LEGISLATIVE COUNCIL

Wednesday 13 June 2012

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 10th report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Report to Parliament pursuant to s.49(15) of the Development Act 1993—Approval for the Construction of a Temporary Bus Depot at Buchfelde

Regulations under the following Acts—

- Associations Incorporation Act 1985—Fees Increases
- Authorised Betting Operations Act 2000—Fees Increases
- Bills of Sale Act 1886—Fees Increases
- Births, Deaths and Marriages Registration Act 1996—Fees Increases
- Brands Act 1933—Fees Increases
- Building Work Contractors Act 1995—Fees Increases
- Community Titles Act 1996—Fees Increases
- Coroners Act 2003—Fees Increases
- Cremation Act 2000—Fees Increases
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—Fees Increases
- Criminal Law (Sentencing) Act 1988—Fees Increases
- Conveyancers Act 1994—Fees Increases
- Co-operatives Act 1997—Fees Increases
- Development Act 1993—
  - Fees Increases
  - Residential Code
- District Court Act 1991—Fees Increases
- Environment, Resources and Development Court Act 1993—Fees Increases
- Evidence Act 1929—Fees Increases
- Expiation of Offences Act 1996—Fees Increases
- Fees Regulation Act 1927—Public Trustee Administration—Fees Increases
- Fisheries Management Act 2007—
  - Fees Increases
  - Licence and Registration Fees Increases
- Gaming Machines Act 1992—Fees Increases
- Land and Business (Sale and Conveyancing) Act 1994—Fees Increases
- Land Agents Act 1994—Fees Increases
- Land Tax Act 1936—Fees Increases
- Liquor Licensing Act 1997—Fees Increases
- Livestock Act 1997—Fees Increases
- Lottery and Gaming Act 1936—Fees Increases
- Magistrates Court Act 1991—Fees Increases
- Mines and Works Inspection Act 1920—Fees Increases
- Mining Act 1971—Fee Increases
- Opal Mining Act 1995—Fees Increases
- Partnership Act 1891—Fees Increases
- Petroleum and Geothermal Energy Act 2000—Fees Increases
- Petroleum (Submerged Lands) Act 1982—Fees Increases
- Plant Health Act 2009—Fees Increases
- Plumbers, Gas Fitters and Electricians Act 1995—Fees Increases
- Primary Produce (Food Safety Schemes) Act 2004—
  - Citrus Industry Fees Increases

Egg Fees Increases
Meat Industry Fees Increases
Plant Products Fees Increases
Seafood Fees Increases
Real Property Act 1886—Fees Increases
Registration of Deeds Act 1935—Fees Increases
Residential Tenancies Act 1995—Fees Increases
Second-hand Vehicle Dealers Act 1995—Fees Increases
Security and Investigation Agents Act 1995—Fees Increases
Sexual Reassignment Act 1988—Fees Increases
Sheriff's Act 1978—Fees Increases
Strata Titles Act 1988—Fees Increases
Summary Offences Act 1953—
Dangerous Articles and Prohibited Weapons—Fees Increases
General Fees Increases
Supreme Court Act 1935—Fees Increases
Travel Agents Act 1986—Fees Increases
Worker's Liens Act 1893—Fees Increases
Youth Court Act 1993—Fees Increases
Statistical Return, Police Authorised Road Block, pursuant to the Summary Offences Act 1953
Statistical Return, Police, declaring a particular area, locality or place to be dangerous, pursuant to the Summary Offences Act 1953

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Regulations under the following Acts—
Controlled Substances Act 1984—Fees Increases
Dangerous Substances Act 1979—
Dangerous Goods Transport Fees Increases
Fees Increases
Employment Agents Registration Act 1993—Fees Increases
Explosives Act 1936—
Fireworks Fees Increases
General Fees Increases
Security Sensitive Substances Fees Increases
Freedom of Information Act 1991—Fees Increases
Harbors and Navigation Act 1993—Fees Increases
Occupational Health, Safety and Welfare Act 1986—Fees Increases
Passenger Transport Act 1994—Fees Increases
Petroleum Products Act 1995—Fees Increases
Public and Environmental Health Act 1987—
Legionella Fees Increases
Waste Control Fees Increases
Retirement Villages Act 1987—Fees Increases
State Records Act 1997—Fees Increases
Tobacco Products Regulation Act 1997—Fees Increases

By the Minister for State/Local Government Relations (Hon. R.P. Wortley)—

Report by the Electoral Commission SA—Local Government Election Report 2010
Regulations under the following Acts—
Local Government Act 1999—Fees Increases
Private Parking Areas Act 1986—Fees Increases

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Regulations under the following Acts—
Adoption Act 1988—Fees Increases
Animal Welfare Act 1985—Fees Increases
Botanic Gardens and State Herbarium Act 1978—Fees Increases
Children's Protection Act 1993—Fees Increases
Crown Land Management Act 2009—Fees Increases

Environment Protection Act 1993—Fees Increases
Fire and Emergency Services Act 2005—Fees Increases
Firearms Act 1997—Fees Increases
Heritage Places Act 1993—Fees Increases
Historic Shipwrecks Act 1981—Fees Increases
Hydroponics Industry Control Act 2009—Fees Increases
Motor Vehicles Act 1959—
Expiation Increases
Fees Increases
National Heavy Vehicles Registration Fees Increases
Remission and Reduction of Fees
Speeding Demerit Points
National Parks and Wildlife Act 1972—
Hunting Fees Increases
Wildlife Fees Increases
Native Vegetation Act 1991—Fees Increases
Natural Resources Management Act 2004—
Financial Provisions Fees Increases
General Fees Increases
Pastoral Land Management and Conservation Act 1989—Fees Increases
Radiation Protection and Control Act 1982—
Ionising Radiation Fees Increases
Non-ionising Radiation Fees Increases
Roads (Opening and Closing) Act 1991—Fees Increases
Road Traffic Act 1961—
Approved Transport Compliance Schemes—Fees Increases
Expiation Increases
Expiation Fees Increase—Speeding
Fees Increases
Heavy Vehicle Driver Fatigue—Fees Increases
Road Train Speed Limits—Fees
Sewerage Act 1929—Fees Increases
Valuation of Land Act 1971—Fees Increases
Waterworks Act 1932—Fees Increases

By the Minister for Social Housing (Hon. I.K. Hunter)—

Regulations under the following Act—
Housing Improvement Act 1940—Section 60 Statements Fees Increases

QUESTION TIME

LIQUOR LICENSING

The Hon. J.M.A. LENSINK (14:26): I seek leave to make an explanation before directing a question to the Minister for Regional Development on the subject of liquor licensing fees.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday the Minister for Business Services and Consumers released revised annual liquor licensing fees after what he had described as an 'overwhelmingly negative response' from industry. While it is a welcome reduction, licensed venues across the state will still be hit with another new tax by this incompetent government, and unfortunately regional venues are not exempt. In fact, regional venues will be forced to pay the same fees as their city counterparts despite not only having much lower costs of compliance and regulation but some could argue also providing great benefit to their communities.

Country pubs sponsor local sporting teams, offer wide-ranging employment and tourism opportunities and help to bind regional communities together. There are some 300 country pubs in South Australia, and more than 50 of them are up for sale and, according to an *Advertiser* report, eight of them have closed in the past three years. My questions for the minister are:

1. Can she explain how this new tax on licensed venues will promote regional development?

2. Why is it the responsibility of regional communities to pay for the policing of the West End of the city?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:27): I thank the honourable member for her most important questions. A new liquor licensing system has been put in place or is about to be put in place, and the minister responsible, the Hon. John Rau, announced some changes to those licensing fees yesterday. I note with interest that those changes were generally well received and supported and recorded in the media today.

The changes include the fee structure being more sensitive to those establishments that are smaller in size and also adding in an additional time span as well—I think there is 2am to 4am and then after 4am, or some such, rather than just 2am and onwards. We know that there are a whole range of issues around the serving and providing of alcohol. We know that there is a strong link between the number of licensed premises and the risk associated with harmful consumption of alcohol, and those facts are well documented.

We know that the abuse of alcohol is a huge cost to this community and is borne by all taxpayers, in effect. Some time ago when I was minister for liquor licensing I set up a review and sought to introduce this new fee structure, and the principle at the time behind this structure was, if you like, to pass on the costs of compliance and enforcement of liquor conditions and provisions to licensees rather than to taxpayers generally. I think that is a very sound position to be coming from. Country people are not expected to subsidise city drinkers at all. This fee is attached to licensed premises, and any place that is licensed to sell alcohol will be required to pay this licence fee. It is not surprising that the larger the venue the greater the potential for risk and the later a venue opens also the greater risk of alcohol abuse as well.

So, it is not surprising that these premises that want to take on these additional risks, open for longer and have larger crowds of people are being required to pay somewhat more. I would have to double check, but from my recollection of when I was minister for liquor licensing very few country or regional venues would have catered for crowds of over 200 people and very few venues—I could count them pretty much on one hand—opened after 2am. That may have changed since I was minister and I accept that those figures might not be accurate as of today, but I cannot imagine in my wildest dreams that there will be many country venues hit with that higher fee structure. I think that most will be paying either the basic fee structure or a middle-of-the-range fee.

This simply has the effect of shifting the cost of compliance and enforcement from taxpayers in general, many of whom do not drink at all—and you could ask the question: why should non-drinkers and other people who drink very sensibly incur the costs of those who are abusive? This is a new fee structure that focuses on licensed premises, and all licensed premises pretty much will be required to pay it. There are far more venues in the city and suburbs than there are out in the country, so it will be something that possibly hits city dwellers more than country people.

HIGHGATE PARK

The Hon. S.G. WADE (14:33): I seek leave to make a brief explanation before asking the Minister for Disabilities a question in relation to residents of Highgate Park.

Leave granted.

The Hon. S.G. WADE: The government gave an undertaking to Highgate Park residents who are resident at the Fullarton campus as at November 2003 that they can remain at Highgate Park for as long as they want to. The minister was recently reported as saying:

> The only large institution left is now Julia Farr, Highgate Park it's now called, and we've been moving people out into the community as well, but there are 20 people left in Highgate Park and they're on a promise that if they don't want to move they can stay there if they want to.

The last annual report of the minister's department states that there were 106 residents at Highgate Park. I understand that was at 31 March 2011. My questions to the minister are:

1. How many residents are there at the Fullarton campus?

2. How many residents are entitled to remain at Highgate Park for as long as they want?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:34): I thank the honourable member for his most important questions. In the 2012-13 state budget, funding of $2.1 million over three years from 2011-12 has been approved for a fire safety upgrade at the Highgate Park facility. Highgate Park is the new name for the old Julia Farr Centre. We were thinking of those people who are still in Highgate Park. I understand they number in the order of about 120 or thereabouts. When I was referring to 20 residents at Highgate Park, they are the 20 who, in the past, have expressed an interest in moving into community accommodation.

As I understand it, the other remaining residents at Highgate Park have not expressed a concern or a view that they wish to go out into the community in smaller sorts of accommodation. So, the 20 I was referring to in the media (where I think the Hon. Mr Wade would have got that comment) did apply to those people in Highgate who have expressed a view that they would like to be considered to be moved into community care accommodation. The other remaining residents at Highgate Park will be able to stay at Highgate Park if they wish to.

STRATHMONT CENTRE

The Hon. K.L. VINCENT (14:35): Is the minister able to provide a similar update about the residents remaining at the Strathmont Centre?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:35): I thank the honourable member for her most important question. My understanding is that there are currently 25 residents still remaining at the Strathmont Centre. We have made provision in the budget to close the Strathmont residential facility and move those people into community accommodation as well.

PRISON CONDITIONS

The Hon. T.J. STEPHENS (14:35): I seek leave to make a brief explanation before asking questions of the Minister for Disabilities regarding prisoners with disability.

Leave granted.

The Hon. T.J. STEPHENS: It has been reported by Michael Owen in *The Australian*, and David Bevan and Matthew Abraham on ABC breakfast radio, that two prisoners with intellectual and physical disabilities have been shackled to their beds for up to 20 hours per day for almost 10 months in the Yatala Labour Prison. It has been reported that South Australia may have to pay to have these people looked after in Victoria because after 10 years of a Labor government we have no capability in South Australia. My questions to the minister are:

1. When did you become aware of these two disgraceful cases?

2. What action did you take?

3. Do you acknowledge that this government's treatment of these prisoners who have impaired capacity is totally unacceptable?

4. Why, after 10 years of a Labor government, are we looking to Victoria to accommodate these people?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:36): I thank the honourable member for his most important question. At the outset it is important to say that responsibility for people in the corrections system lies with the Minister for Correctional Services in the other place. However, I can say that the 2012-13 state budget has committed $3.5 million for the construction of a 26 bed high dependency unit at Yatala Labour Prison. In addition to accommodating aged and infirm prisoners, the unit will also be designed to house prisoners with disability or those with a mental illness.

A high dependency unit is needed to provide a secure and safe environment and meet the department's duty of care to these prisoners. Currently there is limited capacity within the prison system to provide appropriate facilities and supervision for prisoners who are elderly or have a physical disability. For prisoners with mental health issues, the HDU will provide a setting where custodial and clinical staff can deliver treatment in an environment that is appropriate, safe and secure.

There is a growing population of longer-term prisoners who require intensive supervision and care. As part of the 'Prisoners in Australia' report, the ABS figures show that the average age of the state prisoner population has increased by about five years, on average, from 2001 to 2011. The total cost of the HDU is $6.5 million, with further money for the project sourced from within existing budgets of the Department for Correctional Services, I am advised, and no other programs or services will be defunded or cut to pay that amount of money. Construction of the HDU is expected to commence in 2013.

PRISON CONDITIONS

The Hon. T.J. STEPHENS (14:37): Minister, when did you become aware that these people were being shackled like this, and what action did you take?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:38): I thank the honourable member for his supplementary question. I reiterate that people in Correctional Services are the responsibility of the Minister for Correctional Services.

NATIONAL VISITOR SURVEY

The Hon. CARMEL ZOLLO (14:38): I seek leave to make a brief explanation before asking the Minister for Tourism—

The Hon. T.J. Stephens interjecting:

The Hon. CARMEL ZOLLO: —a question about the National Visitor Survey.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The interjections are out of order. The Hon. Ms Zollo might want to start again.

The Hon. CARMEL ZOLLO: Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Tourism a question about the National Visitor Survey.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that the federal government has changed its methodology of calculation in relation to visitor numbers. Overall, South Australian visitation is still growing and the industry remains strong. Can the Minister for Tourism elaborate on the new figures released today?

The PRESIDENT: The honourable minister.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:39): Thank you, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: They squeal like stuck pigs. I thank the honourable member for her most important question. I am delighted to advise the chamber that the new figures released today by the federal government show that South Australia is surging ahead when it comes to domestic tourism expenditure. As the member noted, the federal government has indeed utilised more contemporary data from the ABS—

The Hon. D.W. Ridgway: More creative data.

The Hon. G.E. GAGO: —giving us a very clear and full picture when it comes to travel figures. I find it incredible that the opposition does not trust even ABS figures.

The Hon. S.G. Wade: We don't trust them in your hands.

The Hon. G.E. GAGO: Well, read the report yourself. I mean, they are there. It is quite a simple report. It is very easy to read and it does not matter which way you read it. Even if you turn it upside down, the figures are still excellent for South Australian tourism. The state recorded an 11.4 per cent increase in domestic expenditure for the 12 months to March 2012, totalling a $4.56 billion investment, while the rest of Australia averaged a 10.7 per cent increase. So again, we are well above the national average.

The National Visitor Survey (NVS) result showed that South Australia attracted 5.21 million domestic visitors during the survey period. This was an increase of 6.3 per cent from the year ending March 2011 and, again, higher than the Australian average of 5.4 per cent. I am sure that all members are going to agree with me that these figures are excellent news for South Australia. Further, the results reinforce the importance of the South Australian Tourism Commission campaigns that are particularly targeted at our interstate and intrastate markets.

