitor's Office. We have also seen a position go from SAPOL; we have seen two positions go from the SA Ambulance services; we have seen the Department of Primary Industries and Resources lose 21.3 equivalent full-time positions.

These are in agricultural food and wine, biosecurity, fisheries and agriculture, and SARDI. We have seen 15 jobs go from the Department of Health, we have seen 21 jobs go from the Department of Further Education, Employment, Science and Technology, and we have seen jobs go from the Department of Families and Communities, a department that I think could not afford to be losing jobs. We have seen 113 jobs go from that department. It is a shameful situation, as I said. This Labor government should be incredibly ashamed that it has betrayed its core values.

Yet what have we seen from the ministers in this time? We have seen ministers refurbish and refit offices. We have seen the Minister for Transport, Pat Conlon's, North Terrace office, boasting stunning views of the River Torrens and the Adelaide Oval (soon to be upgraded, as we know), have a $490,000 remodelling. We were told that these are the budget cuts that we had to have by our then treasurer Foley, yet ministers have gone around and splashed out the money upgrading their offices, totally unnecessarily and totally showing that they have lost touch with the community.

The Secretary of SA Unions, Janet Giles, actually said that the overall cost of this office showed that the government had lost contact with the community. She said that before that refit the office already had a lovely walnut coffee table, leather lounges, and a big desk overlooking the oval. She thinks, and I agree, 'taxpayers expect the government to spend money on community services and not making ministerial offices nicer'.

Sadly, the Minister for Transport's office is not the only one that has been refurbished. We have also seen refurbishments in several other ministers' offices. Up to 12 ministers, in fact, have had improvements to their offices in recent years. I think this is a disgraceful situation, where, although treasurer Foley said at the time that these budget cuts were being taken internally, clearly the internal cuts did not start at the top with the ministries themselves being reduced, and certainly not with the ministers' offices losing any of the luxuries that these ministers have come to expect.

I wanted to sum up in final comments to this bill, because, of course, we saw the announcement made by the government yesterday about the South-East and the privatisation of the South-East forests. The Greens believe that selling off the family farm and community-owned businesses is an irresponsible way to manage the state's finances. I am sure many of the parliamentary officers of this place would have received many emails, letters and phone calls from local communities who are outraged by this Rann government's decision. It is a shame that the loud noises of the logging trucks, the forestry workers and the families who all travelled down from the South-East and stood on the steps of this place did not reach our current leadership. I would say that that was an irresponsible action of this Rann government which may perhaps prove to be one of its last actions.

This government needs to make it clear to what extent we are prepared to export jobs overseas, which is what will occur if we forward sell these plantation rotations. We need to be investing in community jobs, not privatising for the sake of it just so that this government can shine away on an Adelaide Oval project. Treasurer Snelling has said that the jobs of forestry workers, the jobs in the South-East regional economy, will be secure and that he would not have proceeded if he was not completely convinced.

How is government convinced that jobs will not be lost? How is this government convinced that the state's economy is being reasonably managed, when clearly jobs will be lost to foreign investors who can process the logs overseas and cost community jobs. We should be exporting overseas products and building our manufacturing base, but we should be smart, competitive, and, most of all of course, value adding.

A prime opportunity for this government actually exists in live export. At the moment Australia exports live sheep to the Middle East. I would encourage the Rann government to take a look at the Port Adelaide facilities and to take a look at the opportunities that exist for South Australia in chilled meat exports, and I would hope that they would see public investment in that area as investment in not only a humane industry but also a very profitable one for South Australia.

The Greens believe that this government's most recent budget has been a travesty and a denial of Labor's roots. We have seen in New South Wales, as I said yesterday, the people who had always voted Labor not vote Labor this time around. We have seen the premier there, Kristina Keneally, admit that it was Labor that left their people. In South Australia, the Labor Party is losing support from its core base at a rate of knots. It if comes up with another budget like the one that it did last year—

**The Hon. P. Holloway:** Why don't you worry about the Greens and how they're going? Why don't you worry about them?

**The Hon. A. Bressington:** They're going all right.

**The Hon. S.G. Wade:** They're doing very well.

**The PRESIDENT:** They're 'green' with envy.

**The Hon. T.A. FRANKS:** In response, the Greens in New South Wales have actually picked up Labor votes. We have picked up a safe Labor seat in that state. We are quite happy to take further safe Labor seats from the Labor party in the future. The Labor party is making our job much easier with budgets like the one they produced last year. We look forward to a more 'core value' Labor budget this year, but I do not hold my breath on that one, and certainly the South Australian people and the Labor voters of the past are probably not holding their breath, waiting for Labor to come back to its core traditional values, either.

With that, the Greens will support this Supply Bill. We do not believe in blocking supply. We understand the significance of the guarantee for the supply of the stability of any government, but we just hope that that government starts to shape up.

**The Hon. CARMEL ZOLLO (16:41):** I rise to support the Supply Bill. Indeed, I welcome the opportunity to place on record the commitment of this government to the state's financial and,

hence, our society's, wellbeing. I would like to touch on a few areas: jobs; mining; and infrastructure spending, whether it be for transport or our public health institutions, education or sports and recreation—all areas that require the commitment of funding to enable the business of government to run smoothly for its constituency.

In relation to jobs—it is what this government stands for; about giving young people a decent start in life. Indeed, it is important to note that, since this government was elected nine years ago, over 120,000 new jobs have been created. I should also place on record that growth in total employment over these nine years stands at 17.8 per cent, which is more than double that under the previous opposition's term in office.

I know that, as a society, the measure that is more indicative of employment success is full-time jobs, and I am aware that, in the past year alone, this government has delivered 11,600 full-time jobs, which is double the figure for the previous government's entire term. The importance of ensuring that the skill base necessary for jobs is also recognised by the government's commitment to also deliver 100,000 extra training places over the next five years.

In relation to mining, last month, the Premier welcomed the announcement by BHP Billiton that it is moving to the feasibility study phase of the Olympic Dam expansion project. This proposed expansion will see many new jobs for this state. Similarly, yesterday, the Premier announced in a ministerial statement that, together with federal ministers Stephen Smith and Martin Ferguson, and state Minister for Resources Development, the final report of a review into the Woomera Prohibited Area was released.

The Premier was pleased to report to the parliament that the review recognised that the WPA, as it is known, should be opened up to the exploration of resources to the maximum extent possible. Even more pleasing for us as a state is that the federal government announced at the same time that it accepted the finding of the review and will now seek to implement the new rules for the WPA.

This is, indeed, exciting news for our state, with the new rules making it possible to unlock essentially tens of billions of dollars in resources in gold, uranium, copper and iron ore that lie beneath the surface of this protected area.

When one hears that this unique area stretches over an area roughly the equivalent of the whole of England then one realises the enormity of this project. Again, this government commitment within its agencies to progress the betterment of this state and jobs for its citizens is on a scale never seen before.

I know we were all pleased to see the strong mineral resources and wheat exports earlier this year totalling more than $1 billion. In particular, our farmers well and truly deserved a decent break, both in the weather and the financial gains that comes with it.

There is an area of agency spend in this state which is unprecedented, and that is infrastructure spend. This government has embarked on the biggest infrastructure spend in our state, with an investment of $10.7 billion over four years.

One of the biggest challenges we have faced over the last five years or so has been the risk of enough water. This government took the necessary action of building a desalinisation plant, which is planned to be online by the end of next year.

As a member of the select committee set up by the Independents and the opposition in this chamber, I have had the opportunity to visit the plant and see what is the largest infrastructure build in our state taking shape. The scale and complexity of this plant is a first for our state and I know that we all welcome not just the jobs but the extra skill sets that those working at the plant have been able to acquire.

In relation to reinvigorating the Riverbank precinct, including an expanded Adelaide Convention Centre, we will now see a world-class redevelopment of the internationally-renowned Adelaide Oval. I know we all welcome the commonsense decision of SACA members in voting for the upgrade of the oval and in the future both codes, cricket and football, will be able to enjoy the respective sports in a world-class stadium.

Despite the many knockers, preparation is well and truly underway for the building of a new Royal Adelaide Hospital. As a migrant child, and often interpreter, I know the Royal Adelaide Hospital well and am someone who appreciates that whilst the staff are wonderful, the condition of most of the accommodation is in urgent need of upgrade and expansion for its patients.

I am pleased that the new hospital, when it comes online, will be the most advanced. It will provide more beds, bigger operating theatres, an expanded emergency department and better infection controls. Far too many people leave the RAH with MRSA, for example.

The transport infrastructure spend is an investment of over $2 billion. We are seeing a major revitalisation of public transport infrastructure. I know that it is often annoying for the public to reduce speed or be diverted, but ultimately major works necessitate such inconvenience to see better transport corridors in the long run.

We have commenced on the electrification, extension and upgrade of our metropolitan rail network, all the way from Gawler to Seaford. As well, we have seen the extension of the now much-used tram system. I think that those of us on this side of the chamber were bored to death with the many ways the opposition thought of using the money that was used to extend the tram thus far. The people of South Australia have well and truly spoken when it comes to using the tram and, very obviously, welcome its extension.

On the road network, the government is undertaking major improvements, including an upgrade of the main north-south link by creating a dual-direction Southern Expressway—I know that many will welcome an expressway that goes in both directions at the same time and stop the confusion it can now create—and, of course, our state's biggest ever road project, the South Road Superway.

The very recently completed NEXY, or Northern Expressway, has improved access between the Barossa Valley, the Riverland and our port facilities. I make special mention of our port facilities because the deepened harbour channel, new grain terminal and new road and rail bridges that are linked to the Port River Expressway are further assisting our exporters and ensuring that we are even more internationally competitive and, of course, government has a facilitating role in ensuring this success.

I could go on with infrastructure spend, whether it is the $300 million investment to build Techport Australia or the $44 billion worth of defence contracts we have won, all providing job opportunities, but I would like the opportunity to look at several other areas.

In relation to spending on health, I have already mentioned the new RAH, but I think it important to place on record that since 2002 the health expenditure in our state has more than doubled. We have employed more than 4,000 extra nurses and in excess of 1,000 additional doctors—all public servants for whom this Supply Bill is necessary. Apart from the RAH rebuild, every other metropolitan public hospital has been or is being rebuilt or redeveloped. It is the most comprehensive upgrade of our health facilities in decades.

I know that South Australia was instrumental in lobbying for a new health deal with the federal government. The new deal struck with the commonwealth will mean that from 2014-15 every new bed, every new doctor and every new nurse will help us to meet those future health needs which will be funded by federal and state governments on a dollar-for-dollar basis.

In the meantime, getting back to the Supply Bill, South Australia has secured an extra $306 million for our health system, which will be delivered over the next three years to accommodate growth, including extra beds, more clinicians and, of great importance, more additional surgery procedures.

As a former minister for mental health, I am pleased that South Australia has been successful in having mental health reform placed on the COAG agenda. It is important to see a greater partnership in mental health as well, and we are hopeful of a boost in the upcoming federal budget. More importantly, this government has committed more than $300 million to rebuilding, renewing and restructuring mental health services and facilities.

When we talk about mental health, we are talking about one in five people suffering some form of mental illness in our state. I am sure that we all know somebody, whether it is a family member or friend, who at different times in their life can suffer from a mental health issue. We readily acknowledge that this state's mental health system needed some overhauling and major reform as it had not happened for decades.

In 2005 the Premier asked the Social Inclusion Board to conduct a major review of mental health in our state. The report from that review, 'Stepping Up', led to the implementation of a stepped model of care. This model of care enables people to enter the system at the level that their individual needs require. This philosophy also underpins this government's historic investment of more than $300 million to rebuild, renew and restructure our system.

I think it is important to place on record what this means for the funding of these services. It includes $128.2 million mental health and substance abuse facilities being built at Glenside, comprising a state-of-the-art 129-bed hospital, as well as a 15-bed intermediate care centre, and 20 supported accommodation places. It includes new acute and intermediate care services. Two of the four intermediate care centres are operational at Glenside and Noarlunga, with a third due to be completed at Queenstown later this year.

Six new community mental health centres are being established across metropolitan Adelaide. The first of these facilities, which I understand is collocated with the new GP Plus centre at Marion, is due to begin operation hopefully some time this month. In addition, we have already opened community rehabilitation centres in Adelaide's north, south and west.

In relation to regional services, I will give a few examples. This government is committed to providing good services and facilities in regional South Australia, whether it is the recently announced extension of services in Clare that minister Gago today told the chamber about or the newly opened $7.9 million Roxby Downs police station, amongst many services.

I cannot really conclude this contribution without mentioning the newly opened Marion Aquatic Centre. Members would, no doubt, be aware that it is the largest single built aquatic centre and one that we should all be rightly proud of. I have not had the opportunity to visit the centre yet but I am told it does look outstanding and can hold some 4,500 people. It is also state of the art for the purposes of preparation and training.

In the area of law and order and the need for us to pass the Supply Bill the government has employed more than 700 additional police which translates to more police, of course, on our streets than ever before. Priority has also been given to equipping our hardworking police with the latest technology. Our tougher laws are reflected in the fall in crime rates, which have fallen by 35 per cent since this government came to office. We have also seen an investment of more than $1 billion in school capital works, maintenance and asset funding since 2002-03, with the government now focusing on school and teacher improvements.

We are all aware, particularly the government, that it has had to make some tough decisions in the last budget. These decisions are never easy but it is the business of government and it sometimes needs to be done to ensure the economic future of the state which you are governing and for which you are responsible. I add my support to the Supply Bill.

**The Hon. M. PARNELL (16:56):** In speaking to the Supply Bill I would like to start by fully endorsing the comments of my colleague Tammy Franks who, I think, has eloquently and thoroughly addressed issues of government waste, government misallocation of resources, and the underlying principle behind both those things—the government's loss of direction, particularly in relation to its traditional support base.