The new figures show that more South Australians are travelling within South Australia, with intrastate visits up 11.6 per cent and nights up quite a significant 14.9 per cent. The SATC's Best Backyard campaign is doing a fantastic job at inspiring South Australians to explore the diverse regions around them. I think it is important that we continue to encourage South Australians to get out now, see their own state and see what we have to offer. This campaign is a really effective way of sending this message. We are also seeing renewed interstate attention on destinations, particularly KI, which is being driven by the innovative Let Yourself Go campaign. We have had lots of very positive feedback from that.

The new NVS statistics that came out today show South Australia recorded growth in most purposes of visits, with business travel posting a 9 per cent increase. Significantly, these figures show that 64 per cent (that is, 3.31 million) of domestic visitors to our state visited regional South Australia. This is a fantastic result and means more opportunities to showcase what South Australia and our regions have to offer. Another highlight in the latest round of NVS figures was a 5.8 per cent increase in visitor nights across South Australia. It was the state's third consecutive period of growth and equates to 19.39 million domestic visitor nights spent in SA for the year—impressive by any measure.

Although recent international figures are disappointing—and I talked about those yesterday—I am delighted that our national domestic statistics are so strong. This is incredibly important, because it means that South Australia is continuing to grow as a tourism destination. I would like to certainly offer my heartfelt congratulations and appreciation for all South Australian tourism operators and businesses who continue to work hard to ensure that our state is a destination of note for tourists. As the Minister for Regional Development and Tourism, I am of the very firm belief that our regions are some of the very best that this country has to offer. It is wonderful that our unique offerings are being recognised and appreciated by visitors from both intra and interstate.

NATIONAL VISITOR SURVEY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:44): Are the figures for displaced people from the public housing sector who are housed in areas such as the Cudlee Creek Caravan Park included in the intrastate figures for your surveys?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:45): I am happy to take that question on notice. I understand that these are visitors to the state, but I am happy to break that down further if that information is available. I feel that I need to say that as usual we see this opposition bagging and talking down our state. All it does is bag and put this state down. All it wants to do is talk down South Australia. It wants to rattle consumer confidence and undermine business confidence.

The Hon. T.J. Stephens: Talk to the industry operators, Gail. They are bleeding, absolutely bleeding.

The Hon. G.E. GAGO: I do talk to the tourist operators, and they are doing a fantastic job. If the opposition thinks for one minute that sitting there and bagging tourism is going to somehow benefit tourism operators then its head is displaced. What it is doing is undermining. This negative talk and bagging of South Australia only serves to undermine our hardworking mums and dads who are tourism operators. All it does is undermine the industry. It rattles consumer confidence and it undermines business confidence. So, that is what that bagging and talking down of our state does: it undermines tourism.

The latest figures that have come out show that South Australia is doing extremely well, particularly by national standards, and what do we get? This carping, whinging, whining, complaining and bagging from the opposition. That is what we get: whinging, whining, complaining and bagging. That is all we get. That is all this opposition has to contribute: complete negativity, complete bagging and complete undermining of our very important tourism operators. They should be ashamed of themselves.

SUPPORTED RESIDENTIAL FACILITIES

The Hon. A. BRESSINGTON (14:47): I seek leave to make a brief explanation before asking the Minister for Social Housing questions about supported residential facilities.

Leave granted.

The Hon. A. BRESSINGTON: Recently, my office was contacted by a constituent, who identifies as having a cognitive disability, with a seemingly simple request: could we help him identify to what authority he could complain about a residential facility that he had recently stayed in. However, upon doing some research it was soon discovered that the residence—in which he managed to stay for only a few days before leaving because of the very low level of cleanliness, the food on offer and, disturbingly, the cannabis being consumed by other tenants—is not registered in accordance with the Supported Residential Facilities Act 1992 as it purports to being a boarding house, which is specifically exempted by that act.

This is despite the facility targeting and exclusively catering to tenants with a mental illness or disability, with fees paid directly from their commonwealth pensions. So, despite the vulnerable clientele and the services offered, or lack thereof, including assistance with shopping and, on occasion, meals cooked by the operator, because the operator purports not to meet the criteria of a supported residential facility the standards and compliance requirements of the act seemingly do not apply. My office has spoken with the Public Advocate, who also has some serious concerns about this facility and its lack of regulation.

In researching this further, I learnt that this issue had been pursued with some importance by the department and then minister in 2006. However, this was seemingly abandoned without explanation to those concerned stakeholders consulted. My questions to the minister are (and I will be happy to provide the name of the facility and the owner-operator to the minister):

1. To whom can this constituent complain about the standards of the residential facility in which he stayed?

2. If there is no complaint mechanism, does the minister consider the protections and standards for the care of vulnerable tenants in the Supported Residential Facilities Act 1992 are being usurped by such operators who chose to exempt themselves from the act?

3. Was there a particular incident or some other event that motivated the policy activity in 2006?

4. Why was the attempt to reform the Supported Residential Facilities Act 1992 abandoned without a bill ever being introduced in this parliament?

5. Will the minister agree to revisit this issue?

6. What investigation can be conducted into this facility, given that it is not registered under the Supported Residential Facilities Act 1992?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:50): I thank the honourable member for her most important question. The responsibility for supported residential facilities (SRF), to my understanding at least, lies with local councils. The client in question (or your constituent) could complain to the manager of the SRF about the facility, but I understand that sometimes that puts them in a difficult position. They feel vulnerable, they might not feel that they would have their issues addressed or that there may be some form of reprisal, in which case the local council is the appropriate mechanism to complain to. However, as the honourable member also noted, the Public Advocate is another avenue that your constituent may like to approach in this regard.

This is an issue that the government has been talking to the sector about for some time. The Supported Residential Facilities Advisory Committee, which works with me and my office, continues to address sector reform, focusing on training of authorised officers, investigating the benefits of a single licensing agency and improved case management of residents with mental health issues in particular.

The past reforms that established the single entry point and mental health services training for proprietors of SRFs continue to assist with this work, but it is ongoing. I am working with the sector very closely to encourage them to lift their standards, but it is a disparate sector. Not all SRF providers are members of the residential advisory committee, and that would be something

that I would think would be desirable. Not all of them work together as part of a united sector. I invite the honourable member, if she wishes, to contact my office about her constituent, and we will take that matter up for her.

AGE MATTERS PROJECT

The Hon. G.A. KANDELAARS (14:52): My question is to the Minister for Industrial Relations. Can the minister advise the chamber how SafeWork SA is working with employers to improve workforce participation and productivity rates for older workers?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:52): I thank the honourable member for his question and acknowledge the many years that Mr Kandelaars looked after his members, in particular those approaching retirement. This government has recognised the need to utilise the skills of our older population to better position them in relation to income, health and social participation, as well as improving South Australia's productivity.

The latest update of the South Australian Strategic Plan includes a new target, target 48, on ageing workforce participation. This target is to increase the proportion of older South Australians who are engaged in the workforce by 10 per cent by 2020. SafeWork SA, through its Age Matters project, is playing a vital role in addressing this target and the underutilisation and discrimination that mature age workers may experience in recruitment and employment in the South Australian workforce.

The Age Matters project commenced in 2011 and uses a number of strategies to raise awareness of the productivity gains from mature age employment. One of these strategies is a partnership between SafeWork SA and the Equal Opportunity Commission who are working together to optimise the workforce participation of mature workers, increase awareness of the business benefits of adopting age-inclusive approaches and flexible workplace arrangements, and dispel the myths often associated with older workers.

Another strategy is the development of the Age Matters Online Web Series which aims to promote age inclusive attitudes in the workplace and to dispel the myths about older workers often held by younger co-workers and managers. In order to appeal and be accessible to the younger adult market, the Age Matters project has explored the development of this online resource as a way of utilising social media distribution as an alternative mode of delivering anti-discrimination messages.

The web series consists of three short episodes which use a humorous and light-hearted approach to gently challenge the attitudes held by younger South Australians about older workers. These episodes, which were funded through the Office of the Ageing, will shortly be available on the SafeWork SA and Equal Opportunity Commission websites. The web series will also be used by the Equal Opportunity Commission as a resource for a new age discrimination and employment training program.

Another initiative SafeWork SA has been involved with recently was welcoming the Hon. Susan Ryan AO, Age Discrimination Commissioner, for her first official public address in South Australia. As Australia's first Age Discrimination Commissioner, Ms Ryan presented at the Intercontinental Adelaide Hotel on Tuesday 22 May 2012, along with several other keynote speakers. Organised in partnership with the Committee for Economic Development of Australia, the session explored how engaging older workers can lead to improving productivity in the workforce and the importance of viewing our ageing population in a positive way rather than as an economic and social burden.

This session was timely given that the Australian government recently announced that it will offer employers a $1,000 incentive to employ unemployed people over the age of 50 in a bid to redress discrimination against older job seekers. There will be 10,000 of these incentive payments available during the four-year program, which commences on 1 July 2012. Flexible work options can improve workforce participation and productivity rates, and SafeWork SA is working with employers to promote flexible work for older workers who are in the workforce.

SafeWork SA is developing case studies, publications and an e-learning resource, through the Equal Opportunity Commission, to provide educational tools and other support for employers. By embracing our ageing population through some of the initiatives being undertaken by SafeWork SA, we are raising awareness of the skills offered by older workers and the importance of maintaining a welcoming and flexible environment for those over-50s still in the workforce.

ROLLER DERBY

The Hon. T.A. FRANKS (14:57): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about roller derby.

Leave granted.

The Hon. T.A. FRANKS: With over 20,000 participants worldwide, roller derby is the fastest growing female-focused amateur sport in the world. Indeed, I believe the minister may well know that Adelaide Roller Derby has been rolling on since 2007 as a not-for-profit organisation committed to the empowerment of women and the strengthening of community through sport. It is part of the international roller derby resurgence that spread to Australia some years back and sees 25 flat-track roller derby leagues currently across our nation, with more starting up all the time. Over the years, Adelaide Roller Derby has grown to be four teams and 100 members strong, typically attracting crowds in excess of 3,000 for a weekend bout, with last year's grand final selling out within 72 hours of tickets going on sale.

Following on from the success of Adelaide hosting the 2010 Great Southern Slam, this past weekend we again hosted the Great Southern Slam, and it was even bigger and better than in 2010. For the uninitiated, a Great Southern Slam comprises a main tournament to determine the top-seated roller derby leagues in Australia, as well as informal challenges across all leagues that participate. It both enhances the competition of roller derby in the Southern Hemisphere and strengthens the community ties of this unique sport.

We saw 18 teams from across Australia and New Zealand slug it out for the title—three days, five rinks across two showground pavilions, with hundreds of derby girls and dozens of refs. On initial estimates, around $1.3 million was injected into our state's economy. It is my understanding that so far this has all been pretty much done on volunteer efforts and DIY ethos and funded on the budget of the proverbial shoelace—of course, attached to a rollerskate! As an aside, we should be proud that the Adeladies came fourth, beaten only by North Brisbane Roller Derby, the Sun State Roller Girls and the ultimate victors, the Victorian Roller Derby League. My questions are:

1. What level of government supports are available to ensure that Adelaide continues to host the Great Southern Slam, as it has now done two times?

2. Will the minister ensure that her office, or relevant members of her departments, urgently meet with the Adelaide Roller Derby League to keep derby rolling, grow it locally and put Adelaide on the international stage with this sport?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:59): I thank the honourable member for her most important questions. Indeed, I have had the great privilege of enjoying roller derby firsthand. It is a growing sport, and it is a very thrilling and exciting one, too. I am aware that the Great Southern Slam was held this weekend. Unfortunately, I was not able to attend that, but I noted the news which covered quite extensively how successful the event was and the large crowds that attended. I was very excited that the event was such a success.

I have been advised that Skate Australia (I think it was) approached Events SA and asked Events SA to attend the meeting this Saturday. My understanding is that Events SA went along and enjoyed the competition immensely. I understand there were discussions about what future promotional opportunities might exist for the next grand slam. My understanding is that, at the moment, it is held every two years and, obviously, we would be very pleased to accept any proposals that the league might have in terms of staging its future events.

My understanding is that for this event there was one request from a TV production group wanting to produce a program to go on the internet. My understanding is that they approached Events SA on Monday of last week and I think requested $5,000 for Saturday's event. It does not work that way and, unfortunately, Events SA had to say no, sorry; it could not accommodate that. However, as I said, Events SA attended the event and was impressed and will be very pleased to receive anything from the league in terms of future events.

Obviously, Events SA is approached to sponsor a large number of events. It has a limited budget, and obviously we have to be very circumspect around choosing which events we support and which events we do not support. We are approached by many organisations for sponsorship

and we are, obviously, always looking out for the best return possible for taxpayers' money. As I said previously—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will come to order.

The Hon. G.E. GAGO: Thank you, Mr President. As I said previously, we would be happy to receive anything from the league or Skate Australia in terms of opportunities for future events.

ROLLER DERBY

The Hon. T.A. FRANKS (15:03): I have a supplementary question. My understanding was that the approach to Events SA was two years ago. However, regardless of that, I also understand that the Adelaide Roller Derby League is one of two leagues that are not members of Skate Australia and that Skate Australia refused access for anyone participating in the Great Southern Slam to be insured for that event. Will the minister undertake to investigate that?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:03): I will be happy to do that. I accept what the honourable member says about a request that may have been made two years ago. I do not have information available to talk about that, but I have been advised that they were also approached last week—

The Hon. T.A. Franks: By a television company.

The Hon. G.E. GAGO: Yes, as I have already said; I can say it all again—by a TV production company that requested $5,000 and Events SA was unable to accommodate that. However, I accept that other requests may have been made in the past. I am not aware of them, but I am happy to look at that and happy to look at options for the future.

FAMILIES SA

The Hon. R.I. LUCAS (15:04): I seek leave to make an explanation prior to directing a question to the Minister for Communities and Social Inclusion on the subject of Families SA.

Leave granted.

The Hon. R.I. LUCAS: Last week a young man aged 25 received the following letter from Families SA:

> The Department for Education and Child Development, Families SA is currently working with children that, according to our client information system, may be your biological child. Families SA would like to talk with you in relation to the current circumstances of these children and to ascertain whether or not you acknowledge paternity of this child.
>
> Please contact me as a matter of urgency to discuss the situation. I can be contacted at Families SA, Limestone Coast District Centre...

The address and telephone number are given. The name of the worker is given but I do not propose to put the name of the worker on the public record.

The Hon. G.E. Gago: You put absolutely everyone else's name on the public record.

The Hon. R.I. LUCAS: Do you want me to put the—

The Hon. G.E. Gago: Absolutely not. I don't think you should ever put—

The Hon. R.I. LUCAS: Well, I just said—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. Dawkins: Chuck them out!

The PRESIDENT: Order! It wouldn't be half as much fun if they were all chucked out.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the call.

The Hon. R.I. LUCAS: The minister is squealing like a stuck pig already and I have not even asked the question.

The Hon. D.W. Ridgway interjecting:

The Hon. R.I. LUCAS: Exactly. I wasn't even attacking her. As I said, unless the minister wants me to, I do not propose to put the name of the particular officer on the public record. This young man who had no knowledge of whatever it was that Families—

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order!

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The honourable minister will get an opportunity.

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the call.

The Hon. R.I. LUCAS: This young man who had no knowledge of the circumstances alluded to by Families SA in its letter—and his family—were understandably very angry at having received this particular letter. On the next day the young man rang the named Families SA worker in the Limestone Coast office. It soon became apparent from the conversation—and acknowledged by the Families SA worker—that, given the age of the children involved, a 25 year old young man was not the biological father of the children who were involved in this particular case.