I am not going to repeat the various topics that the Hon. Tammy Franks went through but we could add to them a significant number of other issues. For example, I attended a public meeting at Stirling a month or so ago where residents expressed their concern at the reduction in funding over many years for the important botanical gardens. A recent meeting at Blackwood also looked at the cuts to the funding of the Wittunga Botanical Gardens; the meeting at Stirling was focused on the Mount Lofty Botanical Gardens. There is also the example of the shortsighted forward sale of the forest rotations in the South-East.

However, today, I want to focus on two particular matters. The first is the Olympic Dam expansion, a project that will consume via subsidies (direct and indirect) vast quantities of state funds as well as vast quantities of federal funds. The second issue I want to address is our preparedness as a state for the inevitable energy shocks that we will be facing in the future.

To start with the Olympic Dam expansion, I cannot help but respond to some points that the Hon. Carmel Zollo made in relation to employment in mining. I urge the honourable member (and, in fact, all honourable members) to read the March 2011 report from the Australian Institute for Social Research which points out that jobs in South Australia in the mining sector have shrunk from 12,000 in 2007 to 7,700 in 2010. Mining was always a small employer but it is a shrinking employer, hovering around the 1 per cent mark.

The Olympic Dam expansion is a massive project. If it goes ahead it will be the biggest industrial project in this state by a mile. It was disappointing that the government had to be dragged kicking and screaming into providing reasonable opportunities for the public to comment on the project, to comment on the biggest document ever produced in the history of this state and yet,

through the efforts of the Greens and the Legislative Council, we did force the government to increase the public consultation period from the bare statutory minimum to something that was a bit closer to a reasonable opportunity to comment. The government is now sitting on the report from BHP Billiton which addresses the thousands of individual, organisation and government submissions to the project.

Members might not be aware of this, but the legislated opportunities for formal participation in that project have now all passed. The Development Act does not require the supplementary EIS to go through any process of further consultation. In fact, one of the concerns I have is that the government will, true to form, seek to short-change the community in relation to opportunities to comment on this massive project. That is why the Greens have publicly called for the government to release the supplementary EIS and to provide a clear mechanism for public engagement before they approve the final project.

The reason for my concern is that the government has form in releasing supplementary environmental impact statements on the same day that it announces its approval for the project. Members should look no further than the Port Stanvac desalination plant and the Buckland Park development to see that the government often releases these important documents at the same time it announces its approval, thereby making any further comment or feedback anyone might have completely redundant and irrelevant.

The government has been sitting on the Olympic Dam expansion supplementary EIS since before Christmas. It announced it would release it in January. We are now in May and we don't have a firm date for the release of that document. The government, as I say, must provide a further opportunity for people to comment on that document because it is going to include a vast quantity of new information.

The reason it will include new information is that so many things were left out of the original EIS. It may have been the biggest document printed in South Australian history, running to some 4,600 pages, yet it was completely inadequate in relation to a number of important issues. So, with those unanswered questions, I think the government should commit up-front to a period of consultation on this further document, at least as long as the period that was provided on the original document—that was 3½ months.

The future of our economy, the future of this particular industry, is not just a conversation between the proponent and the government behind closed doors. The public need to be involved as well. We need a chance, and the business community needs a chance, to assess BHP Billiton's claims and to assess what this project means for our state economy.

I point out that the Greens have produced an alternative model for the expansion of the Olympic Dam mine; that is, an expansion that does not involve the extraction and sale of uranium. Now, this model is one that stacks up environmentally, socially and economically.

**The PRESIDENT:** It has nothing to do with the Supply Bill.

**The Hon. M. PARNELL:** We engaged a senior academic from Monash University, Dr Gavin Mudd, to analyse what it would mean. It is relevant to supply, Mr President, because, as I said earlier, this project will consume vast quantities of both direct and indirect government subsidies. The bill will be footed by taxpayers.

The report that Dr Gavin Mudd prepared showed that the no-uranium Olympic Dam expansion option is not only technically feasible but it will also use less water. It will use less energy and it will create more jobs, because we know that the Olympic Dam mine is overwhelmingly a copper and gold project. The uranium component of total revenue is decreasing and it has decreased down to below 20 per cent.

According to BHP Billiton, in the *Financial Review* last year, their focus is on copper. It is not on uranium, especially in the first stages of this project. So what we have to determine as a state and what our government needs to come clean with to the South Australian community is whether or not we are prepared for our state to simply be China's quarry or whether we are going to maximise the community benefit from this important non-renewable resource.

The no uranium option for Olympic Dam is a very promising alternative to the plan that BHP Billiton have outlined, which is simply to export the radioactive copper concentrate (and therefore the jobs) overseas, primarily to China. In relation to energy, the question that we have to ask ourselves is how prepared we are as a state for the inevitable shocks that lie ahead. What I

want to focus on is the role of government and government spending in helping the community to absorb those shocks.

It is no surprise to anyone that the price of petrol is going up, and it will continue to rise due to a number of factors: turmoil in the Middle East, an improving US economy, increasing demand for oil from India and China. This week the average price of petrol in Adelaide is pushing $1.50 a litre. In Brisbane, it is already over $1.50. The national average is $1.45. The strong Australian dollar is the only thing that has prevented a record high price for petrol being reached already.

However, as we know, the fluctuation in currency is both volatile and difficult to predict. Members should remember that less than a year ago the Australian dollar was valued at only US83¢. If we were to go back to that level now, the price of petrol would already be over $2 per litre. If we go back a little further to February-March 2009, when the value of the Australian dollar was only US66¢, the price of petrol would already be $3 a litre. You can imagine what that would mean for South Australian families. It would be a devastating impost on the household budget.

What is the government doing about it through the measures available to it, through spending and through government policy? The answer is not much, and the things that they are doing are the wrong things. Last week, the Australian Conservation Foundation released a very sobering report about the direction we are heading in relation to transport planning and transport spending. What that report showed would come as a surprise to no-one; that is, we are spending four times as much on roads as we are on public transport.

The gulf between state and federal government spending on roads compared to that spent on public transport is massive. What that report says is that the difference is now more than four times. Over the last decade, all levels of government in Australia have spent 4.3 times more on the construction of public roads and bridges than they have on public transport. There was some $11.3 million spent on road construction in 2008-09. In addition to that, $5 billion was given away as subsidies by the federal government through the fuel tax credits program, and there was another $1 billion spent through the fringe benefits tax scheme to encourage the private use of company cars. During the same period, only $3.3 billion was spent on rail construction.

The figures for South Australia are very similar. We spent 0.61 per cent of gross state product on roads compared to only 0.15 per cent on other transport options. The Hon. Carmel Zollo spoke in glowing terms of the South Road Superway. The Greens refer to that project as the 'super waste'. We know that Adelaide has sprawled uncontrollably north and south and we know that social problems arise when people are forced to travel long distances to reach jobs and where public transport options are inadequate.

If you cannot drive or you cannot afford to drive, you miss out in our society. The government speaks in glowing terms of its expenditure on the electrification of the railways and a very short extension of the Noarlunga train to Seaford and a very short extension of the tramline, yet those programs need to be considered more as backlog maintenance than genuine new infrastructure spending. Most of the money spent on electrification will not provide a faster or a more frequent service; it is simply catching up and replacing an ageing diesel fleet with a more modern electric fleet. We need to increase patronage if we are going to help people to cope with the shocks of increased petrol prices.

International Energy Agency is an organisation that members might be aware of. This organisation has for many years denied the existence of the concept of peak oil. In fact, only five years ago, the International Energy Agency said that oil production was set to rise to 120 million barrels a day by 2030. Those predictions turned out to be wildly off the mark. What it is now saying, just five years later, is that the world's crude oil production actually peaked in 2006, and global oil production having peaked is a one-way ticket for prices to go up—prices to go up for South Australian families.

The prediction from the International Energy Agency was that oil prices were likely to rise 30 per cent over the next three years. The chief economist of the IEA, Dr Fatih Birol, said:

> The existing fields are declining so sharply that in order to say where we are in terms of production levels in the next 25 years, we have to find and develop four new Saudi Arabias...It is a huge, huge challenge that we continue to underline.

However, the conclusion from the International Energy Agency was that the age of cheap oil is over, and we are seeing that already.

The question for us in South Australia is: how well placed are we to deal with the inevitable shocks that rising oil prices will deliver to our families and our communities? It is not just about petrol at the bowser. Oil is deeply embedded in the whole of the economy. It is in our food systems and in all other goods and services we produce.

So, the government's response is counterproductive and it is counterintuitive. It is not just the disproportionate spending on roads but it is also reflected in the government's planning priorities—approving new urban sprawl out at Mount Barker or Gawler East and, if you like, the mother of all lunatic urban planning projects, the Buckland Park development. I said at the time, and I was joined by many, many professionals in the planning field, that what we were looking at was the creation of a ghetto in waiting.

The reason for that is that young families will be attracted out to places such as Buckland Park and then they will be marooned out there by rising petrol prices. You have only to imagine the viability of low-income families living out at Buckland Park, miles from anywhere, with petrol at $2 or $3 a litre and, on the proponent of the Buckland Park township's own admission, there will not be a high take-up of public transport.

The bottom line is that, with petrol prices going up, peak oil having arrived, we as a state are totally unprepared for this brave new world, and the government owes it to the community, through policy and through its spending in the budget, to help us deal with these shocks. The government has completely missed the opportunities and the challenges that have been provided by these global changes. South Australia will cope less well than other places because of this lack of preparedness.

With those brief remarks, I indicate that the Greens will be supporting the Supply Bill. We look forward to the forthcoming budget reversing some of the policy disasters of recent years and showing that this government is, in fact, prepared to lead South Australia into the future. The government will do that by making sensible decisions that reflect the fact that we live on a finite planet with finite resources.

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:14):** I rise to speak to the Supply Bill 2011. As we know, the Supply Bill is of course for the supply of financial resources to the public sector to continue to operate while the government eventually presents its budget and we pass the Appropriation Bill. So, it should supply the government services to the people of South Australia. It should, but it does not.

It should provide the supply of police services, adequate staff in corrections and family services, in the Environment Protection Authority, in tourism and in trade. Instead, it sells South Australians short. It sells them so short that, if this was the stock exchange, short selling of this type would be banned. In a political context, selling South Australians as short as this should also be banned.

The only things this government can sell are the publicly owned assets. Sadly, we saw the forward sale of up to three rotations of our forests yesterday. What saddens me even more is that we saw the Minister for Regional Development in this chamber today admit that she had not read the regional impact statement or even read the executive summary of that regional impact statement. A sad day indeed, and I guess she probably voted in cabinet on that decision.

I wonder how many other ministers in this government had voted on that decision, not having read that particular regional impact statement. I know it is a subject dear to your heart, Mr Acting President, because you told me you were in Mount Gambier only in the last week or two, and the feeling in the community is extremely high about this sale of forestry assets.

Government land goes to developers. Sadly, at Glenside, a facility once famous for the care and treatment it provided to the mentally ill, the Labor Party has thrown the occupants out. I wonder how much of the violence we sadly see in our community, the shootings and violent attacks on people, is a result of this government's mental health policy. That land has been made available for a film hub, a housing development and a supermarket, because the mentally ill, the physically ill, the elderly and the young are not cared for well enough in this Supply Bill.

It is not just the public sector that is made to suffer from this incompetent and diminished ministry. The public deserves better, stronger and more compassionate government service. The government tells us that we have record numbers of police, yet we all hear every day the comment, 'Where are the police?' We just do not see them in our community. Where are the support staff?

Where is the backup? Where is the infrastructure and support to let the police do the jobs they are trained to do? Where is the emphasis on road safety?

At Easter, coming back from a very enjoyable family holiday in the Riverland, on the River Murray (and it is in beautiful condition at the moment), on the South-Eastern Freeway, I saw one police vehicle. It was parked on the side of the road with a flashing light on top, warning of a traffic congestion ahead. But I think I saw four, or maybe even five, other vehicles with police officers in them; they were unmarked.

A visible police presence we know is the greatest deterrent to bad driving behaviour and, in fact, bad public behaviour, yet to have unmarked cars on the road to me sends the message that the government is not really interested in having that visible police deterrent out there in the public view; it is more about catching people and speeding revenue.

I also noticed some commentary recently in relation to Hindley Street that there were very few uniformed police officers on a particular Saturday night; yet I am advised there were 40 undercover police officers on duty that night. I can understand why some level of undercover operations needs to take place in places like Hindley Street, because of, perhaps, sale of drugs and other illegal activities.

However, surely a visible police presence is what is needed. The government, I think, is using a terribly blunt instrument with its changes to liquor licensing hours, but to bring about a change, a greater, more visible police presence is what is needed. I might also ask: where are our park rangers? Where are the staff who used to look after our botanic gardens?

Where is the provision for health care in rural and regional South Australia? And, we are reminded again of the decision yesterday to sell the forests, the decision the night before of the SACA vote and the go-ahead of the Adelaide Oval and, of course, today we have seen the publicly circulated Macquarie Bank prospectus that shows the cost of the new Royal Adelaide Hospital at $2.73 billion.

Where is the provision for health care in regional and rural South Australia? We know that the Keith hospital needs $300,000. I think the service payments on the new hospital are some $330 million a year. That is calculated at almost $1 million a day, which is nearly $50,000 an hour, and so $300,000 is only a matter of four or five hours. The time that we would spend in this place in one day when that hospital is being paid for would look after the Keith hospital for a whole year.

I am also mindful of the future. When we come to the supply next year and in future years of this particular government, it is severely at risk, especially when we talk about the Supply Bill, which not only provides funds to manage the public sector but also provides services to the people who pay the taxes and who need those services. It is, if you like, a double supply.

I know that the Sustainable Budget Commission recommendations were not all adopted, but they are still, I would assume, there for consideration. It is quite frightening. In SAPOL, the initial recommendations were to reduce the unsworn officers by up to nearly 100 personnel; remove the graduate program (another five personnel to go); reduce the service executive support area (one person to go); the closure of eight metropolitan police stations (13 people to go); the closure of nine country police stations (another 18 to be removed); the disbandment of the police band (I think about 60 personnel to go there); and the phasing out of community constables (about the same).