The Families SA worker then went on and confirmed that more than 10 letters had been sent to men with the same name as this particular individual in South Australia and interstate. When the young man and his family became aware of this response from Families SA they were understandably, as I said, very angry. They believed that it was an outrageous letter and policy which was a ham-fisted attempt at a fishing expedition to locate an individual by Families SA.

One can just imagine the potential family problems that might have been created by this letter being received in at least 10 other households in South Australia and interstate. My questions to the minister are:

1. Does the minister accept that the policy and practice of Families SA in sending letters such as the one I have just quoted are outrageous and capable of causing unnecessary turmoil and trauma to the persons and the families who receive these particular letters?

2. On how many occasions and over what period has Families SA been sending letters of the nature of the one I have quoted?

3. Will the minister institute an urgent inquiry into this policy and practice of Families SA and ensure that the policy and practice is changed so that, at the very least, a more appropriate letter and policy is adopted in these circumstances?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:08): I thank the honourable member for these most important questions. I may be wrong but my understanding is that the recent machinery of government changes mean that the responsibility for the issues raised by the honourable member now lies with the Minister for Education and Child Development in the other place. I undertake to take the questions to the minister and seek a response on his behalf.

YOUTH HOUSING

The Hon. J.M. GAZZOLA (15:09): My question is to the Minister for Youth and the Minister for Social Housing. Minister, will you tell the council about the newly opened HYPA housing properties for homeless youth?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:09): I thank the honourable member for his most important question. Yesterday I was delighted to represent the Premier at the launch of the Service to Youth Council's Helping Young People Achieve (or HYPA) housing development. The launch of the new development provides a total of 32 dwellings over three separate sites in the northern and western suburbs for young people who are homeless or at risk of homelessness.

These sites will be managed by the Service to Youth Council, which I must say has been a leader over several years in finding solutions to tackle youth homelessness. SYC's model provides housing for young people from 17 to 25 years of age who are homeless or at risk of homelessness. Importantly, it provides a stepping stone for young people who are finding it difficult to access and afford rental accommodation. The initiative also supports young people to develop their independence and pursue their personal, vocational and educational goals with the help of persistent case management.

One of the main features of this program, which is making a big difference, is the opportunity to have a caretaker on site, not just as a caretaker but as a positive role model for the young residents. The caretaker helps them maintain their apartments, and a support worker manages their educational, training and employment goals. The 32 dwellings are split across three sites located at Smithfield, Munno Para West and Mansfield Park and are in addition to the seven units currently operated by SYC in the CBD.

The project began, I understand, when the former minister for housing (Hon. Jennifer Rankin) wrote to the commonwealth in 2009 seeking funding under a program called A Place to Call Home for a number of projects, including this one, to be developed in partnership with SYC. With her request being successful and with the support of the South Australian government's Affordable Housing Innovation Fund and the SYC, this dream became a reality.

Since HYPA's housing inception in 1995, over 70 per cent of the young tenants in the program have moved on to stable housing after leaving the SYC accommodation and, even more impressively, of those who have left the guidance of this program, 79 per cent are successfully engaged in the workforce. As you will probably agree, this is a fantastic outcome.

These sorts of partnerships and innovation are crucial in tackling homelessness and are an excellent example of what can be achieved when state, commonwealth and local governments and not-for-profit organisations work together with private developers for a common goal. The SYC is to be congratulated on its ongoing commitment to improving the quality of housing outcomes for its tenants, and I look forward to an enduring and productive relationship between it and the state government for many years into the future.

STRATHMONT CENTRE

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:12): I need to correct an answer I gave to a supplementary question to the Hon. Kelly Vincent, when I think I said that there were 25 residents still at Strathmont: my understanding is that there are 26.

MIGRATION ACT

The Hon. K.L. VINCENT (15:12): I seek leave to make a belief explanation before asking the Minister for Social Inclusion and Disabilities questions regarding the social inclusion of immigrants to South Australia, especially for people with disabilities.

Leave granted.

The Hon. K.L. VINCENT: Today's *Advertiser* carries a front-page story on two families struggling in their attempts to migrate to South Australia, despite both providing much needed skills to our state. Both families have a child with a disability, and these are the grounds being used to deny them and their families valid visas. In the most recent case a UK police officer planning to work in regional South Australia has been denied access at all on the basis that he has a 25 year old stepdaughter with autism who may need to access our health care, disability or community services at some point.

Never mind the fact that she can already hold down two part-time jobs in the UK and volunteers, plus she was planning to study hairdressing once relocating to Australia: she is a functioning member of society who is likely to pay taxes with the rest of us and speculatively may need some extra assistance with education or employment. Her stepfather had spent $8,000 being accepted by SAPOL and was due to migrate with his family to Ceduna to begin work. I am sure we are all aware that there are a significant number of skill shortages in South Australia's regional areas, and now there is one more police officer vacancy we will find hard to fill, given the rejection of this qualified police officer and his family.

This raises many serious concerns about just how many skilled and diverse immigrants to this state we are missing out on because there is a family member with a serious or physical

mental illness or disability. Given that the federal Immigration Act forbids the family's own insurance, financial or other means for managing illness or disability, blanket discrimination is assured against anyone with a chronic mental or physical illness or disability.

In 2012 it seems that features in the implementation of our Migration Act explicitly discriminate against people with disabilities and those who have had a serious or chronic illness. As the retrograde White Australia Policy was for potential multicultural entrants to Australia half a century ago, our Migration Act still acts as a harsh discriminatory barrier for people with disabilities and illness.

Our Migration Act does not even grant the medical officer of the commonwealth discretion to assess the personal funds or private insurance means of potential entrants in assessing visas; it is based on what a hypothetical person with autism, for example, might need to access within our health and community services. Engineers sometimes have disabilities, police officers sometimes get cancer and mining workers sometimes have mental illnesses. Despite needing these workers in South Australia, these people are not allowed because they face this blanket ban. My questions to the minister are:

1. Is the minister concerned that our federal Migration Act discriminates against anyone with a disability, chronic or serious illness, and that we are effectively socially excluding people with disabilities from the South Australian community?

2. Has the minister raised the issue with his federal counterpart, immigration and citizenship minister Chris Bowen?

3. Is the minister seeking to have the federal Migration Act amended so that South Australia does not appear socially exclusionary on the international stage and does not miss out on the creativity and skills that these immigrants might bring?

4. Given that South Australia has previously requested additional immigrants to assist with skills shortages, has the minister discussed with either his state or federal counterparts targeting immigrants with disabilities (or families thereof) to make this state a vibrant, diverse, socially-inclusive place that offers opportunities to immigrants from all over the world?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:16): I thank the honourable member for her very important question and congratulate her for her ongoing interest in this area. As honourable members will know, the issuing of visas for people who wish to immigrate to our country is a matter for the federal government, not a matter for me as Minister for Disabilities.

However, I think it is well past time that we, as a society, saw the potential in all people with disabilities and do not just look at their disability as their defining feature. They are people like the rest of us, with their own strengths, and as a society we should be looking at those strengths and the potential they can offer to our community. As the honourable member raised in her question, or has sought to prompt me to raise, I can advise that I have already drafted a letter to the federal minister raising this very issue and seeking his support to reconsider the matter.

DISABILITY ACCESS, PUBLIC TRANSPORT

The Hon. J.S.L. DAWKINS (15:17): I seek leave to make a brief explanation before asking the Minister for Disabilities questions regarding disabled access at northern suburbs railway stations.

Leave granted.

The Hon. J.S.L. DAWKINS: Recently I received correspondence from a constituent expressing his dismay at a recently installed lift at the new Munno Para railway station which opened in April this year and has already been out of action for some time on more than one occasion. This complaint is similar to others I have previously received about the lifts at the Mawson Lakes station which have frequently ceased functioning and have taken inordinate amounts of time to fix.

There is no doubt this causes considerable inconvenience to commuters, particularly those who find it difficult or impossible to use the stairs at the stations. What is puzzling to Munno Para residents is that the infrastructure concerned is brand new and it is not unreasonable to expect it to function for some time without fault. I am also aware of commuter concern about the impact of

graffiti and other damage that has already occurred adjacent to the lifts at Munno Para station. My questions to the minister are:

1. Will the minister make strong representations on behalf of his portfolio to the Minister for Transport Services to ensure the lifts at Munno Para and Mawson Lakes are maintained and secure and that alternative access options are considered for commuters with a disability?

2. Given the minister's additional responsibility for the Northern Connections office, will he ask that office to determine the extent to which the unserviceable lifts at Mawson Lakes and Munno Para stations have impacted on commuters on the Gawler line, particularly those forced to use alternative stations such as Green Fields and Smithfield?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:19): I thank the honourable member for his most important questions. This comes to a very vital policy issue for me as minister. Do we expect that I will be responsible for all disability issues across every agency in this government or do we take the view that all government agencies have a responsibility to all of their clients, including disabled clients?

I take the view that all government agencies should be sharing their responsibility for their client needs, including their disabled clients. So, this is an issue most appropriately addressed to the minister for transport, on my understanding. There is no point always coming back to me as Minister for Disabilities and asking me to explain what another agency is doing. It is the responsibility of other agencies to—

The Hon. D.W. Ridgway: This is one of these Hunter handpasses again.

The Hon. I.K. HUNTER: Well, it's not, in fact. This is an important philosophical question. Do other agencies have a responsibility to address the needs of disabled clients? Yes, they do. My view is that this is a—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —responsibility of the department of transport.

The Hon. J.S.L. Dawkins: Will you make those representations?

The Hon. I.K. HUNTER: I will be very happy, indeed, to take this issue up with the minister in the other place—

The Hon. J.S.L. Dawkins: That's what I asked you.

The Hon. I.K. HUNTER: Indeed, but it's important to put on the record that, from time to time, people come into this place and address their issues about disability—we had some today that apply to other agencies—and expect me to be the responsible minister. That is just not the case, but I am always happy to speak to other ministers and to speak to other agencies when these issues are raised, and I will undertake to take this matter to the minister for transport in the other place.

The PRESIDENT: The Hon. John Dawkins has a supplementary.

DISABILITY ACCESS, PUBLIC TRANSPORT

The Hon. J.S.L. DAWKINS (15:21): Will the minister answer the second question in relation to his direct responsibility for the Office of Northern Connections—I know you are getting a message on your phone—because that is his direct responsibility, and that office's responsibility for policy development for the northern suburbs?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:21): I thank the honourable member for the supplementary, although it is somewhat muddled. It is not the responsibility of the Office of Northern Connections to be investigating disability access to public transport; that is the responsibility, purely and squarely, with the transport department, and that is where I will take it up.

The PRESIDENT: The Hon. Ms Vincent has a supplementary.

DISABILITY ACCESS, PUBLIC TRANSPORT

The Hon. K.L. VINCENT (15:22): Does the minister accept that, while it may not be his direct responsibility to have knowledge of what every department is doing, it is his direct responsibility to encourage those departments to take their responsibility, in terms of disability services, very seriously, instead of standing there and whingeing about who should and should not do it?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:22): I thank the honourable member for her supplementary and her implied criticism of the members of the opposition for their whingeing and carping. I am very, very pleased indeed to see the Hon. Kelly Vincent coming out and saying they should be taking these issues up with the appropriate agencies but, if they are too lazy to work out where they should go, then I guess I will help them out.

The PRESIDENT: The Hon. Mr Wade has a supplementary?

DISABILITY ACCESS, PUBLIC TRANSPORT

The Hon. S.G. WADE (15:22): Yes, I do. I ask the minister: if the monitoring of implementation of whole of government standards and policies for disability is not the responsibility of you as Minister for Disabilities, whose responsibility is it?

The PRESIDENT: You explained that.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:23): How many times do you have to tell these people that every separate agency, every minister, has a responsibility—

Members interjecting:

The Hon. I.K. HUNTER: I should start from the very beginning and take them back to square one, shouldn't I?

Members interjecting:

The Hon. I.K. HUNTER: There are too many people, Mr President.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Let me take them through it again. My responsibilities as Minister for Disabilities are for the services that are provided by my agency and for the functions of the act. I take the view that other ministers and other departmental agencies should be applying their remit to the whole of the population, including people with disabilities, all people with mental health issues and it goes on. So, when people come into this place and expect me to take up an issue that is properly in the purview of another agency, I am always very happy to take that position to those agencies, although honourable members here can do it very well themselves, I would have thought.

The Hon. G.E. Gago: They're too lazy!

The Hon. I.K. HUNTER: But they are too lazy. Perhaps they don't really want to take the issue up—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —they just want to sit on it and save it for a question in this house. Here we are on the Wednesday after the budget, and what have we seen from this opposition in terms of looking at what the government has laid out in our budget last week? Nothing. Yesterday was absolutely soporific. Yesterday, this chamber did not ask a single question about the budget process.

The Hon. G.E. Gago: Nor today.

The Hon. I.K. HUNTER: Nor today. Maybe they are saving them up, and they are very good questions for estimates, or maybe they are—

Members interjecting:

The Hon. I.K. HUNTER: Of course, it is too hard. I think the honourable minister, the Leader of the Government, has something like five hours of questions lined up in her estimates and I think I have about—

Members interjecting:

The Hon. I.K. HUNTER: Five and a half hours, where she will be asked, in excruciating detail, by members of the opposition in the other place—

Members interjecting:

The PRESIDENT: Order! The honourable minister.

The Hon. I.K. HUNTER: Once again, can I say that the responsibilities that I take very seriously, particularly regarding access and inclusion plans across all of government, will be driven by my agency. I take the view, and I repeat again, that every agency in this government, every minister in this government, will be serving their client base, whoever they are, as well as they can. It is not the purview of my agency to be running disability issues through the department of transport, the department of mental health or the department of ageing, they are for the appropriate agencies.

DISABILITY ACCESS, PARLIAMENT HOUSE

The PRESIDENT (15:26): In answer to the Hon. Ms Vincent's supplementary question concerning the consultancy for accessibility to the Old Parliament House project, I advise that architects Swanbury Penglase engaged Harrison Consultants Pty Limited to examine and provide advice on access issues concerning the major works involving the redevelopment of Old Parliament House.

MATTERS OF INTEREST

CITY OF ADELAIDE PLANNING

The Hon. J.M. GAZZOLA (15:27): The government has clearly stated its interest in further revitalising the city precinct, the city shop trading amendments being part of that objective. My interest here though, is not to list the many projects and initiatives but to look at some of the views of the opposition, and others, on the issues surrounding the rebirth of the city.

The Hon. Robert Lucas's second reading opposition to the Statutes Amendment (Shop Trading and Holidays) Bill was predictable, and while he may share enthusiasm for the intention of the bill, his inability and that of his party to compromise and effect a realistic and fair outcome suggested little enthusiasm by them for positive resolution. Eighty thousand shoppers (or whatever the figure is) for the Easter public holiday shopping days is strong proof of public interest; $30 million dollars of Christmas-like spending over the last holiday break, according to Theo Maras, is something the Hon. Robert Brokenshire should ponder in his thoughts on representative democracy and the shop hours debate.

Contrary to the view of the Hon. Terry Stephens in one matter of interest, the last 10 years of this Labor government have seen significant revitalisation of the city. Those improvements are self-evident. Invigoration of the city is (seemingly) important to the opposition, but look at the comments of the current opposition leader, the Hon. David Ridgway, on Radio FIVEaa on management of the City of Adelaide and the rejuvenation of the Parklands when he noted, 'little things the government can do right now'. Those little things being: fixing up a dilapidated kiosk as a coffee shop or generally supporting business owners in the city precinct.