So, Mr President, you can see that the government is going to be under incredible pressure not to cut services as we go forward, because we know it will not have achieved its budget targets with the last budget. Notwithstanding, it has not accepted all the recommendations of the Sustainable Budget Commission, I suspect a number of those are still on the table.

Of course, another area for which I have some responsibility is planning. There are a number of cuts, again, to the public sector—some accepted and some not—but it adds up to some 50 or 60 personnel. Again, that indicates that, while we are looking at supplying the resources to keep the public sector operating, the public sector is under tremendous pressure as a result of cuts from the government and an expectation from the community that they will get a higher level of service.

I think members should be reminded that, in the time of this government, it budgeted for a bit over 2,500 extra public servants, yet, sadly, we see some 18,000 have been employed in that time. Really, I think that shows a real lack of understanding of how to run government; a real lack of

understanding that it is not its money to spend but the taxpayers' money. Clearly, it just simply does not understand.

We have also seen in the last couple of days what the government really thinks of this chamber, when we have the unbelievable situation of only having one minister. There is such Labor talent in the Legislative Council—talent enough to promote an ALP backbencher. I mean, why not promote the Hon. Russell Wortley so he could sit at the cabinet table and actually have some input, or even promote the Hon. John Gazzola to the front bench? Mr President, it seems crazy. Or the Hon. Ian Hunter. Clearly—

**The Hon. G.E. Gago:** Relevance?

**An honourable member:** Supply.

**The PRESIDENT:** He wants to supply another minister.

**The Hon. D.W. RIDGWAY:** Exactly; thank you, Mr President. I mean, the Hon. Paul Holloway and the Hon. Carmel Zollo have had a go, and they are clearly either not wanted or not prepared to step up. There is some talent there, Mr President—and look, it is probably a little sad, in one sense, that you are in the chair, otherwise you would be down here on the front bench. I know that it would help the debate around the cabinet table if there was somebody else other than the hapless acting interim leader that we have at present.

There is an old saying that the price of something depends on supply and demand, and this Supply Bill demands a high price from South Australians. It is the price of a Labor government whose time has come.

Debate adjourned on motion of Hon. J.M. Gazzola.

## SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

In committee.

(Continued from 7 April 2011.)

Clause 5.

**The Hon. S.G. WADE:** I move:

Page 6, after line 19 [clause 5, inserted section 21D]—After subsection (4) insert:

(4a) No offence is committed under subsection (4) if a person markets a knife solely in a way that indicates or suggests that the knife is suitable for use in a lawful form of entertainment or a lawful and recognised form of recreation or sport.

Currently, marketing of prohibited weapons is prohibited. The government's 2009 discussion paper states that the government questions the need for 'knives that are manufactured and marketed solely as deadly weapons'. In his second reading explanation in the other place, the Attorney-General stated:

Secondly, it will be an offence to unlawfully market a knife in a way that indicates, or suggests, that the knife is suitable for combat or is otherwise likely to stimulate or encourage violent behaviour involving the use of a knife as a weapon.

I read both excerpts to highlight the inconsistency between them. The bill is much broader than the discussion paper. The public of South Australia was asked: do you want to control the marketing of knives which are marketed solely as deadly weapons? The bill, instead, puts forward a limitation of knives that are suitable for combat or are otherwise likely to stimulate or encourage violent behaviour.

The bill, in the opposition's view, is too broad. The phrase 'knife suitable for combat' is not reassuring in this regard. It might otherwise act as a limitation on the provision, but if one turns to section 21A, the definition provisions, a knife 'suitable for combat, in relation to a knife, means suitable for use as a weapon for inflicting injury on a person or causing a person to fear injury'.

It is implicit in this whole bill that knives can inflict injury. In fact, as it currently stands, we stand in fear of butter knives. Knives can inflict injury on a person or cause a person to fear injury, so we believe that this provision is extremely broad. In any event, we want to make the provision more workable by allowing the marketing of knives for lawful entertainment and sports. In that sense, it reflects similar exemptions in relation to prohibited weapons which will be included in the new schedule to this act.

In the context of the need to recognise the legitimate recreational and entertainment needs of South Australians, one only needs to look at *The Advertiser* of late last year. In an article entitled, 'Swelling ranks of mixed martial arts', dated 30 November, Anna Vlach writes:

> He looks like a warrior, but Luke Kimber is really a lover not a fighter. Mr Kimber, 19, of Willunga, is riding the wave of popularity for mixed martial arts. Mick Cutajar, from the Australian Mixed Martial Arts Association, said yesterday national participation in the sport—which combines several martial arts styles—had grown dramatically in the past five years.

'It's the in thing,' he said. 'Five years ago there were about 800 people training in mixed martial arts sports and now just about every martial arts club in the country is offering it.' Mr Kimber said his training is about life skills, not violence. 'I don't usually use a sword when training,' he said. 'You don't learn martial arts to inflict harm on others.'

I appreciate that is widely recognised, but the provision in this legislation would suggest that anybody who was marketing knives for a martial arts purpose could well be in jeopardy of falling foul of this legislation. We believe the government may well need to look at other changes to the scope of this legislation, but we think this is an appropriate statutory recognition of that need. We have made it in the schedules in relation to prohibited weapons; we believe it is appropriate to make it at this point in relation to the marketing of knives.

**The Hon. G.E. GAGO:** This proposed section 21D(4) of the bill creates a new offence of unlawful marketing of a knife in a way that suggests it is suitable for combat or is otherwise likely to stimulate or encourage violence. 'Suitable for combat' in relation to a knife means 'suitable for use as a weapon for inflicting injury on a person or causing a person to fear injury'.

The government opposes the amendment which provides that no offence will be committed if a person markets a knife solely in a way that indicates or suggests that a knife is suitable for use in a lawful form of entertainment or a lawful and recognised form of recreation or sport. Certain kinds of knives may be used in martial arts competitions or other sporting competitions. A martial arts competition could be considered to be combat in a very broad sense of the word. Knives can also be used for entertainment, such as a knife-throwing act.

However, I find it very difficult to think of circumstances in which would be necessary for a retailer to market a knife for use in recreation, sport or entertainment in a way that would contravene this offence, particularly given the definition of 'suitable for combat'.

Further, the proposed amendment creates a very broad exemption to the offence. It could be difficult to disprove a person's claim that they fell within the exemption and may allow some manufacturers or sellers to escape prosecution when they should not, and it is for these reasons that we oppose this amendment.

**The Hon. S.G. WADE:** I make the simple point that the problems the minister is envisaging in relation to this exemption would have already been evident as problems in relation to the exemptions under the prohibited weapons in the schedule, if indeed it was a real problem.

**The Hon. M. PARNELL:** The Greens are supporting this amendment.

**The Hon. D.G.E. HOOD:** Yes, as are Family First. We see no reason that knives appropriately marketed should not be available.

**The Hon. J.A. DARLEY:** I will be supporting this amendment.

**The Hon. A. BRESSINGTON:** I support the amendment as well.

Amendment carried.

**The Hon. S.G. WADE:** I move:

Page 6, lines 32 to 38 and page 7, lines 1 to 11 [clause 5, inserted section 21E]—Delete section 21E and substitute:

21E—Lawful excuse

(1) Nothing in this section limits the circumstances in which a person will, or will not, be taken to have a lawful excuse for the purposes of this part.

(2) It will be a lawful excuse for a police officer to use, carry or possess an offensive weapon or an implement or article if the use, carrying or possession occurs in the course of the officer's duties as a police officer.

(3) It will be a lawful excuse for a person to use, carry or possess an offensive weapon if the use, carrying or possession is reasonably required in the course of conducting his or her business or for the purpose or in the course of his or her employment.

(4) It will be a lawful excuse for a person to use, carry or possess an offensive weapon if the use, carrying or possession is reasonably required in connection with—

(a) a lawful form of entertainment; or

(b) a lawful and recognised form of recreation or sport; or

(c) an official ceremony; or

(d) an official uniform; or

(e) in the case of a knife—

(i) the exhibition of knives for retail or other trade purposes; or

(ii) an organised exhibition by knife collectors; or

(iii) the preparation or consumption of food.

(5) It will be a lawful excuse for a person to carry or possess an offensive weapon if the carrying or possession is reasonably required in connection with a museum or art gallery.

(6) The regulations may, however, despite a provision of this section, prescribe circumstances in which certain convicted persons will not be taken to have a lawful excuse for the purpose of this part.

I would suggest this amendment is consequential on [Wade-2] 3 which was supported by the council, so I suggest it is consequential and should be supported.

**The Hon. G.E. GAGO:** It is consequential.

Amendment carried.

**The Hon. S.G. WADE:** I move:

Page 7, line 21 [clause 5, inserted section 21F(2)(a)]—Delete paragraph (a) and substitute:

(a) Schedule 2 Part 4; or

I also suggest that this amendment is consequential and I seek the support of the council.

**The Hon. G.E. GAGO:** It is consequential.

Amendment carried.

**The Hon. S.G. WADE:** I move:

Page 7, line 22 [clause 5, inserted section 21F(2)(b)]—Delete 'Commissioner' and substitute:

Minister

This is the first of a series of amendments that relates to the respective roles of the minister and the commissioner in relation to exemptions for prohibited weapons. The bill proposes that the Commissioner of Police rather than the relevant minister may declare a person to be an exempt person for the purposes of this section; in other words, for the purposes of prohibited weapons. The 2011 bill (the bill before this council) proposes to move that power from the minister to the commissioner. I would suggest that this clause is a test clause for 10 other amendments, those being [Wade-2] 16 to 24 and [Wade-2] 46.

In moving this amendment the opposition is asserting that it is appropriate for a democratically elected and publicly accountable person to remain part of the process of granting exemptions for prohibited weapons. We do so on the basis that we believe it is important that the granting of exemptions reflects community values in balancing the management of controls on prohibited weapons. After all, this is the regime that the government has regarded as acceptable up to this point and we as an opposition do not see the need to change it.

We appreciate that ministers do not have time to make a large number of complex decisions, such as exemptions for prohibited weapons, but the opposition does not think that the appropriate response is to take the minister out of the equation. We think that the appropriate response is to allow the minister to delegate, and therefore I draw the attention of members to [Wade-2] 23 which would entitle the minister to delegate his or her power under this section. The

delegation may be conditional and it would not derogate from the minister's ability to exercise the power.

We appreciate that the police have and will continue to have a key role in managing the exemptions and, hence, the opposition will put another amendment (which I foreshadow as [Wade-2] 21) which would require the minister to consult the commissioner on exemption. That is, if you like, an explicit recognition of the key role the police have in promoting community safety by managing exemptions for prohibited weapons. Just to reiterate: with this and other matters the opposition has taken the view that it is appropriate for the minister to continue to play a part, together with the police, in the management of this regime. I commend my amendment to the house.

**The Hon. G.E. GAGO:** This is the first in a series of amendments dealing with the power to issue exemptions for prohibited weapons. The government is not opposing this amendment. It is an offence under the bill to possess, use, manufacture, sell, supply or otherwise deal in prohibited weapons. A person has a defence if they can prove that they were, in accordance with the declaration made by the commissioner, an exempt person in the circumstances of the alleged offence. Under current section 15, the power to issue a declaration that a person is an exempt person lies with the minister or his or her delegate. As a matter of practicality, this power has always been delegated to the commissioner and other senior members of SAPOL and is unlikely to ever be exercised by the minister, which is why the bill gives the power to the commissioner in the first instance. This removes the need for a formal delegation of power from the minister to a delegate.

The effect of the honourable member's amendment would be to return us to the status quo, with one additional requirement—that the minister consult with the commissioner before making a delegation. The government believes that the approach taken in the bill is more practical. However, as I say, we will not be opposing this amendment.

Amendment carried.

**The Hon. S.G. WADE:** I move:

Page 7, lines 25 to 27 [clause 5, inserted section 21F(3)]—Delete subsection (3)

It is my view that that is consequential on [Wade-2] 2 and I seek the support of the council.

**The Hon. G.E. GAGO:** It is consequential.

Amendment carried.

**The Hon. S.G. WADE:** As requested, I indicate clusters of consequential amendments. My understanding is that [Wade-2] 16 to 20 inclusive are all consequential on [Wade-2] 14, which has received the support of the council.

**The CHAIR:** Is that 16 to 20?

**The Hon. S.G. WADE:** It is 16 to 20 inclusive.

**The Hon. S.G. WADE:** I move:

Page 7—

Line 28 [clause 5, inserted section 21F(4)]—Delete 'Commissioner' and substitute:

Minister

Line 31 [clause 5, inserted section 21F(4)(b)]—Delete 'Commissioner' and substitute:

Minister's

Line 35 [clause 5, inserted section 21F(5)]—Delete 'Commissioner' and substitute:

Minister

Line 37 [clause 5, inserted section 21F(6)]—Delete 'Commissioner' and substitute:

Minister

Line 38 [clause 5 inserted section 21F(6)(a)]—Delete 'Commissioner' and substitute:

Minister

**The Hon. G.E. GAGO:** These are consequential.

Amendments carried.

**The Hon. S.G. WADE:** I move:

Page 7, after line 39 [clause 5, inserted section 21F]—After subsection (6) insert:

(6a) The Minister must not make a decision on an application for a declaration unless he or she has consulted with the Commissioner.

This amendment is not strictly consequential but, as I have already anticipated, and the minister has already indicated she regards it as linked, I seek the support of the council for this amendment, which would require the minister to consult the Commissioner in the context of a declaration. I should clarify that it is in the context of a declaration, not a delegation, as suggested by the minister.