I suggest, and this is not taking his remarks out of context, there is something surreal and contradictory about his comments in light of their stance on the shop trading improvements in the city. Little things will happen when big things are accomplished. What about the big things the government has already implemented? We are informed by the same radio station that the Adelaide City Council has little or rare contact with the member for Adelaide. It should also be pointed out that the opposition had costly and, some would say, loosely costed, extensive plans for the city, one being a new stadium, a plan that evidently did not exist according to the opposition deputy leader. Their position seems to be more defined by politics than policy.

In the stoush over the shop trading and holidays bill, we had an opposition willing to play politics on an issue that has been festering for years, as discussed in an editorial in *The Advertiser*. The Hon. Stephen Wade's view of Business SA's role in promoting the shop trading and holidays bill is interesting when he called its decision-making process undemocratic. Business SA quite

obviously saw the importance of this small measure to further open up the city. Perhaps Business SA is disenchanted with the opposition's negativity. Most certainly, the opposition is peeved by the independence of Business SA in seeking a sensible compromise over shop hours in the city.

I note with interest the budget measure regarding the abolition of stamp duty on apartments in the city centre when taken off the plan. We are also seeing renewed interest from investors in building new apartment towers now that approval for restrictions for high rise buildings has been removed.

According to one media report, $500 million of new commercial building projects has been proposed in the first months after height restrictions were removed. As announced in the press, the Chinese development firm Daton is moving to build Adelaide's second tallest building, a residential tower in Flinders Street. According to this report, the new regulation regarding height of buildings will see a growth in future investment given that taller buildings are now more economically viable.

The change in shop hours, the rebuilding of the Adelaide Oval, the Riverside development, the new RAH, and the health and medical research institute, to name a few projects—the very popular trams, opposed as we know by the opposition—are important blocks in the strategy to further the growth and relevance of the CBD. To conclude, the move by the government in cutting the liquor licensing fee and introducing legislation to promote laneway bars and venues, together with the big ticket items underway, show that the government has got the big and small about right.

Time expired.

FAMILIES SA

The Hon. R.I. LUCAS (15:32): I rise to speak to two issues. One is further to the issue that I raised in question time today, which I believe is an outrageous example of the policies and practices of both Families SA and this Labor government. Sadly, it is typical of how disgracefully inept and out of touch this government, its ministers and on occasions Families SA have become.

There have been widespread examples and instances of the ineptness of Families SA—in particular the government and ministers—and this is but one further example of it. I outlined in question time today the potential turmoil and trauma caused to individuals and families in receiving what in essence was a fishing expedition letter from Families SA searching for the potential biological father of some children in relation to a particular case. That letter could cause major trauma and turmoil within the many families who would have received it.

One can only imagine the views of the wives or partners of males who received a letter along these lines from Families SA where they had no connection at all with the particular case or example. It is not beyond the wit and wisdom, one would have thought, of any government minister or competent agency to conceive of the problems or to understand the problems of a letter drafted in this way and to have drafted a more sensitive letter which would have not caused the same problems that a letter drafted in this way might have caused or might still be causing in families in South Australia.

Clearly, there may well be one particular family or individual concerned with this case but the many others who have received letters like this have no connection at all and do not deserve to be treated in such a cavalier fashion by a government agency, its minister and the government. Minister Hunter here today has indicated that while he was not sure he believes this is now the responsibility of minister Portolesi. If that is the case, it does not surprise me at all given the ineptness of that minister in terms of handling many other aspects of her portfolios. Certainly, I hope that whichever minister is responsible we will see an urgent response, an inquiry and a changed policy and practice instituted.

The second issue is in relation to salary sacrifice. This issue has been raised by me and other members in this place before. I still have not received answers to the question from minister Wortley on it, even though the questions were asked a month ago. I put on the record that I have been further contacted by a representative of Vehicle Solutions Australia, who has indicated that a representative of theirs phoned the manager of Maxxia in South Australia, Mr Adam Hooper.

The Vehicle Solutions representative claims that Mr Hooper said that Vehicle Solutions, as the third party, from 1 July would not be able to provide choice to the employees, as the state government will be advising the Crown Solicitor to pen a policy that will prevent any South Australian government staff member from using a third party until they had completed an education program, but Mr Hooper would not tell Vehicle Solutions what this entailed, just that it would block any third party from providing choice of novated leases.

I hope that is not the case and that, in fact, is not the policy of the state government. I certainly put a question to the minister. I hope that, in reply to questions I asked back a month ago, he will respond to this particular claim as well because, as the competitive providers are indicating, the administration fee may well see a reduction in the cost of potentially up to a maximum of, say, $50 a year for a public servant.

But the other costs, which I raised in the question, could potentially involve costs of $5,000 on a vehicle worth $50,000. So, these additional fees and costs are much more significant to public servants than any potential reduction in the administration fee. That is why it is important that the minister responds not only to the questions I raised a month ago but also to this further claim about the attitude of the state government made by the representative of Maxxia.

Time expired.

LUTHERAN MISSIONARIES

The Hon. D.G.E. HOOD (15:36): I rise to speak about the early Lutheran missionaries in the Adelaide area and in Central Australia and their work with the Aboriginal people. In 1838, accompanying Governor Gawler on the ship *Caleb* to South Australia were two German Lutheran missionaries, Schürmann and Teichelmann. They had been sent out by the Dresden Mission Society to establish a mission to the Aborigines in the Adelaide region, who later became known as the Kaurna people.

Their first task was to learn the language and, within two years, they had printed a grammar and vocabulary containing 2,000 words and phrases. They also started an Aboriginal school on the banks of the Torrens, where they taught children to read and write in their own language. These missionaries and others who joined them also went to other parts of the state and learnt the local languages there.

By befriending the Aborigines and learning their languages, they became interpreters and mediators for the Aboriginal people, and they protected them as the Adelaide settlement grew. In 1846, Governor Grey closed the school and moved the children to an English school, which was very disappointing for the missionaries.

In recent years, the linguistic work of these missionaries has been hailed as invaluable and has become the basis of language reclamation work begun by Dr Rob Amery and others. They found that the grammar and vocabulary published by Schürmann and Teichelmann in 1840 provided the largest and best collection of words and phrases. Today, a small number of people are fluent in the Kaurna language, and this has been an important part of Aborigines reclaiming pride in their identity and culture.

While some settlers went to Central Australia to gain wealth, missionaries of various Christian denominations also went there to work with the Aborigines. Lutheran missionaries Pastors Kempe and Schwartz started a mission at the foot of Mount Hermannsberg, 125 kilometres west of Alice Springs, in 1877. The 1,000-mile journey from Bethany in the Barossa Valley to this very remote place took some 20 months. The name 'Hermannsberg' is taken from the village in Germany where they had been trained. They endured great hardships there. They erected a church and a school, and these missionaries also learned the local languages so that they could communicate with the local Aboriginal population.

From the earliest times, the missionaries realised that the social and physical world of the Aborigines in the area would be forever changed by reason of white settlement. The prevailing view throughout white society at that time was that Aborigines would eventually become part of white society. It was only much later that the view that some Aborigines should continue their traditional lifestyle became popular. The missionaries placed great emphasis on education and work training for the Aborigines.

In 1894, Pastor Carl Strehlow took over the mission. He worked tirelessly with the Aborigines and encouraged them to work on cattle stations. He taught them trades such as carpentry and leatherwork, and he also encouraged Aboriginal art. The famous artist Albert Namatjira was born at Hermannsburg in 1902.

Strehlow not only gained the respect and admiration of his white peers but he also earned the title of 'Ingkata' (which means chief) from the Aboriginal people. He was a particularly talented linguist and did much research into and recording of the local cultural practices. When an Aboriginal named Wapiti was shot by a policeman for spearing cattle, Strehlow nursed him back to health. In gratitude, Wapiti spent much time with him describing Aboriginal folklore. Strehlow was

responsible for translating the New Testament into the Western Arrernte language. He is said to have prevented Mounted Constable Wurmbrandt from taking a group of Aboriginals away to be shot.

Pastor Albrecht took over in 1926. The 1920s saw many deaths due to prolonged drought. As a result, funds raised in Melbourne saw a pipeline laid to the mission from the Kaporilja Springs. In 1982 the mission was handed over to the Aboriginal people themselves. It remains a popular tourist stop where people can marvel at the 19th century buildings and revel in the rich artistic history and the great work of the Lutheran missionaries in the area.

LEGISLATIVE COUNCIL PRINTS

The Hon. S.G. WADE (15:40): The Legislative Council moved to this chamber in 1939. The chamber remained undecorated until 2010 when six prints of significant South Australian art were erected. Today I would like to reflect on some of the significant links to the history of our state and this council depicted in these paintings.

Painted over 110 years and representing various regions of the state, I suggest that the six prints can be viewed as three sets of two paintings. The first two works focus on the natural environment. The painting in the centre of the eastern wall is *Sunset on the Gulf.* Painted by James Ashton in about 1900 it depicts one view of South Australia's 4,250 kilometres of coastline. James Ashton arrived in Adelaide in 1884 and established the Norwood Art School and Ashton's Academy of Arts—both were highly regarded and influenced many painters.

One painter taught by Ashton was Ivor Hele. The parliament has a number of paintings by Ivor Hele, including the painting of the proclamation in Centre Hall. Another painter taught by Ashton was Hans Heysen. Born in Hamburg Germany in 1877, Heysen came to South Australia with his family in 1884. At the age of 16, young Hans went to Ashton's art school in his spare time. For almost three decades the landscape of the Flinders Ranges in South Australia provided inspiration for Hans Heysen.

The painting on the right of the western wall is Hans Heysen's *In the Flinders Far North* painted in 1951. It is an example of Heysen combining the two great themes in his works: the Australian gum tree and the view of the Flinders Ranges. The mighty gum dominates the work, with the arid landscape of the ranges behind. The work was commissioned by the commonwealth government to celebrate the 50th anniversary of Federation and was displayed in the Australian Embassy in Paris for many years.

Another two of the works focus on Aboriginal culture. The painting on the left of the eastern wall is called *Corroboree* by John Michael Skipper painted in about 1840 which, coincidentally, is the time that the Hon. Dennis Hood was referring to as a period of missionary work amongst the Kaurna people. By early accounts, the spectacle of the Kuri or Palti dancers in corroborees was dramatic, and public night-time events were often held as close to the settlement as the Parklands and the botanic gardens. This piece is possibly the first large oil painting to be made in the colony of South Australia.

The painting on the right of the eastern wall is *Evening Shadows, Backwater of the Murray, South Australia* by H.J. Johnstone. Painted in 1880, it is an allegorical depiction of an Aboriginal woman crossing the Murray in twilight. The painting was the first painting to be acquired by the Art Gallery of South Australia and has become the gallery's most copied and photographically reproduced image. Earlier this year it was the focus of an installation at the gallery involving 38 painted copies of the painting borrowed from citizens in and around Adelaide.

Two of the works depict the emerging colony of South Australia. The painting by Edmund Gouldsmith on the left of the western wall is called *Port Adelaide* and was painted about 1885. The young London-trained painter used impressionistic oils to depict the bustling harbour. The central painting on the western wall is *The Proclamation of South Australia 1836* by Charles Hill. This painting is a celebration of the proclamation of the state at Holdfast Bay on 28 December 1836 and it was painted soon after the state achieved self-government.

This vast canvas was purchased by the Art Galley of South Australia in 1936 to commemorate South Australia's centenary. It portrays the reading of the Proclamation by governor Hindmarsh, the first governor, and the newly-arrived citizens in the colony. It is particularly appropriate that this painting should hang in this council. Governor Hindmarsh convened the first Council of Government in Mr Gouger's tent, which is shown under the arch of the Old Gum Tree.

The painting also depicts a range of renowned colonists, including Mr James Hurtle (later Sir James), who was on the original Council of Government and who was a member of this Legislative Council from 1853 to 1865, including serving as its first president. Four other colonists depicted served in this council: Mr John Morphett (later Sir John), Mr George S. Kingston, Mr Boyle Travis Finniss and Dr Charles George Everard.

In 1843 the Council of Government was replaced by the Legislative Council, on which Mr Morphett sat. The Legislative Council is therefore the senior chamber of this parliament, predating the House of Assembly by 14 years. The Royal Arms over the President's chair is an echo of the fact that the governor was the first Chair of the Legislative Council. I commend the President and the Clerk for the choice of paintings which add an historical touch for an older house in a younger chamber.

Time expired.

The PRESIDENT: Hear, hear!

MIGRATION ACT

The Hon. K.L. VINCENT (15:46): Today I will speak about another section of our federal statutes that discriminates against people with disabilities and those with serious health issues. I talk, of course, of our federal Migration Act. Matters involving this have been brought to my attention on several occasions over the past year. The most recent case relates to a UK police officer and his family, including his 25 year old stepdaughter with autism and their rejection by the immigration department to gain an entry visa to South Australia because of his stepdaughter's disability.

Peter Threlfall, the rest of his family and his stepdaughter with autism, will no longer be coming to our state. They will not have the opportunity to make a valuable and possibly creative and vibrant contribution to a country town. I believe that this family could have made a positive contribution to the community of Ceduna. Finding qualified police for our regional areas—indeed all of South Australia—is a challenge, and consequently SAPOL has been actively recruiting police from the UK.

It had accepted Mr Threlfall, and he was to move to Ceduna. He had spent $8,000 already on his application. He had not taken up promotional opportunities in his current UK position and had actively pursued setting up his family here in South Australia, all to have this thrown back at him by our immigration department. A second case involves a Filipino doctor, Dr Edwin Lapidario, only being allowed to have his 457 visa extended after his employer paid $52,000 in medical costs.

We have a shortage of GPs in this state, particularly in lower socioeconomic suburbs and regional centres, and here we have a man who is a well-liked member of the Hackham Medical Centre about to be thrown out of this country due to his son's disability. A third case was not in South Australia but related to a working, tax-paying qualified Indian social worker, Simran Kaur, battling to be granted a permanent residency because she was legally blind, and this was late last year.

The first two cases raise many serious questions about how many skilled and diverse immigrants in the state are missing out because there is a family member who has a serious physical or mental illness or who has a disability. Given that the federal Migration Act forbids the families' own insurance, financial or other means for managing illness or injury, blanket discrimination is assured against anyone with a chronic mental or physical illness or disability.

As I explained in question time today, here in 2012 it seems that features of our own Migration Act explicitly discriminate against people with disabilities and those who have serious or chronic illness. As Ms Kaur's advocate, Brandon Ah Tong, elucidated last year:

> Immigration in itself, is a uniquely prejudicial site of public policy, in which the goal of exclusion is exercised and institutionalised within law and bureaucracy, as the essence of its nature. Unchallenged in its breadth and power, perhaps with the exception of social welfare or insurance, the principle objective of migration policy, is to act as a filter for the movement of persons across sovereign borders against the supreme interests of the state. Migration policy in Australia, going back to its first incarnation in the Migration Restriction Act 1901 as the first Act of Federation, has always been about making judgments upon the fitness and desirableness of would-be Aussies.

I believe that there are people with disabilities around the world who could well make a positive contribution, both economically and socially, to our community if they were able to immigrate here. I hope that some day we can reform the federal Migration Act so this might occur.

In question time today the Minister for Disabilities assured me that he will be writing to his federal colleague on the issues of our Migration Act, and I look forward to him reporting the response back to me and to all of this parliament, and I will certainly be writing to minister Bowen on this matter. It is time our Migration Act moved into the 21st century.

HUTT STREET CENTRE

The Hon. G.A. KANDELAARS (15:50): Recently I had the great pleasure of attending the launch of Angel for a Day at the Hutt Street Centre on behalf of the Premier Jay Weatherill and minister Ian Hunter. It was an opportunity for me to meet with the staff, volunteers and supporters and discuss fundraising that provides meals and snacks for the Hutt Street Centre clients.