**The Hon. G.E. GAGO:** I believe 21 to 24 are consequential.

**The CHAIR:** Are you happy to move 21 to 24?

**The Hon. S.G. WADE:** If the rest of the house is happy to interpret them in that way, I am happy to interpret them that way.

**The CHAIR:** The honourable minister agrees. So, you have interpreted them. Can you move them?

**The Hon. S.G. WADE:** I move:

Page 8—

Line 1 [clause 5, inserted section 21F(7)]—Delete 'Commissioner' and substitute:

Minister

After line 3 [clause 5, inserted section 21F]—After subsection (7) insert:

(7a) The Minister may delegate his or her powers under this section to any person or body.

(7b) A delegation under subsection (7a)—

(a) must be in writing; and

(b) maybe conditional or unconditional; and

(c) does not derogate from the Minister's ability to exercise the power under this section; and

(d) is revocable at will by the Minister.

Lines 4 and 5 [clause 5, inserted section 21F(8)]—Delete 'Commissioner' wherever occurring and substitute in each case:

Minister

Amendments carried.

**The Hon. S.G. WADE:** I have a question in relation to section 21F(11). I presume this is the appropriate place to ask that question.

**The CHAIR:** If you think so, yes.

**The Hon. S.G. WADE:** Thank you. My question relates to criminal intelligence. In a letter of 27 November 2010, the Australian Lawyers Alliance suggests that section 21F(11) removes the mandatory nature of the confidentiality of criminal intelligence. In particular it states:

Section 21F(11) mandates the court to take steps to maintain the confidentiality of information. In our view it should say that 'it may take steps'.

I should stress that those last four words—'it may take steps'—are in inverted commas.

The court must have discretion to deal with the matter.

In light of the Australian Lawyers Alliance's concerns, I ask the minister: does the government consider that section 21F(11) is consistent with the High Court judgments in K-Generation and Totani?

**The Hon. G.E. GAGO:** I will have to take that question on notice and bring back a response.

**The Hon. S.G. WADE:** I move:

Page 8, lines 27 to 30 [clause 5, inserted section 21F(12)]—Delete subsection (12) and substitute:

(12) A person who is entitled to use or possess a prohibited weapon in accordance with this section—

(a) must not use or possess the weapon unless he or she does so in a safe and secure manner; and

(b) must take all reasonable steps to prevent access to the weapon by persons who are not entitled to such use or possession.

Maximum penalty: $1,250 or imprisonment for 3 months.

This amendment proposes to expand the duties on a person who is entitled to possess a prohibited weapon, for example, a person who holds an exemption under this section. Currently, the bill only requires that a person who uses or has possession of a prohibited weapon must do so in a safe and secure manner.

This amendment maintains that duty but adds the duty on the person to take all reasonable steps to prevent access to the weapon by a person who is not entitled to such use or possession. I would suggest to the house that the current duty is almost a passive duty. The proposed duty is an active one.

The opposition considers that making the duties on a prohibited weapon exemption holder more active enhances community safety generally. We consider that it would doubly do so in the context of weapons prohibition orders. So, I commend [Wade-2] 25 to the council.

**The Hon. G.E. GAGO:** The government will be opposing this amendment. Clause 21F(12) of the bill provides that a person:

...must not use or have possession of a prohibited weapon unless he or she does so in a safe and secure manner.

If this requirement is not complied with then the person ceases to be an exempt person in relation to that prohibited weapon.

The honourable member's proposed amendment adds a further requirement that a person must take all reasonable steps to prevent access to the weapon by persons who are not entitled to such use or possession. This is problematic. It requires a person who is legally entitled to have possession of a prohibited weapon to make a judgement call about whether or not another person is entitled to possess or use that weapon. If they are not so entitled, then they must take reasonable steps to prevent the other person from having access to the prohibited weapon.

There are a number of circumstances in which a person might be an exempt person and therefore be entitled to possess or use a prohibited weapon. It would be extremely difficult to know whether or not another person came within one of these exemptions unless that person actually advised the other person that they were an exempt person. This amendment would be extremely difficult to comply with, and it is for those reasons the government opposes it.

**The Hon. S.G. WADE:** I would suggest the government has resorted to absurdity to oppose this amendment. The fact of the matter is, if you are prohibited weapons holder, then you would reasonably assume that everyone else does not have an exemption to hold a prohibited weapon. Therefore, you would presume that you need to take reasonable steps to ensure that other people do not get access to it. If for some reason you happen to know that the police officer you are working with or the security guard that you are employed with also has an exemption for a prohibited weapon, or for some other reason is entitled to have a prohibited weapon, then you might take a different course of approach. It is not an unreasonable duty to put on citizens. In my view, it enhances community safety and should be supported.

**The Hon. M. PARNELL:** The Greens will be supporting this amendment. It seems to be a sensible measure that is aimed at furthering the objects of the bill, which is community safety. I would have thought that taking reasonable steps might be something as simple as putting the weapon away, locking it away so other people do not have access to it. It does not seem terribly onerous to me.

**The Hon. D.G.E. HOOD:** Family First will also be supporting the amendment. The wording here says 'must take all reasonable steps to prevent access'. I think that is what we would expect people to do.

**The Hon. A. BRESSINGTON:** I will also be supporting the amendment.

Amendment carried.

**The Hon. S.G. WADE:** I move:

Page 8, after line 30—After section 21F insert:

21FA—Information relating to weapons related injuries

(1) If a medical practitioner or a registered or enrolled nurse has reasonable cause to suspect in relation to a person who he or she has seen in his or her professional capacity that the person is suffering from a wound inflicted by a weapon or article of a kind referred to in this Part, the medical practitioner or nurse must, as soon as practicable after forming the suspicion, make a report to the prescribed person or body containing—

(a) details of the wound; and

(b) any information provided to the practitioner or nurse about the circumstances leading to the infliction of the wound (other than information tending to identify the person).

(2) Subsection (1) does not apply if, in the opinion of the medical practitioner or the nurse, the injuries are not serious and the medical practitioner or nurse believes on reasonable grounds that the injuries were accidental.

(3) A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.

(4) In this section—

*enrolled nurse* means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the enrolled nurse division of that profession;

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

*registered nurse* means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the registered nurses division of that profession.

Most of the amendments I have moved to this point have been enhancements on provisions, which has therefore given me the opportunity to be more brief than perhaps I need to be in this context, because in this context I am proposing to bring in a fresh provision. I need to put this provision in context to make sure that people appreciate it is not just a thought bubble. In doing so, I bring the committee's attention to the fact that these provisions have been stimulated by developments in the United Kingdom.

In the United Kingdom, there has been a debate continuing for some years in relation to knife laws. In fact, in the government's discussion paper they rightly highlighted the legislative activity in the United Kingdom and New South Wales as instructive in the formulation of this bill. The United Kingdom Violent Crime Reduction Act 2006 is an example of where restrictions on sale were introduced for people under the age of 16.

The opposition's proposed amendment is also based on examples from the United Kingdom which seek to support authorities to address knife violence in the community. Section 115 of the United Kingdom Crime and Disorder Act 1988 permits health professionals to disclose confidential information to the police where they believe such information could assist in preventing a crime or assist an investigation. These provisions are generally seen as permissive, not mandatory.

The guidelines issued by the United Kingdom General Medical Council in November 2009 recommend that practitioners make police aware of any patient who presents with a gunshot or knife wound as soon as practicable and that the disclosure of any personal details should only be done so in the public interest. However, reforms proposed in the 2010 United Kingdom Liberal Democrats election manifesto committed to changing reporting requirements to compulsory reporting of only non-confidential information to police to identify knife and gun crime hot spots. In

that sense, I put it to the committee that my amendments before you today are not dissimilar to those proposed by the Liberal Democrats at the election.

The Liberal Democrats, of course, are now part of the governing coalition in the United Kingdom. In its policy, the Liberal Democrats was acting on recommendations from the Knife Crime 2008/09 Report of the House of Commons Home Affairs Committee, which sought to take a holistic view of knife crime in the United Kingdom.

One of the recommendations from the report was reform of reporting requirements consistent with trials that had been undertaken in Cardiff in the United Kingdom in 2002. These trials showed that reporting by accident and emergency wards allowed authorities to target knife crime hotspots with crime prevention activities, and it reduced knife crime wounds in some areas by 40 per cent. All information shared was anonymous. The information included precise locations and times of incidents and reported them to police.

The opposition amendments before the committee today differ from the earlier UK example and would simply require medical practitioners to report anonymous statistical data to identify knife weapon crime hotspots. The amendment adopts contemporary recommendations from the experience in the UK and includes the reporting of all injuries from all weapons named in part 3A, which includes injuries from knives, guns, dangerous articles, offensive weapons and prohibited weapons.

The Australian Medical Association has advised the opposition that much of this data is already collected by emergency wards in South Australian hospitals as a matter of patient treatment. The changes would mandate, without penalty for noncompliance, that such data is provided to a prescribed authority. The changes will place a positive duty on practitioners to report weapon-related crime. By providing authorities with this information, programs, we would hope, would be developed, which would ensure that identified geographic areas of crime hotspots received attention and the underlying causes of crime were addressed.

In that context, I will digress to remind members that, in my earlier contribution, I highlighted that one of the facts that has been brought out by research amongst young people is that a person is much more likely to carry a knife if they themselves were the victim of knife crime. In that sense, you would expect that, if there has been a knife attack in a particular community, a reaction would be for an increased use of knives by other young people in that area. We would suggest that, even if the knife crime had not come to the attention of the police through police enforcement proceedings, a reporting mechanism like this might well be able to highlight to police that there is a risk of knife crime or other crimes increasing in that area because of, if you like, a victim response to their victimisation.

I would stress that this provision does not involve a breach of patient confidentiality. Section 25FA(1)(b), as proposed by the amendment, states that the reported information is not to include information that would tend to identify the person. The provision would mandate the reporting of data but not data that could identify a person. In that regard, I had the opportunity to speak to a medical officer who is involved in mandatory reporting of sexually transmitted diseases, and I took the opportunity to ask whether, in a practical sense, this impaired his ability to deliver services to people in need of sexual health advice.

He said that it is not in relation to that and that it has not been hard to assure people that patient confidentiality is respected. One way they do that is by providing patient ID numbers so that in subsequent visits a person does not need to identify themselves by name to get test results; they can provide an ID number. So, I believe it is possible to have community confidence that, in a case such as this, their patient confidentiality would be respected.

So, this provision supports a proactive, preventive approach, with those with injuries being able to seek medical attention without fear of being referred to police. The reporting is not being made to assist in preventing a specific crime or assist in a specific investigation; it is intended that the reported information would be used only to identify geographic and social trends in weapon crime. It basically gives the authorities the information to target weapon-related crime reduction activities and programs in identified areas.

The amendment would give the government a broad power to manage this responsibility in the regulations. It can determine how the information is gathered and to whom the information is reported. We have not mandated reporting times in the amendment and we believe that reporting times would actually reassure people about confidentiality. If reporting times, for example, were

monthly or quarterly, it is likely to reassure patients that their data is not going to be used in a police context.

To address concerns about reporting potentially undermining harm minimisation approaches and to ensure that the victims of weapon wounds do not feel that their interests are threatened, the government may want to consider managing the reporting through Health SA rather than the police. We are not insisting on that, but that is a possibility, and that would perhaps also provide reassurance to patients.

If members have concerns about the potential for a reduction in the crime minimisation principles that allow a person to seek medical treatment without fear of a breach of confidentiality, I remind them that the amendment requires the process to be determined by regulation, and at the times the regulations are introduced this council will have the opportunity to scrutinise them with other members of the council to ensure that patient confidentiality is maintained.

The opposition wants to see a smart approach to tackling crime in South Australia, and to do that police and public health programs need to have the information to target crime and poor health behaviour. We think this amendment will assist the government and those authorities to do so.

**The Hon. G.E. GAGO:** In relation to the honourable member's question about section 21F(11), I have been advised that it is in fact consistent with the High Court K-Generation case. In relation to the amendment that has just been moved, this amendment inserts a requirement into the bill that if a doctor or nurse has reasonable cause to suspect that a person is suffering from a wound infected by a weapon, or article of a kind referred to in this part, they must make a report to the prescribed person containing details of the wound and any information provided to them about the circumstances leading to the infection of the wound, other than information tending to identify the person.

The government is not aware of any consultation occurring with the Department of Health by the honourable member about the impact of this amendment, which is a bit of a concern. The government has a number of concerns about the practicality of this amendment and the impact that it will have on the medical profession and the provision of health services. It imposes a mandatory reporting obligation on nurses and medical practitioners to report weapons related injuries. Mandatory reporting requirements may dissuade victims, particularly those who sustained an injury as a result of their own criminal conduct, from seeking medical treatment.

Mandatory reporting obligations also place the practitioner in a difficult ethical position, which is likely to lead to non-compliance, despite the legislation offering them protection from civil or criminal liability. The government notes that there is a similar reporting obligation for medical professionals in relation to injuries inflicted by firearms. However, imposing the same obligation in relation to weapons is extremely impractical, given the number of items that can be a weapon. In fact, just about any item could be considered a weapon if used with the intention of causing harm. In many cases it may be difficult for a nurse or even a doctor to determine whether a wound was inflicted by a weapon.

Some examples of that might be the stiletto heel of a shoe or even a pencil or biro; they could all be considered potential weapons. Finally, a report made pursuant to this amendment by a medical practitioner or nurse is only required to contain details about the wound and information provided to the practitioner or nurse about the circumstances surrounding its infliction—if it is known, of course. The report is not to contain information that would tend to identify the person.

The reporting obligations under the Firearms Act require a medical professional to include in their report either the name and address of the person or a description of the person. Given the nature of the firearms, and the fact that they are subject to a licensing system, police would be able to use this information to determine whether a person is complying with the terms of their licence or to assist an investigation into firearms-related offences. The same cannot be said for any information gathered in relation to weapons-related injuries.