Well-known media personality Bruce McAvaney was the MC for the event and interviewed Rachael Sporn, who represented Australia in basketball at three Olympic Games, winning two silver medals and one bronze medal, and Gillian Rolton, who won gold at the Barcelona and Atlanta Olympic Games in the three-day equestrian event. Both Rachael and Gillian talked about the highlights of their Olympic experience and pointed out the absolute commitment required to compete at the Olympic level.

The Hutt Street Centre is a highly regarded, non-government, front-line service that provides a safe and welcoming place for those who are homeless and vulnerable in and around the south-east corner of the city of Adelaide. Services provided include the provision of meals, showers, laundry and bathroom facilities, social work services, an aged city living program, home support services, legal and medical clinics and recreational facilities.

The Hutt Street Centre also administers the Eastern Adelaide Generic Homelessness Service in partnership with the Red Cross Society and the community transition worker program, which responds to the needs of homeless people through the provision of early intervention at the centre. The program provides outreach support, case management, accommodation and crisis support.

The Hutt Street Centre has over 190 active volunteers working in all areas of the centre. Some of these include providing approximately 58,000 meals a year, running Dulcie's op shop and teaching literacy, computer skills, art and photography. They also assist in the running of legal and health clinics that operate at the centre. There are approximately five volunteers for every paid member of staff, and their support in assisting with many of the administrative duties ensures that the centre is able to provide a range of services that they have available.

The centre deals with about 1,500 clients each year. The Hutt Street Centre provides breakfast and lunch for approximately 200 homeless people per day. The cost to the Hutt Street Centre is about $350 per day, which is about $1.75 per meal. Angel for a Day is an initiative that started in 2005 to help raise funds to provide meals and snacks for the Hutt Street Centre's clients by seeking sponsors for every day of the year. Each $350 donated covers the cost of providing daily meals for those who need them.

I had the pleasure of being an Angel for a Day and was privileged to meet Brenda, who runs the kitchen at the centre. Brenda, with the assistance of volunteers and centre staff, as I said earlier, provides 200 meals a day at the cost of $1.75 per meal. I point out that the centre's clients pay a nominal fee for the meal. You might think that to provide a nutritious meal for $1.75 would be impossible, but Brenda, who is a frugal Scottish woman, prepares the meals using only high quality produce, and they are very nutritious indeed.

Brenda has been at the Hutt Street Centre for 18 years, and I also wish to make special mention of Alan, one of the volunteers at the centre. Alan was a former client of the centre who now volunteers two days a week and has been at the centre for over 20 years. Finally, I thank Chris Lemmer, the chair of the board of the Hutt Street Centre and Ian Cox, its CEO, for their hospitality at the Angel for a Day launch. It gave me the opportunity to meet many representatives of the community and business world, who are only too willing to support the Angel for a Day campaign.

ROLLER DERBY

The Hon. T.A. FRANKS (15:55): I rise to speak further today on roller derby. Many members will be aware that rollerskating was a popular pastime for a large part of the 20th century, the last century. The sport of roller derby was brought about by a promoter, Leo Seltzer, and a sports writer, Damon Runyon, who modified the rules of the rollerskating races of the 1930s in America and who emphasised and maximised the physical contact and teamwork that were

present between the skaters and made it part of a game, effectively creating the spectacle known as roller derby.

During the 1940s and 1950s, roller derby was incredibly popular across the United States. It attracted tens of thousands of spectators to live bouts, as well as television and radio coverage. This popularity continued through the 1960s under several guises of the sport and with many leagues across that country and, I understand, in Australia as well. As time went on it became increasingly scripted and staged, and its popularity began to decline in the 1970s and early 1980s. It died out at that stage largely due to poor revenue and lack of public interest.

Fast-forward a few decades, post the Riot Grrrl movement of Olympia in the mid-1990s, and we see in Austin, Texas in 2001 a revival of roller derby. It emerged with a focus on athleticism, community, sisterhood and sassiness. It was built on the DIY feminism ethos of the Riot Grrrls and certainly harnessed something that many women were looking for, not only in America but also in Australia. With over 20,000 participants worldwide, roller derby is the fastest growing female-focused amateur sport in the world at present, and there are currently over 25 flat track roller derby leagues in Australia, with more starting up all the time.

I recently visited Port Lincoln and was speaking to an Aboriginal women's group. One of the members is looking to start up a league in Port Lincoln, and I was very excited to hear that, because I am sure it will be a great asset to the women in that community to have such an activity happening there. I understand that Gawler is also investigating a roller derby league, the Hon. John Dawkins may be interested to hear. Certainly in Adelaide we boast a league which is the envy of the country in its ability not only to put on a great bout but also to attract thousands of people to those bouts and to put on international competitions.

Not only should South Australia be proud for the role of its women previously in both politics and the law, we also have a lot to be proud of in the Adelaide Roller Derby League. The league launched its inaugural season in July 2008 and at that time only had two teams: the Mile Die Club and the Salty Dolls. Those teams have been joined over recent years by the Road Train Rollers and, most recently, the Wild Hearses. All these roller derby bouts could not happen without Team Zebra who are, of course, the umpires.

Over the years we have seen Adelaide play host to both interstate bouts against the Victorian Roller Derby League and teams from Brisbane. Also, as I previously touched on today, the Great Southern Slam first took place with an international double-header in 2009, which was not quite the Great Southern Slam: it was the Skate of Emergency which then morphed, in the following year (2010), into what has become known as the Great Southern Slam.

This past weekend I was privileged to attend the Great Southern Slam and to take my daughter to see an event where women—feisty women who are not afraid of physicality and athleticism—are at the front and centre of those events. They are wonderful, empowering events to attend and I would encourage any members to go along and barrack for our own local heroes such as Barrelhouse Bessy, Bone Shaker, Bride of Skatan, Coconut Rough, Miss Whirl, Violent Krumble, Psycho Fox Bench and so many more. I applaud the work of the Adelaide Roller Derby League, and I hope that the sense of sisterhood and the way that the league not only changes lives but possibly saves lives of those who are not in the mainstream continues for many years to come.

STATUTES AMENDMENT (SEX WORK REFORM) BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:00): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935, the Spent Convictions Act 2009, the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:01): I move:

That this bill be now read a second time.

I am delighted to stand here today to support the Hon. Stephanie Key in her aim to decriminalise the sex work industry in South Australia. The bill I am introducing today is identical to that of the bill already introduced by the honourable member in another place. This bill is designed to amend a number of pieces of legislation in order to give effect to the Statutes Amendment (Sex Work Reform) Bill 2012.

I would like to commend the Hon. Stephanie Key for the extensive consultation and the incredibly hard and diligent work that she has undertaken to enable us to reach this point. She has spent, in fact, many years pursuing this. I know that she has engaged with and spoken to a very large range of people and organisations over, as I said, a very long period of time, so her efforts are to be absolutely commended.

As members may be aware, there are a number of different models that operate in the sex industry, both globally and locally, particularly here in Australia. Depending on the country or jurisdiction, sex work can be criminalised, legalised or decriminalised. Advice from workers and sex worker organisations, relevant organisations and research undertaken for and by the Hon. Stephanie Key has led to the decision to support the decriminalisation model for South Australia.

The current South Australian laws are simply unworkable. As it stands, all prostitution activity is illegal. This has obviously, however, not been a deterrent. South Australia's sex work industry is not about to go away and, at present, we are simply wasting policing resources on what is really a transaction between consenting adults. I believe it is time that we changed this approach.

I have long been committed to seeing a change in the way sex work is viewed. I am obviously very concerned that workers in the industry be treated fairly and are respected as workers like any worker. Like the Hon. Stephanie Key, I have been impressed by both the New South Wales and the New Zealand models.

In the case of New South Wales, since 1995, sex service premises have been able to operate like any other business, and they have also been limited by local government planning laws. Individual sex workers are able to operate, escort agencies are not subject to regulation and street-based prostitution is allowed in some areas.

The New Zealand model is a decriminalised one, and I am advised that recent data suggests that the decriminalisation of New Zealand's sex industry has resulted in safer and healthier sex workers. Evidence shows that there is compelling evidence that decriminalisation has achieved the aim of addressing sex workers' human rights and that it has had a positive effect on their health and safety.

The bill before you can, in many ways, be seen as a combination of these two approaches. At the forefront of this push for change are key issues around workers and workers' rights. I know that, like myself, the Hon. Stephanie Key is also very keen to see sex workers protected and with the same rights and responsibilities as other workers. We have been advised that the usual industrial remedies are not necessarily going to be easily translatable to the sex work industry, at least not for a while. There is scope, however, to introduce work, health and safety provisions into the industry, and should this bill be successful this is something that the honourable member will be looking at further.

Other protections, however, are provided for; for example, safe sex provisions are included as an occupational health and safety issue. Although the Scarlet Alliance notes that Australian sex workers have the lowest rate of HIV/AIDS in the world, this is an important way of giving sex workers a legal imperative to ensure that their clients are not able to request unsafe practices. There are protections included for the public as well. I understand that for some the location of sex work businesses is a real issue. For that reason, the bill does not allow the establishment of such businesses within close proximity of schools or places of worship.

In considering industrial issues in the development of this bill, the Hon. Steph Key has had advice from many different sources, particularly people who work in the workers rehabilitation and compensation area. This bill extends the protections under the Workers Rehabilitation and Compensation Act 1986 to sex workers. It is imperative that sex workers are given the same rights and protections as other workers. This is a basic right, and one which is long overdue for this particular industry.

With those words, I commend the bill to the council and I hope that members will choose to support the decriminalisation model. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 5—Interpretation

This clause makes a consequential amendment by deleting the definition of 'common prostitute', a term which will no longer appear in the Act.

4—Amendment of section 270—Punishment for certain offences

This clause deletes section 270(1)(b), a paragraph dealing with common law offences relating to prostitution, and is consequential upon the abolition of those offences.

5—Variation of Schedule 11—Abolition of certain offences

This amends Schedule 11 of the *Criminal Law Consolidation Act 1935* to include common law offences relating to prostitution to the list of common law offences abolished by that Schedule.

Part 3—Amendment of *Spent Convictions Act 2009*

6—Insertion of section 16A

This clause inserts a new section 16A into the *Spent Convictions Act 2009*. The new section provides that convictions for prescribed sex work offences (which are listed in new section 16A(2)) are taken to be spent for the purposes of that Act as soon as the new section commences.

Part 4—Amendment of *Summary Offences Act 1953*

7—Amendment of section 4—Interpretation

This clause deletes the definition of 'prostitute' from the interpretation section of the *Summary Offences Act 1953*, as the term will no longer appear in the Act.

8—Amendment of section 21—Permitting premises to be frequented by thieves etc

This clause amends section 21 of the *Summary Offences Act 1953* to delete references to 'prostitutes' in that section.

The offence set out in the section (committed by a person who permits premises to be frequented by specified persons, or who is in premises that are frequented by specified persons) will no longer include prostitutes among the specified persons.

9—Substitution of section 25—Soliciting

This clause effectively amends the existing offence comprised in section 25 of the *Summary Offences Act 1953* by limiting its operation to where a person is, in public, actively accosting or soliciting people for a purpose related to commercial sex work.

The prohibition does not extend to advertising for commercial sex services: the regulation of such matters occurs under the *Development Act 1993* and similar legislation.

Former section 25(b)—loitering in a public place for the purpose of prostitution—will no longer amount to an offence.

10—Repeal of sections 25A and 26

This clause repeals sections 25A and 26 of the *Summary Offences Act 1953*.

Section 25A related to the procurement of persons for prostitution, and is based on the illegality of sex work. That will no longer be the case.

However, the repeal of the section does not affect the provisions of Part 3B Division 12 of the *Criminal Law Consolidation Act 1935*, which deals (amongst other things) with offences relating to sexual servitude, deceptive recruiting for commercial sexual services and the involvement of children in commercial sexual services.

Section 26 related to living off the earnings of prostitution. With sex work no longer, in general terms, being illegal, this offence becomes redundant. However, it is again worth noting that the repeal of this section does not affect the operation of other laws (such as the *Criminal Law Consolidation Act 1935*) regulating criminal behaviour, including where the behaviour occurs in the context of sex work.

11—Substitution of Part 6

This clause inserts a new Part 6 into the *Summary Offences Act 1953*, setting out some new offences that relate to the provision of sex work.

New section 27 defines key terms used in the new Part, including by clarifying what is, in fact, a sexual service.

New section 28 creates several new offences in the context of the provision of sexual services on a commercial basis. First, a person cannot request that he or she or any other person be allowed to have unprotected sex when engaging in a high risk sexual activity (which is defined in the section). Second, a person cannot require or encourage a person to engage in a high risk sexual activity without using an appropriate prophylactic. Third, a person cannot prevent or discourage another person from using an appropriate prophylactic when engaging in a high risk sexual activity. The provisions apply both to employers and clients of sex workers.

New section 29 creates an offence of providing, or causing or permitting the provision of, sexual services on a commercial basis at premises located within a prescribed distance of protected premises.

Subsection (2) of new section 29 sets out circumstances in which the offence does not apply, including where a carer organises for commercial sexual services to be provided to the person for whom the carer is caring at premises owned or occupied by the carer. It will not constitute an offence for an owner or occupier of premises to use the premises for the provision of sexual services on a commercial basis if the relevant protected premises are only established after the owner or occupier has commenced doing so.

Subsection (6) defines what constitutes protected premises: they are premises used for purposes such as providing child care centres, kindergartens, preschools, primary or secondary schools and religious services, as well as premises at which other services prescribed by regulation are provided.

The prescribed distance is different in the CBD to other areas: it is 50 metres in relation to the Adelaide CBD (reflecting the density of the area) and 200 metres in other areas such as suburbs and country towns.

It is a defence to an offence against the section if defendant is able to prove that he or she did not know, and could not reasonably have been expected to have known, that particular premises were protected premises.

Part 5—Amendment of *Workers Rehabilitation and Compensation Act 1986*

12—Amendment of section 3—Interpretation

This clause makes an amendment to the definition of 'employer' in section 3(1) of the *Workers Rehabilitation and Compensation Act 1986* that is consequential upon the insertion of new section 6C below.

13—Insertion of section 6C

This clause inserts new section 6C into the *Workers Rehabilitation and Compensation Act 1986*.

The new section provides for a number of matters that are related to the repeal of certain offences relating to prostitution by this measure.

In other words, the fact that a person can, within limits, lawfully engage in the provision of commercial sexual services as her or his occupation means that that occupation should be included in the occupations to which the *Workers Rehabilitation and Compensation Act 1986* applies, and so extends the protections that the Act provides in respect of the rehabilitation and compensation of workers who have been injured in the course of their work.

To do this the clause includes sex work to be work of a prescribed class, so that the arrangement between a sex worker and their employer is recognised as a contract of service, provided it satisfies the requirements set out in paragraph (a) of the new section.

It should be noted that by doing so, employers of sex workers will need to be registered under the *Workers Rehabilitation and Compensation Act 1986* in the same way as other employers.

Section 6C(b) clarifies that a person to whom commercial sexual services are provided is not an employer for the purposes of the *Workers Rehabilitation and Compensation Act 1986*, nor is a person of a class prescribed by regulation (which may include, for example, a person organising the provision of commercial sexual services on behalf of a disabled friend).

Section 6C(c) provides that the WorkCover Corporation cannot, when considering whether to extend the protections of the Act to a self-employed sex worker under section 103 of the *Workers Rehabilitation and Compensation Act 1986*, refuse the person's application simply because he or she is engaged in sex work. This provision is intended to ensure that a sex worker is treated no differently from other applicants.

Schedule 1—Transitional provision

1—Application of section 59(1) of *Workers Rehabilitation and Compensation Act 1986* to certain employers

This clause provides a transitional provision that provides a 'grace period' for employers of sex workers to apply for registration under the *Workers Rehabilitation and Compensation Act 1986*.

Section 59 of that Act provides an offence of employing a person in employment to which that Act applies if the employer is not registered with the WorkCover application.