Without any identifying details, the only benefit of this provision that the government can see is data collection. Even with identifying details, it is difficult to see what use the police could actually make of this type of information. This requirement will impose a further regulatory burden on these practitioners, and we know that their workloads are busy, and it is important that we do not impose unnecessary burdens that, in fact, do not result in any obvious benefit to the community, and we believe that to be so with this. So, we believe it imposes a further regulatory

burden without any demonstrable public benefit, and it is for those reasons that the government will be opposing this amendment.

**The Hon. S.G. WADE:** If I may respond to some of the comments the minister has made, I would remind the committee that these amendments were tabled on 18 March, two months ago. It is somewhat cute for the minister to suggest that she understands that we have not consulted Health SA. The government takes such a closed, possessive approach to the public service that there is little point in the opposition contacting Health SA.

In fact, in recent months—it was not in relation to weapons: it was in relation a drugs matter—I decided that I would ring a leading expert on drugs with whom I had had previous contact—

**The Hon. G.E. Gago:** It's not relevant. It is not relevant, Mr Chair, to this amendment.

**The Hon. S.G. WADE:** Sorry; if the minister has a point of order, she should do so standing, but it is directly relevant, because I have been accused of not consulting Health SA, and I am saying why. There was no point in consulting Health SA.

**The Hon. G.E. Gago:** Get on with it.

**The Hon. S.G. WADE:** There was no point in consulting Health SA because, when one does contact experts in Health SA, one gets a response—as I did in recent months, in relation to my contact with the drugs expert—that I should go through the minister's office. Now, I find that objectionable.

*Members interjecting:*

**The Hon. S.G. WADE:** If the minister is suggesting that health experts should have been approached in relation to this weapons bill, then the government should not make a practice of insisting that every contact with an expert within Health SA should be through the minister's office.

**The Hon. P. Holloway:** It is a courtesy that you should know; it has been a long-standing courtesy. It doesn't mean you can't speak to them.

**The Hon. S.G. WADE:** I am also reminded of the Hon. Tammy Franks' efforts to unpack the issues in relation to eating disorders. We can all remember the crude censoring of the psychiatrist—

**The CHAIR:** The Hon. Mr Wade should stick to his amendment.

**The Hon. S.G. WADE:** The point I am making is that the opposition did not consult Health SA because all we would have been told was, 'Go through the minister's office.' Now, considering that this amendment was tabled two months ago, I would have hoped the government had consulted Health SA. By the minister's comments tonight, I suspect all we have had is a bureaucrat in the Attorney-General's Department, because it does seem to be oblivious to recent developments in health.

The minister, for example, asserted that nurses were not trained to understand forensic implications of wounds when, in fact, on the very day that I tabled my amendments, *The Advertiser* carried a story dated 18 March 2011: 'Nurses on front line of crime detection'. It states:

> No longer just bedside health care professionals, modern nurses are learning crime scene investigation techniques to help catch criminals. Forensic nurses collect physical evidence from victims after an assault, identify injuries, analyse psychological damages and uncover a victim's personal details in lengthy interviews.
>
> They also often testify as expert witnesses in court proceedings using specialist, evidence-based medical records. Nursing and midwifery Associate Professor Daniel Sheridan, from the Johns Hopkins University in the US, is working at Flinders University to help further forensic nursing in Australia.

I am particularly surprised that the minister was not aware of these developments, considering her previous involvement in nursing. Professor Sheridan states:

> 'It (teaching forensic nursing) is not happening on a consistent, regular basis in most nursing schools, which is one of the reasons why I'm here', he said. 'This is not a problem unique to Australia or South Australia...but it is rapidly becoming recognised, a lot of it is because of television and all these different forensic shows that are out there.' Associate Professor Sheridan said forensic nurses in the US were sometimes a part of death scene investigation teams, where they would take samples at the crime scene and interview family, friends [etc.].

I would suggest to the minister that there is the skill in nursing to differentiate how a wound has been delivered. We expect medical staff to be alert in the context of domestic violence, for example.

*An honourable member interjecting:*

**The Hon. S.G. WADE:** Sorry, I thought the President was chairing, but I am happy to address my comments to the Chair. We expect nurses and other medical staff to be alert to the possible origin of the injury that they are presenting for. I do not think weapons would be an insurmountable case for nurses. On the point of—

*Members interjecting:*

**The Hon. S.G. WADE:** Well, could you do that through the chair? It is not my job to banter with you across the chamber.

**The CHAIR:** I think you have made your point.

**The Hon. S.G. WADE:** Sorry, there is one point I have not addressed, which is the point the minister made that—

**The CHAIR:** You should have done that when you moved your motion.

**The Hon. S.G. WADE:** —there is no basis for this. As I hope I have highlighted to the Legislative Council, apparently, unlike the government, the opposition has kept abreast of what is happening in the United Kingdom. We believe that this is an enhancement that is recognised by the United Kingdom's Home Affairs Committee and by the coalition partner in the United Kingdom government that it should be considered and we would commend it to the council.

**The CHAIR:** The Hon. Mr Parnell.

**The Hon. M. PARNELL:** We are going to keep going, okay. I have a couple of minutes on it. Are we coming back?

**The Hon. G.E. GAGO:** In light of further contributions, just before we report progress I want to put on the record that in fact the agency did consult with the Department of Health. With that, I move that progress be reported.

*[Sitting suspended from 18:07 to 19:49]*

**The Hon. M. PARNELL:** I rise to put the Greens' position on amendment No. 26 of [Wade-2]. The productivity of the dinner adjournment should never be underestimated by members. Had I made my contribution before the dinner break, it would have been to say that the Greens were not inclined to support this amendment, but I have taken the opportunity to consult with the Hon. Stephen Wade over the dinner adjournment, and I have in fact filed, just within the last hour or so, some amendments which certainly address my concerns in relation to this amendment. I will outline what those are.

My original concern with the proposed new section 21FA is that I did not believe it was drafted tightly enough to achieve the purpose that the honourable member wished it to achieve. What I am most concerned about is that I do not want a situation where a person dies from the loss of blood because they are too scared to go to hospital to get treatment.

That situation could arise if someone, for example, may have been the prime mover of a fight involving knives, and they have become injured but may be reluctant to go to hospital if they thought that the doctors may have had some obligation or, in fact, may have simply reported them to the police and they would get into trouble. In those circumstances, it is not impossible to envisage a situation where a person decides not to go to hospital.

The main difficulties with the clause as drafted, as the Greens see it, are first of all the obligation to 'report as soon as practicable after forming the suspicion' that a weapon was involved and, secondly, that the report would be made to prescribed persons or bodies. The result of those two things put together, I think, could have meant that a report could be made almost contemporaneously, within a very short period of the suspicion being formed (for example, within minutes) and, secondly, the prescribed person or body could well be the police if that was in fact what the government of the day chose to prescribe.

That would have meant real-time reporting to the police. That would have meant that people may have been too scared to go to hospital if that was the regime. The solution that we have come up with during the dinner break is to seek to amend the Hon. Stephen Wade's amendment with respect to proposed new section 21FA(1), and, accordingly, I move:

Delete ', as soon as practicable after forming the suspicion, make a report to the prescribed person or body' and substitute:

, within 1 month after forming the suspicion, make a report to the Department (within the meaning of the Public and Environmental Health Act 1987)

That does two things. First of all, it makes it clear that we are not talking about contemporaneous reporting and, secondly, it makes it clear that it is a health authority that is being reported to.

The minister, in her objection to this amendment, said that she could see no great benefit resulting from the mere collection of statistics. I beg to differ on that point because it seems to me that if there are hotspots, as the Hon. Stephen Wade put it, where these crimes are occurring then that is useful information for law enforcement bodies in relation to where they should place their effort. I think that, with that amendment, this new clause 21FA is worthy of support.

**The Hon. S.G. WADE:** If I could respond to the Hon. Mark Parnell's comments, the opposition greatly appreciates the indications of support given prior to the moving of this motion in relation to this amendment and, out of respect for those honourable members, I do not presume that I speak for them. So it may well be that we have a difference of opinion as to whether or not this amendment actually enhances the clause. I am more than happy, as part of this council, to have that conversation.

In responding to the Hon. Mark Parnell's comments, I reiterate that in my comments in moving the original amendment I indicated why we were not mandating reporting times—and that was because we wanted to maintain flexibility—but I did make it clear that we would expect it to be on the basis of, say, monthly or quarterly because that would enhance the confidence that patients could have that the information was not being used for criminal investigation, that their personal details would be protected, and therefore they could feel comfortable in cooperating with a public health/community safety initiative such as this.

I also said that we were not inclined to prescribe the authority but we did anticipate that it would be health or the police. On balance, we accept the argument of the Hon. Mark Parnell that those two matters are worth putting in the statute to give added reassurance to patients that their confidentiality will be respected and that it is not a police purpose, it is a health purpose or a community safety purpose. Considering that the Public Environmental Health Service within Health SA has a community safety mandate, I acknowledge the sense of the honourable member's reference to the Public Environmental Health Act. I look forward to comments by other members but I indicate that the opposition is inclined to support the amendment of the Hon. Mark Parnell.

**The Hon. G.E. GAGO:** The government opposes the Hon. Mark Parnell's amendment. We are opposed to mandatory reporting. We believe that this places an unnecessary burden on health service practitioners without any significant demonstrable public benefit.

**The Hon. D.G.E. HOOD:** Family First had intended to support the amendment. However, we now support the amendment as amended.

**The CHAIR:** You support the amended—

**The Hon. D.G.E. HOOD:** The amended amendment.

**The Hon. A. BRESSINGTON:** I was inclined to support the Hon. Stephen Wade's amendment as it stood for the reason that I did understand the points that he was making; that is, it was not a mandatory reporting for police purposes. I truly believe that the collection of data for these sorts of crimes is important as a preventative measure for police to be able to target certain areas where a trend has been shown of an increase in weapons violence in one particular area; that they know exactly where to target their resources, and I do not believe that you can make effective legislation or have effective law enforcement without the gathering of appropriate data.

I was inclined to support the Hon. Stephen Wade's amendment, but I do support the Hon. Mark Parnell's amendment of that amendment, as well, realising that it is a possibility that people would probably not seek medical treatment if they thought that the information was going to go to the police. This puts it in legislation rather than relying on regulations of maybe a future government that does not interpret this legislation the same as it is intended now. So, I support the amended amendment.

Amendment to amendment carried; amendment as amended carried.

**The Hon. A. BRESSINGTON:** I move:

Page 8, lines 31 to 42, page 9, lines 1 to 41, page 10, lines 1 to 41, page 11, lines 1 to 43 and page 12, lines 1 to 13 [clause 5, inserted sections 21G, 21H and 21I]—

21G—Court may make weapons prohibition order

(1) A relevant court may, on application by the Commissioner, make a weapons prohibition order against a person (the defendant) if the court is satisfied that—

(a) the defendant has, whether before or after the commencement of this section—

(i) been found guilty by a court of an offence of violence; or

(ii) been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by a court dealing with a charge of an offence of violence; and

(b) possession of a prohibited weapon by the defendant would be likely to result in undue danger to life or property; and

(c) it is in the public interest to prohibit the person from possessing and using a prohibited weapon.

(2) A weapons prohibition order may be issued on an application made without notice to any person.

(3) The grounds of an application for a weapons prohibition order must be verified by affidavit.

(4) A weapons prohibition order must—

(a) prohibit the defendant from manufacturing, selling, distributing, supplying, dealing with, using or possessing a prohibited weapon; and

(b) prohibit the defendant from being present at—

(i) a place at which a person carries on the business of manufacturing, repairing, modifying or testing prohibited weapons or buying, selling or hiring out, prohibited weapons; or

(ii) any other place of a kind prescribed by regulation; and

(c) prohibit the defendant from being in the company of a person who has a prohibited weapon on or about his or her person or under his or her immediate physical control; and

(d) prohibit the defendant from being on or in any premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) on which there is a prohibited weapon,

except as may be specified in the order.

(5) A weapons prohibition order remains in force for a period (not exceeding 3 years) specified in the order, unless it is revoked before the expiration of that period.

(6) For the avoidance of doubt, the fact that a weapons prohibition order issued against a person has been revoked or otherwise ceased to be in force does not prevent the Commissioner from applying for a subsequent weapons prohibition order against the person in accordance with this section.

(7) The court may, on making a weapons prohibition order, make any consequential or ancillary orders it thinks fit, including, in a case where the weapons prohibition order prohibits the possession of a weapon of a specified class, orders—

(a) providing for the confiscation and disposal of the weapon or such a weapon; and

(b) if the circumstances of the case so require, authorising a police officer to enter any premises in which the weapon or such a weapon is suspected to be, and search for and take possession of the weapon or such weapon.

(8) In this section—

*relevant court* means—

(a) the court that dealt with the offence of violence referred to in subsection (1)(a); or

(b) the Magistrates Court.

21H—Form of weapons prohibition order

(1) A weapons prohibition order must—

(a) be directed at the person specified as the defendant in the application; and

(b) set out the terms of the order; and

(c) specify the period for which it will be in force; and

(d) subject to subsection (2)—include a statement of the grounds on which the order has been issued; and

(e) if the order was made on an application made without notice to the defendant—set out an explanation of the right of objection under section 21I.

(2) A statement of the grounds on which a weapons prohibition order has been issued must not contain information that must not be disclosed in accordance with section 21IE.

(3) A weapons prohibition order will have no effect unless a copy of the affidavit verifying the grounds on which the application was made is attached to it.

(4) Subsection (3) will be taken to have been complied with in the case of an affidavit that contains information the disclosure of which would be in breach of section 21IE if an edited copy of the affidavit, from which such information has been removed or erased, has been attached to the weapons prohibition order.

21I—Right of objection

(1) If a weapons prohibition order was made on an application made without notice to the defendant, the defendant may, within 14 days of service of the order or such longer period as the court that made the order may allow, lodge a notice of objection with the court.

(2) The grounds of the objection must be stated fully and in detail in the notice of objection.

(3) A copy of the notice of objection must be served by the objector on the Commissioner by registered post at least 7 days before the day appointed for hearing of the notice.

21IA—Procedure on hearing of notice of objection

(1) The court must, when determining a notice of objection, consider whether, in the light of the evidence presented by both the Commissioner and the objector, sufficient grounds existed for the making of the weapons prohibition order.

(2) The court may, on hearing a notice of objection—

(a) confirm, vary or revoke the weapons prohibition order; and

(b) make any other orders of a kind that could have been made by the court on the making of the weapons prohibition order.

21IB—Appeals to Supreme Court

(1) The Commissioner may appeal to the Supreme Court against a decision of a court on an application for a weapons prohibition order unless the application was made without notice to the defendant.

(2) The defendant may appeal to the Supreme Court against a decision of a court—

(a) if the weapons prohibition order was made on an application made with notice to the defendant—on that application; or

(b) in any other case—on a notice of objection.

(3) An appeal lies as of right on a question of law and with permission on a question of fact.

(4) An appeal must be commenced within the time, and in accordance with the procedure, prescribed by rules of the Supreme Court.

(5) The commencement of an appeal under this section does not affect the operation of the weapons prohibition order to which the appeal relates.

(6) On an appeal, the Supreme Court may—

(a) confirm, vary or reverse the decision subject to appeal; and

(b) make any consequential or ancillary order.

21IC—Variation or revocation of weapons prohibition order

(1) The court that made a weapons prohibition order may vary or revoke the order—

(a) on application by the Commissioner; or

(b) on application by the defendant; or

(c) of the court's own motion.

(2) An application for variation or revocation of a weapons prohibition order may only be made by the defendant with the permission of the court and permission is only to be granted if the court is satisfied there has been a change in the relevant circumstances since the order was made or last varied.

(3) The court must, before varying or revoking a weapons prohibition order under this section allow all parties a reasonable opportunity to be heard on the matter.

(4) If an application for variation or revocation of a weapons prohibition order is made by the defendant, the application must be supported by evidence given by affidavit.

21ID—Service

(1) A weapons prohibition order must be served on the defendant personally and is not binding until it has been so served.

(2) If a weapons prohibition order is confirmed in an amended form or is varied before being confirmed or at any other time—

(a) the order in its amended form must be served on the defendant personally; and

(b) until so served—

(i) the variation is not binding on the defendant; but

(ii) the order as in force prior to the variation continues to be binding on the defendant,

except insofar as the variation relieves the defendant of a prohibition or requirement under the order as in force prior to the variation.

(3) If a police officer has reasonable cause to suspect that a person is a person on whom a weapons prohibition order is required to be served in accordance with this section, the officer may—

(a) require the person to state all or any of the person's personal details; and

(b) require the person to remain at a particular place for—

(i) so long as may be necessary for the order to be served on the person; or

(ii) 2 hours,

whichever is the lesser; and

(c) if the person refuses or fails to comply with a requirement under a preceding paragraph, or the officer has reasonable cause to suspect that the requirement will not be complied with, arrest and detain the person in custody (without warrant) for the period referred to in paragraph (b).

21IE—Criminal intelligence

(1) No information provided by the Commissioner to a court for the purposes of proceedings relating to the making, variation or revocation of a weapons prohibition order may be disclosed to any person (except to the Attorney General, a court or a person to whom the Commissioner authorises its

disclosure) if the information is properly classified by the Commissioner as criminal intelligence.

(2) In any proceedings relating to the making, variation or revocation of a weapons prohibition order, the court determining the proceedings—

(a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information properly classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of Superintendent.

21IF—Burden of proof

In proceedings relating to a weapons prohibition order, a fact is not to be taken to be established unless the court finds it proved beyond reasonable doubt.

21IG—Offence to contravene or fail to comply with weapons prohibition order

(1) A person who contravenes or fails to comply with a weapons prohibition order is guilty of an offence.

Maximum penalty:

(a) if the contravention or failure to comply involves the manufacture, sale, distribution, supply, dealing with, use or possession of a prohibited weapon by the person—$35,000 or imprisonment for four years;

(b) in any other case—$10,000 or imprisonment for two years.

(2) A person does not commit an offence against this section in respect of an act or omission if the person establishes that he or she did not know and could not reasonably be expected to have known that the act or omission constituted a contravention of, or failure to comply with, the order.

21IH—Effect of weapons prohibition order on exemptions

(1) A person who is subject to a weapons prohibition order is disqualified from obtaining an exemption under section 21IF.

(2) While a weapons prohibition order applies to a person—

(a) any exemption under a regulation made for the purposes of section 21IF does not apply in relation to the person unless the regulation expressly provides that it will apply to such a person; and

(b) any exemption held by the person under section 21IF is suspended.

21II—Offences committed in relation to person subject to weapons prohibition order

(1) A person must not supply a prohibited weapon to a person who is subject to a weapons prohibition order or permit such a person to gain possession of a prohibited weapon.

Maximum penalty: $35,000 or imprisonment for four years.

(2) A person who has a prohibited weapon on or about his or her person or under his or her immediate physical control must not be in the company of a person who is subject to a weapons prohibition order.

Maximum penalty: $10,000 or imprisonment for two years.

(3) If a person who is subject to a weapons prohibition order resides at premises, a person who brings a prohibited weapon onto the premises or has possession of a prohibited weapon on the premises is guilty of an offence.

Maximum penalty: $10,000 or imprisonment for two years.

(4) It is a defence to prosecution for an offence against this section to prove that the person did not know, and could not reasonably be expected to have known, that a weapons prohibition order applies to the person.

While the amendments may be seven pages long, in essence their effect is relatively simple. As I indicated in my second reading contribution, while I am supportive of the creation of weapons

prohibition orders, I am uncomfortable with the quasi-judicial role of the Commissioner of Police in imposing weapons prohibition orders as the bill currently provides.

At present the commissioner, in deciding whether to impose a weapons prohibition order, must be satisfied not only of easily verifiable factual elements, but also subjective judgements, specifically, whether 'Possession of a prohibited weapon by a person would be likely to result in undue danger to life or property,' and 'It is in the public interest to prohibit the person from possessing and using a prohibited weapon.'

These are clearly determinations that should be made following impartial judicial proceedings in which the defendant has the opportunity to be present and to make their case. The commissioner is clearly not able nor required by the bill to undertake such an exercise, and instead will make a judgement call and impose what is a significant impost on a person's liberty from simply reading the person's file and on advice from his staff.

This, to me, is clearly inappropriate. Such power should not reside with any person not bound to act judicially, or a body that is not independent, which, over his protestations I am sure, the commissioner clearly is not. The simple fact that a person subject to a weapons prohibition order has the ability to appeal to a court does not allay the concerns that we are extending to the commissioner what are rightly judicial powers with no expectation that they be discharged judicially.

While it is true that this power is not without precedent, as the commissioner is currently responsible for issuing the equivalent orders for firearms—firearms prohibition orders—I do not see this as binding, nor do I see it preventing this council from asking itself, 'Is it really appropriate for the Commissioner of Police to be making such judgements and imposing such lengthy and significant imposts on a person's liberty?' Should this not be the exclusive role of the judiciary itself?

Clearly, I believe it should, and it is for this reason that I propose to move the responsibility of imposing weapons prohibition orders from the Commissioner of Police to the courts, specifically, either the court in which a person has been found guilty of committing an offence of violence and presumably as part of sentencing considerations or, if those proceedings have been finalised, then in the Magistrate's Court.

It is nothing but sensible to ask a member of the judiciary, who has just heard the circumstances of the offending and the guilty verdict, to determine whether a weapons provision order is appropriate, what prohibitions the order should contain, and the length that it should be. Rather than determining whether to impose a weapons prohibition order, the commissioner will instead be responsible for making an application to the courts.

It is this shift and the subsequent appeal rights to both the defendant and the commissioner which account for the majority of the amendment's seven pages. In the main, the existing wording of the bill is carried over into this new framework. However, that said, included in the substitute provisions are minor tweaks to the government's bill, many of which were identified by stakeholders such as the Australian Lawyers Alliance and the Law Society. These include:

- clarifying the person the subject of a weapons prohibition order required knowledge of the terms of their weapons prohibition order when defending an alleged breach;
- clarifying the requirements of a person subject to a weapons prohibition order upon learning that a prohibition order is being kept at the premises at which they reside, similar to what the shadow attorney-general proposes;
- delete the equivalent subsection 21H(8) which requires persons subject to an order to inform all who reside at the same premises of the fact that they are subject to a weapons prohibition order, and inquire whether they have a prohibited weapon, something I note the government itself proposes to do;
- reduce the length of weapons prohibition orders from five years to three, after which the commissioner could reapply for another order to be imposed if needed;
- changing the evidentiary burden from the civil threshold of the balance of probabilities for establishing elements of an order to the criminal threshold of beyond reasonable doubt;
- given the significant effects of making an order, including the criminalisation of otherwise non-criminal conduct, I believe this threshold will sit more comfortably with the weapons regime;

- providing those served with a weapons prohibition order greater details of the terms of the order imposed and their rights of appeal; and
- other minor changes recommended.

I believe that my amendments are sensible, practical and in keeping with the intent of the bill. I commend them to the committee. I also have a question for the minister from the Law Society, if I can ask that now, and she may need notice to answer it.

We are being asked to extend to the police powers to arbitrarily search patrons of licensed premises for the purpose of uncovering offensive weapons. However, what happens when the police uncover other illicit items or substances? I ask the minister: is it intended that those items be admissible as evidence in proceedings for other non-weapon related offences? If so, how is it possible to distinguish the search powers for a specific purpose we are being asked to give from general search powers to cover all offending?

The bill is silent on this issue, so I also ask the minister: what is the position of the current law, and how will this be read into this section? These are questions that I note the Law Society, in particular, would like answered before this bill is voted on.

**The Hon. G.E. GAGO:** Yes, I will have to take those questions on notice and bring back a response.

**The CHAIR:** What are we doing with the amendment?

**The Hon. S.G. WADE:** If I may assist, I think the Hon. Ann Bressington anticipates that that question might be of assistance in considering the amendments to do with new section 72. She wanted to raise them now so that the minister might consider them, so I do not think it affects the progress of the amendment at all.

*An honourable member interjecting:*

**The Hon. S.G. WADE:** Well, I'm sorry; if you do not want assistance, we can not cooperate.

**The CHAIR:** Order!

*Members interjecting:*

**The CHAIR:** Order! The Hon. Ms Bressington has moved an amendment. Honourable members want to inform the chair what they are going to do with the amendment. Minister.

**The Hon. G.E. GAGO:** The government will be opposing the Hon. Ann Bressington's amendment. This amendment seeks to delete current new sections 21G, 21H and 21I of the bill and inserts a number of new provisions relating to weapons prohibition orders.

The new provisions do a number of things, including giving the power to issue a weapons prohibition order to the courts and providing for appeals to the Supreme Court. Many of the proposed changes are similar to the current weapons prohibition order powers in the bill.

The purpose of weapons prohibition orders is to prevent persons with a known propensity for violence from possessing or using a weapon that is primarily designed to harm or kill a person and has little or no application for everyday use. Such an order should be able to be issued as quickly as possible.

To require the commissioner to apply to the court for a weapons prohibition order would impact on court resources and add a layer of complexity to the process that could significantly delay the issuing of an order. It is also inconsistent with the firearms prohibition orders on which these orders are modelled.

The government believes that it is entirely appropriate for these orders to be issued by the commissioner. There are sufficient constraints on the exercise of these powers by the commissioner to ensure that they are not misused. If a person is aggrieved by the decision of the commissioner to issue them with a weapons prohibition order, then they can appeal the decision to the District Court. So, it is for these reasons that the government opposes this amendment.

**The Hon. S.G. WADE:** In rising to speak on behalf of the opposition, I indicate that we take very seriously the issues she raises. They are important issues that go to the heart of our justice system. In the face of a government which treats these values so lightly, we appreciate her case, passionately put. We will be supporting some of her amendments.

I understand that, generally, the amendments proposed by the Hon. Ann Bressington are supported by the Law Society, and I take this opportunity to acknowledge the valuable advice that the Law Society has provided not only to the opposition but also, I understand, to a number of members of the parliament. In this context, I think the Law Society makes comments that are very apposite to the points that the Hon. Ann Bressington has raised, and I propose to read an excerpt from one of their letters. It says:

> We do not support this provision in its present form—

that is, section 21G. The comment goes on to read:

> The consequences of a weapons prohibition order are so great that only a judicial body should have the authority to issue the order. The order exposes the person to further offences of traditionally non-criminal conduct and to the risk of arrest and detention in custody for non-criminal conduct as follows:
>
> 1. deprivation of liberty for an indefinite period for no wrongdoing—section 21G(3)(a);
>
> 2. arrest and detention in custody without warrant or charge for the commission of an offence for up to two hours—section 21G(3)(d);
>
> 3. at jeopardy of committing an offence of being present at premises and of association—section 21H(4)(a) and (b); and
>
> 4. at jeopardy of committing the onerous offence of failing to inform and inquire—section 21H(g).
>
> Additionally, the person will be the subject of the order for five years, which is a very lengthy period of time. Only a court, an independent body that is bound to act judicially, should have the power to make an order with such significant consequences on the individual and set the length of the order during which the citizen is at jeopardy.
>
> We submit that such a power should not reside with the Commissioner of Police or any other non-judicial body. The factors that must be taken into account when considering whether to make the order are in the nature of those taken into account...in a judicial proceeding. The commissioner is not properly equipped to embark on that exercise. Indeed, the maker of the order must be independent. The Commissioner of Police is not.

With all due respect to the Hon. Ann Bressington and the Law Society, the opposition takes a different approach. We agree with the government that it is more appropriate to characterise the orders as preventative measures rather than punitive ones and that, therefore, the weapons prohibition order need not be imposed as part of the original sentencing process.