The transitional provision will allow employers a reasonable time to prepare their applications and apply for registration.

Debate adjourned on motion of Hon. D.W. Ridgway.

EVIDENCE (SUPPRESSION ORDERS) AMENDMENT BILL

The Hon. S.G. WADE (16:09): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

The Hon. S.G. WADE (16:10): I move:

That this bill be now read a second time.

South Australia has a reputation for being 'Suppression City', the suppression city and the suppression state. One example of South Australia's more restrictive approach is the treatment of sexual offences in the Evidence Act. Section 71A(1) and (2) of the Evidence Act 1929 prohibits the publication of evidence given in proceedings against a person charged with a sexual offence and the identity of a person who is charged or about to charged with a sexual offence until the accused has been committed for trial or sentenced or in matters determined summarily until a plea of guilty is entered or a finding of guilt is made following a trial.

These provisions put a presumption on secrecy rather than transparency and treat offences of a sexual nature different to all others. In July 2011 Justice Brian Martin, former chief justice of the Northern Territory, was appointed by the government to undertake an independent review of these provisions. His report was completed on 30 September 2011 and tabled on 21 November 2011. His recommendation was that section 71A(1) and (2) be repealed. I will quote a couple of passages of Justice Martin's report:

> In my opinion the interests of the few who would be adversely affected by removing the automatic prohibition currently mandated by section 71A do not justify the constraint on the principle of open justice effected by section 71A. To the extent that the few are adversely affected by publication of identity, their personal interests are outweighed by the 'greater public interest in adhering to an open system of justice'.

Justice Martin continued:

> ...removal of the automatic prohibition on publication of identity in these cases will remove the source of rumour and innuendo which currently accompanies the charging of sexual offences in any cases which attract media interest. Publication of identity might also promote the possibility of witnesses coming forward.

The government rejected the primary recommendation of the Martin review and announced that it will merely amend the act to give the courts the power to lift suppression of the details of people accused of sexual crimes and details of the proceedings if there is a strong public interest in doing so. The government is still proposing to maintain the presumption of secrecy. However, this is not the first time these provisions have been reviewed and considered, and it is not the first time that the opposition has called for the veil of secrecy to be lifted.

In 2006, the Legislative Review Committee reviewed and reported on the Evidence Act 1929. Again, the opposition supported reducing our state's reliance on suppression orders. At that time we committed to (1) the automatic cessation of suppression orders following the conclusion of matters in court (after the disposal of appeals), subject to a determination at that time that it is in the interests of justice to maintain them; and (2) establishment of a central register of suppression orders that is accessible to the public, MPs and the media such as the register that currently exists but that is only available upon request at the court registry.

This bill proposes to increase transparency and make justice more accessible. Under the bill the courts would retain the power to give appropriate directions emphasising the presumption of innocence and to prohibit publication of evidence and identity if the prohibition is required in the interests of the administration of justice.

It also proposes to put an onus on the courts to make the register of suppression orders publicly accessible on the internet, except for information that cannot be published under the terms of the suppression order. This is the same information that is currently provided to media organisations upon payment of a fee so that they can comply with their obligations not to publish suppressed information under the law. The opposition is simply making that publication more accessible to both the media and the public.

Specifically, the bill will (1) remove subsections 71A(1) and (2); (2) make suppression orders automatically expire at the conclusion of proceedings, except where a court decides it is in the interests of justice to maintain them; (3) require the registry of suppression orders to be published online; and (4) require the courts to give reasons for the imposition of a suppression order.

I have introduced the bill to put it on the public record for consultation. I would appreciate stakeholders and South Australians generally taking the opportunity to consider the proposed bill and provide feedback on it. Having taken into account feedback, I will seek to move to the second reading consideration of this bill after the winter break. I commend the bill to the council.

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

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:16): I move:

That this bill be now read a second time.

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

Leave granted.

In July 2007 new directions for the management of native vegetation were announced with the aim of strengthening biodiversity conservation in the State, while at the same time supporting sustainable development. At that time, a comprehensive consultation process was conducted on a draft Bill to amend the *Native Vegetation Act 1991*.

Subsequently, the Native Vegetation (Miscellaneous) Amendment Bill 2008 was introduced to Parliament in the spring session of 2008. The House of Assembly approved the Bill without amendment on 26 November 2008 and debate on the second reading of the Bill commenced in the Legislative Council. While this 2008 Bill was generally supported, no further debate was conducted after May 2009 and the Bill lapsed. The Bill before you today builds on the lapsed 2008 Bill.

The continuing health and prosperity of all South Australians depends on the health of our environment, our landscapes and our biodiversity. In turn, improving and restoring the health and resilience of our environment will rely on the good will and endeavours of all South Australians.

The extensive modification of the South Australian agricultural landscape—necessary to support the strong rural base for this State—will not sustain viable populations of many plant and animal species in the limited habitat remaining. With climate change placing increasing pressure on our native species we face the risk that South Australia could lose up to 50 per cent of our terrestrial biodiversity over the coming decades. Innovative and strategic changes are needed to connect and accelerate the effort to support the 'no species loss target'.

The *Native Vegetation Act 1991* remains a key legislative instrument supporting South Australia's Strategic Plan 'no species loss' target. The central purpose of the *Native Vegetation Act 1991* is to control the clearance of significant native vegetation in this State and to ensure that where clearance occurs to support economic development, the loss of biodiversity is offset by a significant environmental benefit. The amendments proposed are not intended to alter the central purpose of the Act.

The key features of this Bill are to:

- Increase flexibility in the delivery of significant environmental benefit offsets for vegetation clearance;
- Add new expertise to the Native Vegetation Council;
- Update evidentiary provisions to reflect modern technology;
- Ensure that offences constituted under the *Native Vegetation Act 1991* lie within the criminal jurisdiction of the Environment, Resources and Development Court;
- Make minor modifications to existing powers and penalties to improve the administration of the legislation and to provide better integration with the *Natural Resources Management Act 2004*.

Significant environmental benefit offsets

The requirement in the Act for the clearance of native vegetation to be offset by a significant environmental benefit is in itself an innovative way to support necessary development for this State while also achieving biodiversity conservation objectives.

All remnant native vegetation has value and it is important that the impacts of a proposed development on native vegetation should be avoided or minimised. Requirements for significant environmental benefit offsets provide a mechanism for redressing impacts that cannot be avoided or minimised.

A number of amendments are proposed in this Bill to provide more flexibility for the delivery of significant environmental benefit offsets, including:

- providing for offsets to be delivered where they are most needed, including outside of the region of the original clearance;
- providing that the Native Vegetation Council, when considering a proposed significant environmental benefit offset outside the region of the original clearance, must have regard to guidelines prepared and published in accordance with section 25 of the Act;
- making it clear that a credit may be registered, against future requirements for offsets, where an offset is delivered that exceeds that which is required to offset the related clearance of native vegetation;

In normal circumstances, the loss of biodiversity associated with clearance of native vegetation should be offset by works on the same property or within the same region that clearance has occurred. However, there may be circumstances where clearance occurs in well represented habitats and a more significant environmental benefit might be achieved by regenerating less well conserved native vegetation associations (eg vegetation that provides critical habitat for threatened species) outside the region where the related clearance occurs.

Such decisions should not be taken lightly and it is necessary that the Native Vegetation Council be satisfied that, where an offset for native vegetation is proposed in another region of the State (from that where the clearance occurs), it will result in a more significant environmental benefit than if undertaken in the region where the clearance occurs.

The Bill establishes a requirement for guidelines for the operation of the out-of-region offsets. Draft guiding principles have been endorsed by the Native Vegetation Council that clarify that the offset mechanism is limited to avoid the potential for critical habitat to be offset with habitat that is already well conserved. The draft guiding principles will be an interim measure pending completion of the formal consultation process required by section 25 of the Act.

Offset credits

The Native Vegetation Council has a policy of recognising conservation works previously undertaken when considering offset requirements. Consistent with this, the Council has supported, and sometimes encouraged, a landholder to undertake offset works that exceed requirements. Reasons may include:

- conservation outcomes being delivered before they are needed to offset clearance;
- maximising conservation outcomes—e.g. feral animal control can only be effective if applied over a larger area;
- minimising impacts—e.g. a requirement to fence a small offset area within a larger area may result in more clearance.

The provisions in the Bill make it clear that the value of a 'credited offset' is determined at the time it is extinguished (i.e. when it is used to offset clearance).

Membership of the Native Vegetation Council

The Bill changes the membership of the Native Vegetation Council. Since the Commonwealth Minister for the Environment decided not to continue to nominate a representative to the Council, the Bill proposes to replace the Commonwealth Minister's nominee with a person who has expertise in planning or development nominated by the Minister responsible for administering the *Native Vegetation Act 1991*.

This reflects the importance of the interaction between native vegetation clearance and the housing and employment priorities of the 30 year plan for Greater Adelaide and associated regional plans. The Minister is provided with appropriate flexibility in nominating a suitable person for appointment and persons from other sectors who have appropriate expertise will not be excluded from nomination.

Offences under the Act to lie within the jurisdiction of the Environment Resources and Development Court

The Bill includes a provision that offences constituted under the *Native Vegetation Act 1991* lie within the jurisdiction of the ERD Court. This will bring the Act up to date with more recent environmental legislation and ensure that a Judicial Officer will have wide practical knowledge of and experience in the preservation and management of native vegetation thereby avoiding lengthy explanations in a technical context.

Miscellaneous amendments

The Bill includes other miscellaneous amendments that:

- ensures the admissibility of evidence derived from remotely sensed imagery unless proof to the contrary is produced.
- make minor modifications to existing powers and penalties to improve administration of the legislation and to provide better integration with the NRM legislation;
- provide that a breach of a heritage agreement is a breach of the Act to correct an inadvertent omission resulting from changes made in 2002;
- clarify that the Act applies to that part of the City of Mitcham consisting of the suburbs of Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craigburn Farm, Eden Hills, Glenalta and Hawthorndene.

Conclusion

The new directions for native vegetation management in South Australia, announced during 2007 are supported by the amendments included in this Bill. The *Native Vegetation Act 1991* remains a key legislative instrument supporting South Australia's Strategic Plan 'no species loss' target. The amendments update the Act and ensure consistency with the State's other environmental legislation. They will strengthen landscape approaches to biodiversity conservation in the State and support economic development by providing improved flexibility for business.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Native Vegetation Act 1991*

4—Amendment of section 3—Interpretation

This clause makes consequential amendments to the definitions of certain terms used in the Act.

5—Amendment of section 4—Application of Act

This clause inserts new subsection (2ab) into section 4 of the Act, setting out the parts of the City of Mitcham to which the Act applies (being the suburbs of Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craigburn Farm, Eden Hills, Glenalta and Hawthorndene).

The clause also makes consequential amendments to the section to reflect the inclusion of new subsection (2ab).

6—Amendment of section 7—Establishment of the Council

This clause inserts a new subsection (3) into section 7 of the Act. The new subsection provides that the Native Vegetation Council is subject to the general direction and control of the Minister, but prevents the Minister from directing the Council in respect to advice or recommendation that the Council might give or make, or in relation to a particular application that is being assessed by, or that is to be, or has been, assessed by, the Council.

7—Amendment of section 8—Membership of the Council

This clause deletes paragraph (f) of section 8(1) of the Act (which states that 1 member of the Council must be nominated by the Commonwealth Minister for the Environment) and substitutes a new paragraph (f) that provides that 1 member must be a person with extensive knowledge of, and experience in, planning or development nominated by the Minister.

8—Amendment of section 9—Conditions of office

This clause inserts new paragraph (e) into section 9(2) of the Act, which allows the Governor to remove a member of the Council for breaching, or not complying, with a condition of his or her appointment.

9—Amendment of section 14—Functions of the Council

This clause substitutes a new subsection (2) into section 14, requiring the Council, when performing a function or exercising a power under the Act to take into account and seek to further the objects of the Act and the relevant principles of clearance of native vegetation, and also to take into account relevant NRM plans. The new subsection also requires that, in any event, the Council must not act in a manner that is seriously at variance with the principles of clearance of native vegetation.

10—Amendment of section 21—The Fund

The clause inserts new paragraphs (cc) and (cd) into subsection (3) of section 21 (which sets out what the fund consists of) to include amounts paid into the Fund in accordance with an order under section 31EA of the Act (inserted by clause 17 of this measure) and any provision made by the regulations.

The clause substitutes a new subsection (6) (which sets out how certain money in the Fund must be used) so that money may now be used to preserve etc existing native vegetation in the region where the relevant land is located.

The clause also inserts a new subsection (6a), which enables the Council to use money of a kind referred to in subsection (6) to be used to establish etc native vegetation in a region of the State other than the region where the relevant land is located if the Council is satisfied that the environmental benefit to be achieved in the other region will outweigh the value of achieving a significant environmental benefit within the region where the relevant land is located, the native vegetation satisfies certain criteria and the establishment etc of the native vegetation is carried out in accordance with relevant guidelines adopted under section 25 of the Act.

The clause also inserts new subsections (6b) and (6c) which set out procedural matters related to the operation of new subsection (6a).

The clause also amends the definition of relevant land in subsection (7) to include (if new subsection (3)(cd) applies) land on which the native vegetation that is relevant to the operation of the particular regulation was grown or was situated.

11—Amendment of section 25—Guidelines for the application of assistance and the management of native vegetation

This clause amends section 25 of the Act, adding the establishment etc of native vegetation under section 21(6a), and any other matter required by the regulations, to the list of matters for which the Council must prepare guidelines.

The clause also inserts a new paragraph (ab) to subsection (2), requiring the Council to submit draft guidelines prepared by the Council to the Minister for comment.

12—Amendment of section 26—Offence of clearing native vegetation contrary to this Part

This clause increases the expiation fee for an offence under subsection (1) or (2) of section 26 to $750, up from $500.

The clause also extends the time within which the Council must initiate civil enforcement proceedings following conviction of an offence against those subsections to 6 months, up from 21 days.

13—Amendment of section 28—Application for consent

This clause makes amendments to section 28 of the Act that are consequential on the insertion of new section 28A by this measure.

14—Insertion of section 28A

This clause inserts a new section 28A into the Act. The new clause enables a person to be credited with having achieved an environmental benefit if the person has achieved an environmental benefit other than as required in relation to a consent to clear native vegetation or under any other requirement under this Act. A person can also be credited if, acting in accordance with a consent to clear native vegetation, the person achieves environmental benefits that exceed the value of the minimum benefit needed to offset the loss of the cleared vegetation. In both cases, the Council must be satisfied that the benefit or excess benefit (as the case requires) is of significant value.

Having been so credited, the new section allows the credit to be offset against such requirements in relation to a future application for consent to clear native vegetation.

The clause also sets out procedural matters in relation to determining and applying such credits.

15—Repeal of section 31

This clause repeals redundant section 31 of the Act (the substance of which is now effected by the definition of *breach* in section 4 of the Act, as amended by this measure).

16—Amendment of section 31E—Enforcement notices

This clause amends section 31E of the principal Act to extend the time within which an authorised officer can give a direction under the section to two years, up from 12 months. The clause also makes a consequential amendment to the section.

17—Insertion of section 31EA

This clause inserts new section 31EA, which allows a person to whom an authorised officer has given a direction under section 31E(1)(b) (that is, a direction that the person make good the breach in a manner, and within a period, specified by the authorised officer) to apply to the Council for a substituted direction if it is not reasonably practicable for the person to comply with the direction.

Subsection (3) sets out the directions the Council may substitute for the original direction, and the clause makes procedural provision in relation to such directions.