In taking that view, we are reassured by the fact that the bill establishes a right of appeal by a person aggrieved by a decision of the commissioner in relation to a weapons prohibition order, and that that appeal is to the Administrative and Disciplinary Division of the District Court. With the amendments I will move later, the opposition considers that the weapons prohibition orders, with the appeal provisions provided, do involve an appropriate level of judicial oversight, and we will not be supporting the amendment.

**The Hon. M. PARNELL:** The Greens will be supporting this amendment, for the reasons provided by the Hon. Ann Bressington and the Law Society.

Amendment negatived.

**The Hon. A. BRESSINGTON:** I move:

Page 9, lines 18 to 20 [clause 5, inserted section 21G(4)]—Delete subsection (4) and substitute:

> (4) A weapons prohibition order served on a person must be accompanied by a notice—
>
> (a) setting out the commissioner's reasons for issuing the order; and
>
> (b) setting out the terms and the effect of the order; and
>
> (c) stating that the person may, within 28 days, appeal to the District Court against the order.

As I outlined when speaking to my earlier amendment, in addition to transferring the responsibility of imposing weapons prohibition orders from the police commissioner to the courts, my amendments also made some minor tweaks to the government's bill, many of which were lobbied for by stakeholders, such as the Australian Lawyers Alliance and the Law Society of South Australia.

One such refinement was requiring those served with the weapons prohibition order to be given a notice that not only sets out the commissioner's reasons for issuing the order (which the bill currently provides) but also sets out clearly the terms and effect of the order, and also a statement of that person's right to appeal to the District Court.

I felt that it was necessary to include such information under my original amendment due to the possibility that an order may be issued ex parte (that is, without the defendant present). However, this is even more relevant now that the commissioner will be issuing the orders, meaning that a person will literally be served out of the blue with no forewarning.

If this is to be the case, it is only appropriate that the terms of the order, which will take effect from the minute the order is served, be clearly set out and for the person to be informed of their appeal rights. It is a simple amendment that only enhances the bill, and I commend it to the council.

**The Hon. G.E. GAGO:** First, I would like to provide an answer to the question asked by the Hon. Ann Bressington in relation to unlawful items that might be found during a weapons search. I have been advised that, if a search is lawful, anything else that might be found, such as drugs, would be admissible in evidence as part of a lawful search.

In relation to the amendment that the Hon. Ann Bressington has just moved, the government will indicate that it is going to support this amendment. When a weapons prohibition order is served on a person it must be accompanied by a notice setting out the commissioner's reasons for issuing the order.

The proposed amendment extends this provision so that the notice must also set out the terms and the effect of the order and the right of appeal to the District Court. The government agrees that a person should be made aware that they have a right to appeal against the decision of the commissioner to issue a weapons prohibition order. So, it is for those reasons that we support the amendment.

**The Hon. S.G. WADE:** The opposition supports the amendment.

**The CHAIR:** The Hon. Mr Parnell: support?

**The Hon. M. PARNELL:** Yes.

Amendment carried.

**The Hon. A. BRESSINGTON:** I move:

Page 9, line 26 [clause 5, inserted section 21G(6)]—Delete '5 years' and substitute:

3 years

This amendment seeks to reduce the maximum term of weapons prohibition orders from five to three years. I believe five years to be inappropriate because of the arbitrary manner in which weapons prohibition orders are issued and the low threshold that needs to be met for an order to be imposed, and the significant impediments placed on an individual's liberty by being subject to an order for this long.

It needs to be understood that the commissioner will be able to reimpose the subsequent order on the expiration of the first, and in the case of seriously violent offenders could continue to do so indefinitely. Because of this, the amendment does not detract from the weapons prohibition order regime.

However, reducing it to three years ensures that the necessity for the order is reviewed in a reasonable time frame, and where it is no longer appropriate it is lifted. This amendment was requested by the Law Society as well and, I believe, in its original correspondence circulated to members. I commend this amendment to the council.

**The Hon. G.E. GAGO:** The government is not opposed to this amendment. Given the nature of weapons, the government decided that, unlike firearms prohibition orders, weapons prohibition orders should not apply indefinitely. A weapons prohibition order will therefore remain in force for a period of five years from the date on which it was served on a person.

If the commissioner still considers that the person is a threat to public safety, he can immediately issue another weapons prohibition order against the person reducing the term of the order from five years to three years. The amendment as proposed by the honourable member will, we believe, have some resource and administrative implications for SAPOL. However, we are not going to oppose the amendment. Although we do not believe it is particularly helpful, we are not prepared to oppose it.

**The Hon. S.G. WADE:** The opposition supports the Hon. Ann Bressington's amendment.

**The Hon. D.G.E. HOOD:** To clarify, we support this amendment, but as a general principle we will not be speaking where the government and the opposition agree, to expedite matters before the house.

Amendment carried.

**The Hon. G.E. GAGO:** I move:

Page 10, after line 23 [clause 5, inserted section 21H]—After subsection (4) insert:

(4a) It is a defence to prosecution for an offence against subsection (4)(a) to prove that the person did not know, and could not reasonably be expected to have known, that the place was a place of a kind referred to in that paragraph.

This amendment addresses matters raised by the Law Society pursuant to subsection 21H(4)(a) of the bill. It is an offence for a person to whom a weapons prohibition order applies to be present at a place at which a person carries on the business of manufacturing, repairing, modifying or testing prohibited weapons, or buying, selling or hiring out prohibited weapons, or any other place of a kind prescribed by regulation.

The Law Society submitted that, without a defence of not knowing that the place was a place of business, the effect of the provision would be far too harsh. Although in most cases it should be clear whether or not a place is a place of business, the government agrees there may be instances where the person could not reasonably have known that the place was in fact a place of business within the particular meaning of this subsection. This amendment therefore inserts into the bill a defence for the offence in subsection (4)(a).

**The Hon. S.G. WADE:** The opposition supports the amendment.

Amendment carried.

**The Hon. S.G. WADE:** I move:

Page 10, lines 29 to 41 [clause 5, inserted section 21H(6) to (8)]—Delete subsections (6) to (8) inclusive and substitute:

(6) A person to whom a weapons prohibition order applies must—

(a) immediately on becoming aware of the presence of a prohibited weapon on premises at which the person resides, notify the Commissioner of that fact; and

(b) comply with—

(i) a direction of the Commissioner, given in response to that notification, that the person must not reside at the premises; or

(ii) any other direction of the Commissioner, given in response to that notification, in relation to the weapon.

Maximum penalty: $10,000 or imprisonment for 2 years.

Under section 21H(6) a person must not reside at premises on which there is a prohibited weapon. I understand that an exemption under section 21F does not excuse the subject of a weapons prohibition order from acting in accordance with this section. On this clause, the Law Society states:

Section 21H(6) criminalises residing in a premises at which a prohibited weapon is kept. We do not support section 21H(6) without the inclusion of other provisions that would make section 21H(6) workable. This ties in with our concerns about section 21H(7) below.

Section 21H(6) imposes an intolerable burden on the citizen of having to move out of his or her premises. If the citizen becomes aware of a prohibited weapon owned by a co-tenant or his/her landlord, the citizen may not literally be able to ensure that the weapon is removed from the premises. That being so, the only way to avoid an offence is to move out. Whether intended or otherwise, it cuts at the heart of the liberty of the citizen to have to move from one's home.

Other scenarios of concern would be where the citizen is the owner of the premises, or lessee, and, short of removal of the weapon, must take steps to cause the owner of the weapon to move out. Notice must be provided. Even on a best case scenario, the citizen may be residing with a weapon for 60 days without being able to do anything about it and therefore be committing an offence.

If section 21H(6) is to remain, the legislation should reflect and deal with these types of scenarios. For example, provision should be made for the citizen to avoid being at jeopardy where all reasonable steps to avoid residing with a prohibited weapon are taken. Similar points can be made about section 21H(8). In certain circumstances they may include contacting police.

I note in this context that the government is proposing that subclause (8) be deleted. That will arise in a subsequent amendment. However, as the Law Society puts it, their concerns about (6) tie into their concerns about (8). The opposition shares the concerns of the Law Society. We consider this provision is far too blunt; an unnecessarily blunt instrument which may lead to significant burdens on people trying to live law abiding lives.

Our amendment proposes to delete the prohibition on a person with a weapons prohibition order from residing at the premises on which there is a prohibited weapon located, but the amendment does put in its place an obligation on a person with a weapons prohibition order to notify the police immediately on becoming aware of the presence of a prohibited weapon.

The police can then make an assessment and issue whatever orders they deem appropriate, which would include a requirement to move out. It may well be that the only reasonable way of ensuring community safety is that a citizen is put at the significant burden of moving from their residence, but we do not think that should be the inevitable consequence of a blunt provision. So, our amendment would give them a duty not only to notify but also to comply with any police orders that result.

We are glad that the government had the good sense to delete new section 21H(8), as evidenced by the government's filed amendment. However, we think that the proposed government amendment is not enough to make this provision workable, and we commend the amendment to the committee.

**The Hon. G.E. GAGO:** The government rises to oppose this amendment. The effect of this amendment is to delete subsections (6), (7) and (8) of new section 21H and replace them with the requirement that a person subject to a weapons prohibition order must immediately notify the commissioner if they become aware of a prohibited weapon on the premises at which they reside and they must comply with any direction given by the commissioner in response to that notification.

The conditions of a weapons prohibition order are strong for a very good reason. A person is issued with a weapons prohibition order only if they have committed an offence of violence and the commissioner is satisfied, first, that possession of a prohibited weapon by the person would be likely to result in undue danger to life or property; and, secondly, that it is in the public interest to do so.

It is an offence under the current subsection (6) to reside at a premises on which there is a prohibited weapon. The person subject to the weapons prohibition order has a defence if they did not know, and could not reasonably have known, that the weapon was on the premises, although this could effectively mean that a person might have to move out of their home, which would obviously be an extremely rare occurrence, particularly when subsection (6) is read in conjunction with new subsection (11).

Subsection (11) makes it an offence for a person to bring a prohibited weapon, or have possession of a prohibited weapon, on the premises of a person who has a weapons prohibition order. Once that person becomes aware that the person with whom they are residing has a weapons prohibition order, they would need to immediately remove the prohibited weapon or risk being charged under subsection (11).

The government considers this amendment unnecessary. If a person has demonstrated propensity for violence, the consequences of breaching a weapons prohibition order should be harsh. There is an issue of public safety here, and such a person should not have ready access to a prohibited weapon.

The current wording of the provision is also consistent with the firearms prohibition orders. However, the government does agree that the deletion of new subsection (8) should occur and, as indicated, we will be moving a government amendment later to do that.

**The Hon. M. PARNELL:** The Greens will be supporting this amendment.

**The Hon. D.G.E. HOOD:** Family First is attracted to this amendment, but there is one difficulty we have on which I would like some clarification from the mover, if I may, please, and that is in paragraph (b)(ii) of the amendment, where it states 'and any other direction of the commissioner'. Our concern and, indeed, the concern that has been expressed to us is that that might possibly open up an avenue to legal wrangling, which could further complicate the issue. I just wonder whether the mover has any comments on that.

**The Hon. S.G. WADE:** I am happy to take further advice from parliamentary counsel, but my reading of the provisions, if I can follow the flow, is that a person to whom a weapons prohibition order applies must immediately notify the police and comply with 'any other direction of the Commissioner, given in response to that notification, in relation to the weapon'.

We certainly are intending to support the bill to the extent that it provides for an appeal against the application of a weapons prohibition order, and in the first instance that would also be an appeal against the conditions on it. We are also putting before the council a suggestion that a change of the conditions would be challengeable. Parliamentary counsel might be able to provide further advice, but my presumption is, because this is a direction, not part of the order, but a direction under a different section, it would not be challengeable.

To be honest with you, at first blush I would not object to it being challengeable, but my reading is that a right to challenge the conditions of a weapons prohibition order, or even under our intended changes that a variation to the order would be appealable, would not give a person who is subject to an order a right to challenge the directions of the commissioner under this section. I would actually seek the opportunity to seek parliamentary counsel clarification on that.

Parliamentary counsel might have a different view tomorrow when they read the *Hansard*, but they have not immediately suggested any way in which I have misled the council. They did mention that, in terms of the normal administrative law that applies to decisions of government officers, the commissioner's decision would be reviewable; but we would have to work pretty hard to exclude that level of review. The courts are very insistent that that level of review stays, but putting aside that normal level of review, it is not subject to the normal appeal provisions in relation to weapons prohibition orders or even our request to the council to apply appeal rights for the variations.

If that adequately addresses the concerns of the Hon. Mr Hood, I would like to respond to some comments that the minister made. The minister, as is the wont of ministers in this government, wants to use words like 'strong' and 'harsh' as though they have some virtue in them. The fact of the matter is that this is a blunt instrument; it is inflexible, it will not promote community safety because it will not actually help people stay in stable relationships.

What if the police, the social workers, every Tom, Dick and Harry want, let's say, a son to return to his father's home and reside with him for his rehabilitation, and because that father has a prohibited weapon on his own premises there is no escape. The minister celebrates the blunt, harsh, strong, no apologies approach of this government, but I do not see any merit in undermining community safety for the sake of a media release. The government can persist in its approach; I shall not.

In terms of protecting community safety and supporting police in protecting community safety, let me make this clear: if the police take the view that every person they issue a weapons prohibition order on should not be on a premises with a prohibited weapon, they will put that direction on every person. The police can achieve the government's intent by directions. What we are saying is that the police, working with other relevant government agencies, and for that matter non-government agencies, might well see the wisdom in some cases to not force that, to put conditions on that would allow continued residence.