18—Substitution of section 33

This clause substitutes new section 33 to allow civil enforcement proceedings (being proceedings where the respondent has expiated or been convicted or found guilty of an offence under the Act) to be commenced within 6 months after the date on which the respondent expiated, or was convicted or found guilty of, the offence. This prevents commencement of the proceedings from being barred where the length of a trial, or the delayed detection of an offence, exceeds the time allowed for commencement of such proceeding (changed by this measure to five years to ensure consistency with other provisions in the Act).

19—Amendment of section 33A—Appointment of authorised officers

This clause repeals paragraphs (b), (c) and (d) of section 33A(3) of the Act, varying the information that must be printed on the identity cards of authorised officers.

It also removes the requirement that an appointment of an authorised officer be for a fixed term.

20—Amendment of section 33B—Powers of authorised officers

This clause repeals subsections (4), (5) and (6) of section 33B of the Act in order to make the section consistent with the *Natural Resources Management Act 2004*.

21—Amendment of section 33D—Provisions relating to seizure

This clause amends subsection (2) of section 33D of the Act to increase (from six to 12 months) the prescribed period relevant to the section, making the section consistent with the *Natural Resources Management Act 2004*.

22—Substitution of section 33J

This clause inserts new sections 33J and 33K into the principal Act.

Section 33J allows the ERD Court to be constituted of a magistrate and a commissioner if the Senior Judge of the Court so determines, and further provides that offences under the principal Act lie within the criminal jurisdiction of the ERD Court (rather than the Magistrates Court).

Section 33K makes procedural provisions regarding what can happen in respect of making orders under the Act (in civil enforcement proceedings) if criminal proceedings for an offence against the Act are also on foot.

23—Amendment of section 34—Evidentiary

This clause amends section 34 of the principal Act to allow for certain remotely sensed images (for example, an image captured by a camera mounted on a satellite) to be accepted as proof of certain certified facts in the absence of proof to the contrary.

24—Amendment of section 35—Proceedings for an offence

This clause amends section 35 of the Act to increase the time within which proceedings for an offence under the Act may be commenced to five years, up from the current four years (or six years in exceptional circumstances). This provides consistency with similar provisions in the *Natural Resources Management Act 2004*.

25—Amendment of section 41—Regulations

This clause amends the regulation making power in section 41 of the Act to increase the maximum expiation fee under the regulations to $750, to enable the regulations to provide for certain amounts of money to be paid into the Fund and to enable the regulations to create offences with fines of up to $10,000 and make evidentiary provisions in relation to those offences.

Debate adjourned on motion of Hon. D.W. Ridgway.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May 2012.)

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:17): I believe that there are no further second reading contributions to this bill, so I would like to make a couple of concluding remarks. I want to thank all those members who contributed to the second reading debate. As has been pointed out, the bill seeks to introduce tougher legislative measures to minimise graffiti vandalism and to deter potential offenders. These measures include increased penalties; further restrictions on the sale, display and supply of graffiti implements; an increased range of sentencing options for courts; and new police powers to seize graffiti implements.

The bill seeks to prescribe by regulation the different types of graffiti implements that will be captured by the different provisions of this bill. Some members have expressed concerns that what is prescribed in the regulations might be too wide and thus impose a significant burden on the retail sector. I can appreciate that this is a concern; however, I can assure members that it is not the government's intention to impose onerous obligations on businesses.

The purpose of leaving the definition of 'graffiti implement' to the regulations is to ensure that different implements can be prescribed for different provisions; for example, the types of implements that will be prescribed for the carrying offences will be wider than those prescribed for the purposes of the retailer offences relating to the sale and display or for the supply offence.

The Attorney-General has also met with the Hardware Association of South Australia to reassure its members about the aims of the bill and to give the Hardware Association an undertaking that it will be consulted about the definition of a 'graffiti implement' when the regulations are being drafted.

The government's preference has always been to prescribe this kind of detail in the regulations so that the government can respond quickly to change. If the foreshadowed opposition amendments to define 'graffiti implements' as spray paint cans or graffiti implements designed or modified to produce a mark that is not readily removable by wiping or by use of water or detergent and is more than 15 millimetres wide were to succeed, it is quite possible that retailers would find that this definition is way too wide and that it imposes a significant burden on their business. Instead of a quick amendment to the regulations to address the problem, the government would have to return to parliament to amend the act.

The Hon. Ms Bressington questioned whether police would be able to prosecute offenders caught doing their tag. For all known offences where the same tag has been left once the Evidence (Discreditable Conduct) Act 2011 comes into operation. The act provides that a court may allow

evidence of the previous acts and/or convictions of an accused to be admitted at a criminal trial. Although it will depend on the precise facts and purpose for which the evidence is to be admitted, it should be possible under the new legislation for evidence of a previous graffiti tagging to be admitted as evidence provided the probative value outweighs any prejudicial effect on the defendant and the evidence is of a strong probative value.

This test is less stringent than the present common law test and, though evidence of a mere criminal character or disposition is unlikely to be admissible, the new act should allow the evidence of the previous tagging to be admissible if it shows some distinctive or particular trademark or nexus that goes beyond coincidence or a mere general propensity to commit such crimes. Members have also expressed concerns about the driver's licence provisions: that it is not a credible punishment because there is no requirement for the offence to have any connection with the offender's driving record or use of a motor vehicle.

The power to disqualify an offender's driver's licence is a complement to the existing powers allowing for the clamping and impounding of an offender's vehicle. It is the government's view that a driver's licence is a privilege and not a right and that if a person wants to commit antisocial behaviour, such as graffiti vandalism, then there should be an opportunity to take that privilege away for a time. Members should note, however, that this applies only to repeat offenders and is a discretionary power. A court will consider the impact on the offender, including whether keeping their licence would assist in their rehabilitation or make orders accordingly. I thank members for their support of this bill and look forward to the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: As we commence the committee consideration of this bill I thought it might assist the council if I provided an overview of the opposition approach in relation to it. The opposition supports the bill but thinks that it is poorly written and should be improved. The bill is drafted so broadly that you would think that the businesses were the criminals rather than the graffiti vandals. The law, in our view, should target bad behaviour rather than using broad regulation-making powers under the bill to penalise every hardware, stationery and paint store across the state and law-abiding citizens for the actions of a few.

The government has proposed that all graffiti items should be able to be prescribed by regulation for almost all instances dealt with by the bill. In fact, as I read the government's bill, it proposes five separate lists of items to be prescribed by regulation. In our view, this is a recipe for confusion. The amendments I have tabled seek to change the definition of 'graffiti implement' in the bill, so that in some cases the items may be described by regulation and in others they are clearly defined in the act itself. The opposition recognises that regulations often need to supplement the operation of legislation to ensure the legislation is responsive to emerging trends.

Graffiti is an evolving area where new trends and new tools emerge. However, we consider that it is appropriate for parliament to maintain more direct oversight of areas which impact most heavily on law-abiding citizens. Businesses and individuals should have a reasonable opportunity to be aware of any changes affecting them and to be involved in reviewing them through their parliament.

I appreciate that the government will respond that any variation to the list can be disallowed by this parliament, and we accept that that is an acceptable approach when we are talking about a long and broad list of implements that may be necessary for some of the, shall we say, offences targeting the graffiti vandals directly. However, in relation to the sale and securing of graffiti implements, the government assures us that it is not talking about a broad, long list, and we believe that the current practice in the legislation (which is for that short list of items to be maintained in the legislation) is the appropriate approach.

In accord with this view, our amendments would create three levels of graffiti implement management: first, our amendments propose to define in the act the items that cannot be sold to minors and the items that need to be secured; secondly, we support the use of regulations to identify items for offences related to the supply or seizure of graffiti items; and, thirdly, we support the status quo in the bill when it comes to what items are deemed to be implements for the purposes of the offence of carrying a graffiti implement under section 10.

I will outline the rationale for the approach in each case at the appropriate clause. As we have noted in previous debates, disallowing regulations is a very blunt tool. We should not rely on having the opportunity to do so on this legislation in terms of the government's proposed approach. There no doubt will be items on the list that can be justified alongside items that cannot.

In disallowing regulations we do not get to pick and choose; that is why in relation to matters with the greatest impact on businesses and law-abiding citizens (and we are talking about short lists), we propose that it be specified in the act.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Page 3, lines 1 and 2 [clause 4(2)]—Delete subclause (2) and substitute:

(2) Section 3—after the definition of *minor* insert:

prescribed graffiti implement means—

(a) a can of spray paint; or

(b) a graffiti implement designed or modified to produce a mark that—

(i) is not readily removable by wiping or by use of water or detergent; and

(ii) is more than 15 millimetres wide;

The act currently explicitly identifies items that need to be secured in retail premises and that cannot be sold to minors. The opposition wants to continue to have items specified in the act and not leave it to the regulations. We consider that it is appropriate for parliament to maintain more direct oversight of areas which impact most heavily on law-abiding citizens. Businesses and individuals should have an opportunity to be aware of any changes affecting them and be involved in reviewing them through their parliament.

The amendment proposes to identify the relevant implements using the definition currently contained in section 10 of the act which relates to carrying graffiti implements. These items are cans of spray paint and graffiti implements designed or modified to provide a mark that is not readily removable by wiping or use of detergent and is more than 15 millimetres wide.

The government objects to the amendment. The Attorney-General suggested during debate in the other place that a wide range of items could be included in the regulations, such as 20-litre cans of paint, compasses, glass cutters, screwdrivers, sandpaper, paint brushes and fine textas. The Attorney-General has assured me that he does not intend these items to be included in the regulations in relation to securing items in retail premises and what can be sold to minors—what he calls the 'retailer list'.

However, we need to remember that all graffiti items will need to be kept securely in a manner prescribed by regulation unless the regulations exclude that particular item. The default is essentially an ID check at the door of every hardware or stationery store. The government has not given itself any power to exempt classes of businesses or individuals.

To summarise, while we support a broad approach in the context of confiscation of items and so forth, we do not consider that a broad regulation approach is appropriate when it comes to the retail provisions. We consider the parliament should maintain the approach that it has taken in the past and specify these items in the act itself. The government may prefer another specific list, other than what is proposed in this amendment, and the opposition would be open to variations to the amendment in that regard, but we believe it is appropriate that the retailer list should be in the act and not in the regulations.

The Hon. G.E. GAGO: The government opposes this amendment. The amendment is linked to a number of other amendments to be moved by the Hon. Stephen Wade which remove various references in the bill to graffiti implements and replace them with a reference to 'prescribed graffiti implements'. The Hon. Stephen Wade's amendment does not seek to identify individual implements and list them: his amendment is a completely general approach, which the government believes is quite simply unworkable, and I will explain why.

A prescribed graffiti implement is defined as a can of spray paint or an graffiti implement designed or modified to produce a mark that is not readily removable by wiping or using water and detergent and is more than 15 millimetres wide. This approach is extremely problematic, and we do not believe it is workable at all. For instance, a hardware store owner or other retailer would have to identify every item in their store that is capable of being used for graffiti vandalism and then get out their tape measure to determine whether it would make a mark that is more than 15 millimetres wide.

Under the current proposal before us, it would capture things like mops, a compass and sandpaper, because these things could be used for scratching. It would include things like all paint brushes, except those that were less than 15 millimetres wide. It would include things like a dustpan brush. So, you can see that there are many implements or articles in a hardware store that would be captured by this.

The next question then is whether or not the mark made by the item is not readily removable by wiping or by using water and detergent. If the answer to both these questions is yes, then under the opposition amendments a store owner would not be able to sell these items to a minor and they would have to either lock up their items or store them in an area of the store that the public is not permitted to access without the assistance of employees. So, it starts to make a real nonsense of an ordinary hardware store.

The Hon. Stephen Wade might argue that there is still a power to exclude certain graffiti implements from the operation of display restrictions if they are prescribed in the regulations, and that might be true, but it is a very messy and protracted way of going about doing it. Identifying all the items that might need to be excluded from the operation of the display restrictions could be an extremely onerous exercise for both government and retailers and could result in a long list of items being prescribed in the regulations.

The Attorney-General has already met with the Hardware Association of South Australia to discuss the concerns around the definition of graffiti implements and has given an undertaking to the association that it and other industry bodies will be consulted when developing the regulations to ensure that the definition that applies to the retailer offences is unambiguous and easy to comply with and does not impose a significant or unreasonable burden on retailers. For these reasons the government opposes the opposition's proposed definition of 'prescribed graffiti implement' and the amendments related to it.

The Hon. S.G. WADE: I remind the minister that the definition that is being proposed to be inserted as 'prescribed graffiti implement' is the definition used in section 10 of the act relating to carrying graffiti implements. I think she is misreading it because, firstly, she suggested that a compass might come within it; I can assure you that a compass is not more than 15 millimetres wide. Secondly, she suggested that a dustpan brush could come within it; I am not aware of any dustpan brushes that can produce a mark.

I would not want us to get distracted from the threshold issue that the opposition is trying to highlight. If it helps the minister to understand that threshold issue, I would be happy to see subclause 2(b) deleted because the threshold issue here is whether the parliament should maintain the approach that it has maintained under this act, which is that, in relation to the most onerous duties on retailers in terms of the securing and sale to minors, that be specified in the act. The minister has assured us that the provisions will not be onerous on retailers—that is good, I assume it will not be a long list—in which case let us continue to do what we have done. Let us continue to put it in the act.

The minister has said that the hardware industry is happy for it to be in the regulations. I am not sure if the minister said it but certainly the Attorney-General, in correspondence with me, has assured me of that. I suggest that the hardware association would be just as happy to see it in the legislation. We as parliamentarians are the legislative craftsmen deputised by our community to produce the best laws. I would suggest to my honourable colleagues in this house that we should maintain the position that the legislature has taken in relation to these provisions—in other words, the 'retail list' to use the government's words. We believe the retail list should stay in the act; it should not be relegated to the regulations.

As I said in my comments when moving the amendment, we are open to improving the list. In relation to inserting elements from the current section 10, we want to indicate our willingness to move beyond cans of spray paint, which is the only item that is identified in the act at this stage.

We appreciate that the government clearly does intend to move beyond cans of spray paint but how about telling us? How about telling the retailers, 'Let's put it in the act.'

The Hon. A. BRESSINGTON: This particular piece of legislation brings back the nightmare of the weapons debate that we had on knives. It has been drafted in a way that is going to be confusing for the retail industry who, in fact, represented to me with concerns. It also takes the focus off the offenders and I think it has missed its target.

I do agree with the Hon. Stephen Wade that there does need to be a cut-off point for what could be used as a graffiti implement and it does need to be in legislation. What is graffiti? It is property damage. If we really get down to it, I do not agree for one minute with anyone out there who thinks that graffiti is a form of art and self-expression when I see in my own street a struggling family who puts up a fence at a cost of about $3,500 and who wakes up the next morning and it has tags all over it. They do not see that as self-expression and art, they see it as property destruction, as it should be seen. We need to get tough on the offenders because they are not just waylaid youth who need to find a way to express their inner feelings. They are little—

The Hon. D.G.E. Hood: So-and-sos.

The Hon. A. BRESSINGTON: —so-and-sos—thank you—who take delight (especially in my area and low socioeconomic areas where people struggle to improve their properties and their businesses) in going back week after week and making those families and businesses foot the bill for their mischievous and destructive behaviour. I did ask a question—and I am not sure if the minister answered it, because I had to take a phone call—about giving police the ability to charge a person who has a tag.

The Hon. G.E. Gago interjecting:

The Hon. A. BRESSINGTON: Yes, I am talking to you about a graffiti vandal who has a known tag in the community and that tag is seen literally hundreds of times on fences, businesses, wherever, throughout the community. It was my intention actually to move an amendment that the police would have the power to charge them for each and every tag that they could identify as belonging to that person because, as I said in my second reading speech, a tag is like a signature in the world of graffiti.