For example, taking my father and son analogy again, it might be that instead of just relying on the obligations of the father to keep the weapon in a safe and secure manner, and because of the amendments we have made earlier tonight to take every reasonable step to ensure that the person who is not entitled to the access to the prohibited weapon does not have access to the prohibited weapon, the police might also say, 'Well, you have to keep that device in the garage'—or the shed, whatever farmers have nowadays—'and not allow access.' I am imagining a rural context.

It may well be very conducive to the son's rehabilitation to be able to be removed from the metropolitan environment which lead them astray and re-establish their lives in a country environment. So, the government can celebrate being blunt, strong and harsh, but I want to give police tools that can be flexible to actually promote community safety. I commend the amendments to the committee.

**The Hon. P. HOLLOWAY:** I just want to make some comments on this because I did have some connection, of course, with the firearms prohibition when I was minister for police. It was a bill that I thought was highly necessary because there are some people who just should be nowhere

near a firearm. We have seen in recent days someone who fit that description who unfortunately did get near one, but that is another story.

When the Hon. Mr Wade was talking about father-son relationships, I could not help but be reminded of a case that was being considered at the time of the firearms prohibition order where the father was a bikie. When the place was raided and the firearm was found there, he said, 'Oh, it's not mine; it's the son's firearm.' In that case, one of the reasons we needed the firearms prohibition order was that it was not the son's rehabilitation that was necessary; rather, it was the father's that was more necessary. It is an easy excuse in such situations.

It is not just domestic situations that always apply here. You could perhaps have a group of people in a house who may have bad intent. In that case, why would you want to create a loophole in the act that might allow these prohibition orders not to be effective? Perhaps it is all very well for the shadow attorney-general.

Perhaps the shadow minister for police—who is always telling us that we want the police doing more effective things—should pay some attention to this, because this is a case where it will simply make life more difficult for police. This whole series of amendments will mean that they will have to spend more time in court rather than out on the beat, which he is continually telling us in public is something that he does not want to happen.

You cannot have your cake and eat it, too. If you say that police need to be more effective, then you have to give them the tools to do it. Of course, the Law Society would not have a vested interest in trying to get more and more things before the court, would they? Of course they would. I just think members in this place should contemplate the father-son relationship that I was talking about, where the father was using the son as an excuse for having firearms that he might subsequently use on the property. We need to not just consider cases where people might be mentally ill or domestic situations; there are also other situations where people of a criminal nature may be living in the one area. Why should we have any concerns whatsoever about their inconvenience?

**The Hon. S.G. WADE:** I might just provide clarification. I suggest that the honourable member might like to look up the bill and the amendment. In no place do I talk about a father-son relationship. The point is that the current provision of the government provides no flexibility. You shall not reside, full stop. To be frank, in terms of the simplicity of police administration of this provision, I would not be surprised if, in issuing a weapons prohibition order, the default position of the police is that they would also give a direction that a person shall not reside at a residence; if you like, restate the original provision.

Why would the police object to having the flexibility to respond to individual circumstances? I believe that the parliament should trust the police to be flexible in the administration of these orders. The government does not want to give them that flexibility. The Law Society and the opposition believe that it would add to the effective implementation of this law.

**The Hon. G.E. GAGO:** Very briefly, I will just remind people that section 14 provides that the commissioner may exempt a person unconditionally, or subject to conditions, from a specific provision of this section, and may vary and revoke the exemption by a notice in writing, etc. So, there is flexibility within the bill to allow a person being exempt from that residence requirement.

**The Hon. S.G. WADE:** I presume that was in rebuttal to the comments of the Hon. Paul Holloway, that the conditions would undermine the effectiveness of police and distract them from their duties.

**The Hon. R.I. Lucas:** I think you just shafted the former minister.

**The Hon. S.G. WADE:** That is what it sounded like to me.

**The Hon. D.G.E. HOOD:** I think the Hon. Mr Wade makes a very good point. The truth is that there should be some flexibility, but in light of the minister's comments it would seem that that provision already exists, unless I am misunderstanding it. So, for that reason, we will oppose the amendment.

**The CHAIR:** I might get others to indicate what they are doing. The Hon. Mr Darley?

**The Hon. J.A. DARLEY:** I will be supporting the amendment.

**The Hon. A. BRESSINGTON:** I will be opposing the amendment.

**The Hon. M. PARNELL:** I think I indicated that we will be supporting the amendment.

**The Hon. K.L. VINCENT:** I will be supporting the amendment.

**The CHAIR:** The honourable minister might move her amendment because it crosses over. You are both wanting to cut this out.

**The Hon. G.E. GAGO:** I move:

Page 10, lines 35 to 41 [clause 5, inserted section 21H(8)]—Delete subsection (8).

Pursuant to section 21H(8):

A person to whom a weapons prohibition order applies must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises as the person of the fact that a weapons prohibition order applies to the person...

The Law Society has submitted that this subsection is unnecessary, particularly given section 21H(6) which implies that a person will make due inquiry, and should be deleted. The government has accepted the Law Society's argument and subsection (8) has, therefore, been deleted.

**The Hon. S.G. WADE:** The minister has been at pains on a number of occasions tonight to draw parallels with the firearms prohibition orders. Could the minister advise whether this provision exists in the firearms legislation?

**The Hon. G.E. GAGO:** I have been advised that, yes, it is within the Firearms Act.

**The Hon. S.G. WADE:** That being the case, why is it necessary in firearms and not necessary here?

**The Hon. G.E. GAGO:** I have been advised, as we have stated, that this is largely in line with a request made by the Law Society. There are slight differences. With firearms you are required to have a licence, whereas with prohibited weapons it can be one of a number of things. We believe this more adequately reflects the provisions of this particular bill.

**The Hon. S.G. WADE:** With all due respect, the section makes no reference to licences. I would have thought it was directly analogous; you are asking a person with a firearms prohibition order to present themselves at the door of other people in the residence, advise them that they are subject to an order and ask them if they have a firearm. I cannot see the difference. It matters little whether you are licensed or not. Presumably it is the access to the weapon that is the issue, and I cannot see why a licence would differentiate.

The Hon. S.G. Wade's amendment carried; the Hon. G.E. Gago's amendment negatived.

**The Hon. S.G. WADE:** I have questions about why licences were differentiating. My questions are in relation to sections 21H(10) and (11), and the offences at the end of section 21H in relation to the offence of bringing in a weapon. Section 21H(10) provides that a person who has a prohibited weapon on or about their person, or in their immediate control, must not be in the company of a person with a weapons prohibition order. Section 21H(11) provides that a person who brings a prohibited weapon onto a premises where a person with a weapons prohibition order resides is guilty of an offence. I want to raise my concerns in relation to how these provisions could impact on three classes of person.

First, I will refer to police officers. New sections 21H(10) and (11) above, in my reading, would mean that a police officer who arrives at a premises carrying a prohibited weapon to meet with a person who has a weapons prohibition order applying to them would be guilty of an offence.

Capsicum spray and an ASP extendable baton are part of police standard issue, so the average police officer would have these things on them no matter what they were doing. Both these items are prohibited weapons. The only defence to these provisions is new subsection (12), that is, 'that the person did not know, and could not reasonably be expected to have known, that a weapons prohibition order applies to the person'.

This defence is not likely to be much help to our police officer. The police may well know that the person is subject to a weapons prohibition order. In fact, they may be attending on the person in the context of enforcing the weapons prohibition order, so I am not aware of any exemptions that would be available to police officers in such circumstances. In effect, an officer who is attempting to arrest a person with a WPO is committing an offence.

I ask the minister: would a police officer who has a prohibited weapon on or about their person, or in their immediate control, and who brought a weapon into premises where a person with a WPO resides be guilty of an offence? I also ask: would a security agent in possession of an

extendable baton be in breach of new subsections (10) and (11) and be liable for an offence if they approached a person with a weapons prohibition order?

**The Hon. G.E. GAGO:** I have been advised that the answer to the honourable member's question is, technically, yes. However, new subsection (14), which I read out previously, provides, 'The commissioner may exempt a person, unconditionally or subject to conditions, from a specified provision of this section,' etc., which means that the commissioner could exempt a police officer or some other delegate or agent.

**The Hon. S.G. WADE:** Do I understand the minister's answer to the question to be that all police officers of South Australia Police would be exempt? Would all security agents who, in the normal course of their business, would be carrying an extendable baton be exempt? I would have thought that that is the sort of exemption that should be in the statute.

Personally, I think it is far too broad because a police officer would surely only need that power in the course of their duties. Perhaps I might ask another question because I think this would highlight the unworkability, but it looks as though the minister wants to get further advice so perhaps I might pause at this point.

**The CHAIR:** Only the minister knows what she wants to do. Minister.

**The Hon. G.E. GAGO:** In relation to the honourable member's assertion—it was not a question, but nevertheless I will comment on his assertion—that all police officers and other agents would be made exempt, I do not believe that assertion is correct. It would depend on the circumstances. It is not anticipated that there would be a large number of weapon prohibition orders; in fact, it is likely that it would be a very small number indeed and they would be readily identified, and that exemptions would be sought on a case-by-case basis.

**The Hon. S.G. WADE:** I actually think the minister is undermining my confidence on at least her first attempt at the reply, because what she is now suggesting to the council is that, no, she does not expect that police officers as a group and security agents as a group will be given these exemptions under 14; they will be given on a case-by-case basis. Do not ask me how a senior officer in the police decides which of their officers might ever be asked to enforce an order against a person holding a weapons prohibition order.

Let me remind the council that the section that the minister refers to (section 14) says the commissioner may exempt 'a person', consistent with other provisions in the act it is not a 'class of persons'. If the commissioner wanted to use the 'get out of gaol free card' that the minister is trying to offer the council now, he or she would have to list every officer in the South Australia Police and every security agent.

However, I do not think that is half the trouble the minister has got us into with this bill. Let us consider another application of subsections (10) and (11). I am also concerned about how those provisions might affect people involved in religious and cultural ceremonies. For example, it may mean that a person is not able to attend a cultural or religious ceremony such as a Sikh celebration or a Scottish association meeting. I remind members that the exemptions on prohibited weapons specifically allow for the interests of members of our Sikh community and members of Scottish associations.

My reading of subsections (10) and (11) is that a person involved in such a religious or cultural ceremony might be committing an offence. I understand that the relevant weapons are dirks and Sgian Dhus which are used in relevant ceremonies. If a person was to bring one of those weapons into a room where they knew that a person with a weapons prohibition order was present, they would commit an offence under (10) and (11).

I hope the minister is not going to suggest that under section 21H(14) we are going to identify anybody who might ever be carrying a religious object into a Sikh temple or a Scottish association, but I will give the minister the opportunity to explain whether the people in that context would be guilty of an offence.

**The Hon. G.E. GAGO:** I will seek clarification from the honourable member because I am not too sure what the question is. Is he asking: would it be an offence if there was a religious or cultural ceremony involving a prohibited weapon where there was a person attending that celebration who had a weapons prohibition order against them? Is that the question?

**The Hon. S.G. WADE:** The offence of (10) and (11) is not focused on the person who has the order on them, it is focused on the person who has a weapon and must not be in the company, or a person must not bring it into where a person is present.

So, we are asking: is it the person who is not the weapons prohibition order subject but the person who commits an offence potentially under (10) and (11)? On our reading a person in a religious ceremony would be committing an offence if they went into a premises with a person with a WPO on them.

**The Hon. G.E. GAGO:** I have been advised that they would be in breach if they, in fact, knew that there was a person present who had a WPO against them.

**The Hon. S.G. WADE:** But what if they knew? It is an offence under subsections (10) and (11) to prove that the person did not and could not be reasonably expected to know that a weapons prohibition applies to the person. That is in relation to subsections (10) and (11). So, you are suggesting that people in the religious and cultural ceremonies would not have access to any provision other than that defence?

**The Hon. G.E. GAGO:** I believe I have answered the question, unless I have misunderstood the question, and that is, it is an offence if a person participating in a religious or cultural ceremony has on them a prohibited weapon if they take it onto a premises or attend a function where a person is present where they knowingly know that person has a WPO against them.

**The Hon. S.G. WADE:** On behalf of the opposition I would indicate that we have grave concerns about the application of section 21H(10) and (11), first of all in relation to the functional impacts on members of our police force. We also have grave concerns in relation to religious and cultural ceremonies. In terms of the reintegration of a person with a weapons prohibition order into society, I see no benefit in doing a blanket exclusion from their religious communities by the effects of this, because what would effectively happen is the Sikhs would ask that person to withdraw from the religious life of the community, and I cannot see what benefit that is to the wider community.

In that context I would like the opportunity to consult my colleagues about further amendments. I move:

That progress be reported.

The committee divided on the motion:

AYES (14)

| | | |
|---|---|---|
| Bressington, A. | Brokenshire, R.L. | Darley, J.A. |
| Dawkins, J.S.L. | Franks, T.A. | Hood, D.G.E. |
| Lee, J.S. | Lensink, J.M.A. | Lucas, R.I. |
| Parnell, M. | Ridgway, D.W. | Stephens, T.J. |
| Vincent, K.L. | Wade, S.G. (teller) | |

NOES (6)

| | | |
|---|---|---|
| Gago, G.E. (teller) | Gazzola, J.M. | Holloway, P. |
| Hunter, I.K. | Wortley, R.P. | Zollo, C. |

Progress thus reported; committee to sit again.

## SOUTH AUSTRALIAN PUBLIC HEALTH BILL

The House of Assembly agreed to amendments Nos 1 to 3 and 5 made by the Legislative Council without any amendment and disagreed to amendments Nos 4 and 6.

**The Hon. R.I. LUCAS:** Point of order, Mr President.

**The PRESIDENT:** What is the point of order?

**The Hon. R.I. LUCAS:** What happened to the Child Employment Bill? We were told we were going to do child employment tonight right through to—

**The PRESIDENT:** That is not a point of order. The government is in charge of government business.

At 21:10 the council adjourned until Thursday 5 May 2011 at 11:00.