Nobody dare copy a tag; it is seen as some sort of sacrilege. I believe, if police could identify a person caught in the act who has that tag, and there are 300 tags in the community that are identical to that one, that are known to be that person's tag, that person should be able to be charged with 300 offences of graffiti and property damage—whatever it is. I am inclined to support the Hon. Stephen Wade's amendment, merely because it does draw a line and it does give legislative certainty for the community and for business owners who will need to understand this legislation, rather than just putting this in regulation.

I agree that the ability of this council to disallow regulations is onerous, to say the least, and ineffective, in my experience in here. Not only that, when we do disallow a regulation, the minister can the very next day reinstate that particular regulation without consultation. In saying all that, I would like to know if the government would consider giving police those powers. I know it gets back to propensity evidence and, in the past, I have argued against the use of that in trials and in court hearings but, applied to graffiti, I think police need to be given that much more leeway to be able to rein in these people in our community.

If you see one person being charged with 300 counts of graffiti because their tag has been identified and fined for that then, in fact, that may be a reasonable deterrent. In saying that, I am supporting the Hon. Stephen Wade's amendment but, if the government can come up with an amendment to Stephen Wade's amendment that is acceptable to him, I would also be inclined to consider that as well.

The Hon. G.E. GAGO: I addressed the issue to do with tagging in the second reading summary, so I will read that out again for the benefit of the Hon. Ann Bressington, who questioned whether police would be able to prosecute offenders caught doing their tag for all known offences where the same tag has been left, once the Evidence Act comes into operation. The act provides that a court may allow evidence of the previous acts or convictions of an accused to be admitted at a criminal trial, though it will depend on the precise facts and the purpose for which the evidence is to be admitted.

It should be possible under the new legislation for evidence of previous graffiti tagging to be admitted into evidence, provided the probative value outweighs any prejudicial effect on the

defendant and the evidence is of a strong probative value. This test is less stringent than the present common law test and, though evidence of a mere criminal character or disposition is unlikely to be admissible, the new act should allow the evidence of a previous tagging to be admissible if it shows some distinctive or particular trademark or nexus that goes beyond coincidence or a mere general propensity to commit such crimes.

I cannot believe the Hon. Ann Bressington is supporting an amendment of the Hon. Stephen Wade that he does not even support himself. He got up in this place and basically said, 'Yes, the government is right.' His amendment is far too broad. It captures dustpan brushes, mops, compasses, anything that can scratch a mark that is wider than 15 millimetres. I have seen some work done with compasses and I can tell you that mark ends up being wider than 15 millimetres.

So, we have this absurd thing happening with an amendment in front of us that captures large numbers of implements that are routinely sold in a hardware store. Not even the Hon. Stephen Wade supports it. He is not saying, 'Let's look at another amendment that might amend the act to provide a list of implements.' The government does not support that because it believes that every time a new implement comes onto the market we are going to have to go back and amend legislation. It is much easier to adjust regulation. So, we believe that is the way to go. The Hardware Association is happy for us to move that way as well.

The Hon. S.G. WADE: I do not know whether the minister misheard me; she certainly misrepresented me. I do not believe my amendment would capture a compass. I do not believe that a compass is more than 15 millimetres wide. I certainly do not believe that a dustpan brush can make a mark. So, I specifically dispute that those items come within my amendment. I reiterate that the point of this amendment is to establish the principle: does the council want to maintain the practice in the act to have prescribed in the legislation what will be subject to controls in relation to the securing in retail premises and what can be sold to minors?

The parliament, up to this point, has only specified cans of spray paint. The government has clearly indicated that it wants to expand the list. We are using a definition brought in from section 10 of the current act. I do not want to be as gracious as I have been because the minister will take the opportunity to misrepresent me. All I am saying is that any bill is subject to improvement; any amendment is subject to improvement. We are open to improvement. What we are not willing to budge on is our belief that in matters that are onerous on retailers, which the government has acknowledged, matters which will have an impact on law-abiding citizens, it should be in the act. The opposition is committed to that and seeks the support of the council.

The Hon. A. BRESSINGTON: In response to what the minister said, there is a saying that the law is an ass. It is that kind of thinking and that kind of rationale that makes it so. One would think that a dustpan brush is a dustpan brush, that it is not a graffiti implement. Who in their right mind would consider a dustpan brush or a mop to be a graffiti implement?

The Hon. G.E. Gago interjecting:

The Hon. A. BRESSINGTON: No; this is a silly interpretation.

The Hon. G.E. Gago interjecting:

The Hon. A. BRESSINGTON: Yes, it is. It is a stupid—

The Hon. G.E. Gago interjecting:

The CHAIR: Order!

The Hon. A. BRESSINGTON: —interpretation of an amendment that has been put up. We went through this, as I said, with the weapons bill and knives, where the minister herself, in that particular debate, was quite happy for steak knives to be locked up behind a glass cabinet and to have shop assistants have to unlock a cabinet to sell a steak knife to somebody under the age of 18, and they would have to show ID to buy it.

Now we get into the other side of the most ridiculous, where mops, dustpan brushes, toilet paper, and God knows what else, under this, she says, could be interpreted as a graffiti implement. Common sense, you would think, would rule in this, but apparently not. So, when it suits, we can make it as onerous and ridiculous as possible when the government is trying to sell a bill. When the government is trying to oppose an amendment, we do not want stupid and onerous. The inconsistency of all this and how this legislation is written in the first place is the problem, as it was with the weapons bill when we were dealing with knives. It is badly drafted legislation.

The Hon. S.G. WADE: I think the Hon. Ann Bressington's reference to the weapons bill is extremely apposite. Let's remember that we had 61 amendments rejected outright by this government; 50 per cent of those were accepted by the government through the deadlock conference process without amendment. These are amendments that we spent hour after hour being told that they were ridiculous, how silly, they could never work.

Of course, nobody would ever arrest a police officer for going into the presence of a person with a weapons prohibition order. The government accepted that amendment without amendment. Another 25 per cent of those amendments were accepted with modifications where the spirit of the amendment was maintained. Admittedly, 25 per cent of the amendments were rejected by the government and we did not insist on them. This council did not insist on them.

But I think that three out of four ain't bad and, if this council is going to maintain its relevance, it has to continue to challenge the government to improve legislation. Sure, 25 per cent of the amendments on weapons were not perfect. They went through the deadlock conference process. We fixed them. We have a better act because of it. If we cannot cope with these tirades from the minister about how the world will fall in—you never know what people are going to do with a dustpan brush!—we are not going to do our job and we are not going to improve legislation.

The government may well recommit this clause and improve it, it might want to discuss it between the houses, it might want to go to deadlock conference, but I encourage the Legislative Council to maintain its relevance and say that these things should be specified in the act, whatever the final wording might be. Let us keep true to the principle of this council, and this parliament has argued in relation to this act since it was enacted, that these strong provisions should be subject to specific reference in the act.

The Hon. T.A. FRANKS: I thought this might be an appropriate juncture to indicate that the Greens will support the amendment in the name of the Hon. Stephen Wade, not because we support the intent but because we support the definition of 'graffiti implement' actually being defined in the act and not in delegated legislation. We would also prefer to see the definition of 'graffiti' given more clarity in the actual act. We think this bill is not only a craven exercise in more law and order vote-grabbing but also an exercise in stupidity.

When you look at the definition of 'graffiti' under this act that this amendment bill relates to, it is not clear enough to ensure what I believe the government has the intent to do. Certainly the word 'deface' is a subjective word, opening up the whole debate for challenge. Given that, and the Greens opposition to this bill overall, we believe that these measures should be in the act where it is clear and transparent not only for hardware retailers but also for legislators.

The Hon. D.G.E. HOOD: Family First does not support the amendment, basically because I think the government's logic is compelling. The reality is that it does seem to me that the wording of this amendment would make it possible to include other things. I do not think a dust brush is a very good example, mind you, but I think potentially could not a chisel or plane be included or something of that nature? I am sure that is not the Hon. Mr Wade's intention; I am sure it is not the government's intention, but I think under the wording of this amendment it is possible. Certainly, that is not something that we would want to impose upon them.

The Hon. J.A. DARLEY: I will not be supporting the Liberals' amendment.

The committee divided on the amendment:

AYES (10)

Bressington, A.	Dawkins, J.S.L.	Franks, T.A.
Lee, J.S.	Lucas, R.I.	Parnell, M.
Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G. (teller)		

NOES (9)

Darley, J.A.	Finnigan, B.V.	Gago, G.E. (teller)
Gazzola, J.M.	Hood, D.G.E.	Hunter, I.K.
Kandelaars, G.A.	Wortley, R.P.	Zollo, C.

PAIRS (2)

Lensink, J.M.A. Brokenshire, R.L.

Amendment thus carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The Hon. T.A. FRANKS: My question is with regard to the creation of an offence for advertising. From what examples of this practice has the government drawn this legislation, in terms of creating this new offence?

The Hon. G.E. GAGO: I have been advised that we are not aware of any other provision that is the same as this but obviously what we are seeking to do is to prevent advertising of an item in an explicit way that could promote graffiti.

The Hon. T.A. FRANKS: Does that mean that advertising depicting somebody drawing on a wall in some way or drawing on a piece of property, legal or illegal, would actually fall foul of this new offence, regardless of where that was done—whether it was on the Internet, whether it was on TV or whether it was in a magazine?

The Hon. G.E. GAGO: It is unlawful graffiti that is guilty.

The Hon. T.A. FRANKS: Given that it would be advertising, would it not be selling a product? How would that be unlawful?

The Hon. G.E. GAGO: It would have to depict an unlawful event.

The Hon. T.A. FRANKS: Would that include the 'enrol to vote' campaign currently being undertaken by the AEC on the footpaths of Adelaide?

The Hon. G.E. GAGO: I understand that that is not an unlawful campaign.

The Hon. T.A. FRANKS: Yet it depicts graffiti on the streets of Adelaide, having been done by stencils and spray paint. Does that not give rise to an example of a potentially unlawful graffiti act?

The Hon. G.E. GAGO: I have been advised that it is only unlawful graffiti if they do not have permission, a licence or the appropriate authority to perform that graffiti.

The Hon. T.A. FRANKS: I am happy to think that that has probably demonstrated the stupidity of this new offence.

The CHAIR: I would have thought if it was unlawful, it is unlawful, and if they are doing it unlawfully they cop the consequences.

The Hon. T.A. FRANKS: Yes, but this is advertising—specifically advertising being used. If a body is advertising in the way of doing graffiti, clearly the act of the making of that advertisement would not be unlawful, so I am not sure what the point of this offence is, other than for the government to get out and talk about law and order again.

The Hon. G.E. GAGO: It is not rocket science; it is about advertising an implement for the unlawful use of graffiti.

Clause passed.

Clause 7.

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

Page 3, line 14 [clause 7(1)]—Delete 'graffiti implements' and substitute 'prescribed graffiti implements'

I believe it is consequential on [Wade-1] 1.

Amendment carried.

The Hon. S.G. WADE: If it might assist the chair, my understanding and I understand the minister's understanding also is that [Wade-1] 3 through to [Wade-1] 9 are all consequential on [Wade-1] 1.

The CHAIR: That is okay. What you and the minister agree to I might not. This is clause 7, [Wade-1] 3.

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

Page 3, lines 22 and 23 [clause 7(5)]—Delete subclause (5) and substitute:

(5) Section 4(2)—delete subsection (2) and substitute:

(2) However, subsection (1) does not apply in relation to the sale of prescribed graffiti implements of a type excluded from the operation of subsection (1) by the regulations.

Amendment carried; clause as amended passed.

Clause 8.

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

Page 3, line 27 [clause 8, inserted section 5(1)]—Delete 'graffiti implement' and substitute 'prescribed graffiti implement'

Amendment carried; clause as amended passed.

Clause 9.

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

Page 4—

Line 22 [clause 9(1), inserted subsection (1)]—Delete 'graffiti implements' and substitute 'prescribed graffiti implements'

Line 24 [clause 9(2)]—Delete 'graffiti implements' and substitute 'prescribed graffiti implements'

Amendments carried; clause as amended passed.

Clause 10.

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

Page 4, line 29 [clause 10, inserted section 6A]—Delete 'graffiti implement' and substitute 'prescribed graffiti implement'

Amendment carried.

The Hon. T.A. FRANKS: Mr Chairman, I have a question on clause 10. Did the government consult with offenders as to why they offended and specifically as to whether the punishment of the withdrawal of a driving licence would in fact have impacted upon their behaviour?

The Hon. G.E. GAGO: I am advised that we are not aware of that occurring.

The Hon. T.A. FRANKS: So, why did the government think that this would work?

The Hon. G.E. GAGO: I have been advised that, for some repeat offenders, community orders and fines generally do not appear to be working, so this was considered to be one other option that is available to target repeat offenders. It is another tool, if you like, to assist in trying to curb the behaviour of repeat offenders. It involves a discretionary aspect, and it involves the suspension of their driver's licence.

The Hon. T.A. FRANKS: Given the lack of evidence with regard to whether or not this will in fact have any impact on offenders and repeat offenders, is there also any concern by the government that perhaps this will have an impact on increased offending on public transport?

The Hon. G.E. GAGO: I am advised, no.

Clause as amended passed.

Clause 11 passed.

Clause 12.

The CHAIR: There are two amendments in the name of the Hon. Mr Wade. Are they both consequential?

The Hon. S.G. WADE: That is my understanding. I move:

Page 6—

Lines 2 and 3 [clause12(1)]—Delete subclause (1)

Lines 4 and 5 [clause 12(2)]—Delete subclause (2) and substitute:

(2) Section 10(1)(b)—delete 'graffiti implement of a prescribed class' and substitute:

prescribed graffiti implement

Amendments carried; clause as amended passed.

Clause 13.

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

Page 7, after line 25—Insert:

10BA—Expiry of sections 10A and 10B.

Sections 10A and 10B will expire on the expiration of 4 years from the commencement of the sections.

This is in relation to the issue of licence disqualification. The Liberal opposition has always supported the bill as a whole. We supported doubling penalties and increasing imprisonment levels. We are sceptical, though, about the relevance of licence disqualification and whether it will actually produce a reduction in graffiti. As the Hon. Tammy Franks has highlighted, the government has provided no evidence that it has worked, and I am not aware of any evidence that it has worked elsewhere in the world. However, there is a diversity of views as to whether it would work, so we as a Liberal opposition believe there would be value in basically a trialling of these provisions.

The amendment would support the introduction of licence disqualification with a review of the act and, in particular, a review of these provisions in three years from the commencement of the act, and a sunset clause on the provision in four years. That will give us all—both the community and the parliament—the opportunity to see what impact licence disqualification is having. After all, we can look at whether the courts are using it, and I acknowledge here the strong case that the Family First Party makes about the fact that the expectations of the parliament are not always reflected in what is done in the courts. This, as the government has stressed, is a court-based discretionary penalty.

With a review in three years' time and a sunset clause in four, we could assess whether the courts are using it and whether it is actually having an impact on offending behaviour, and, in that sense, it would give us an opportunity to see whether the findings of that review suggest that licence disqualification could be a penalty used in other offences. Let us remember that the basic penalties that our legal system uses are fines, imprisonment and community service.

We do use licence disqualification in relation to traffic offences, but it is not a general penalty but a targeted penalty. If the evidence of the review is that it has a significant impact, this parliament may well be attracted to its broader use, not even maintaining the licence disqualification in this bill, but it may be relevant otherwise. I am actually suspicious of the government's motives in wanting to try licence disqualification. Let us remember that the government has a backlog of more than $200 million in fines that it has not collected. It is certainly easier and cheaper to cancel somebody's licence than it is to chase them for a fine, but I suggest to the parliament that the easy option is not always the best option.

In terms of the general effectiveness, the fact is that penalties tend to have a greater impact when they are connected to the event, and we are also concerned about the impact on regional South Australians. These are all factors that could be wound into the review, which we propose would start in three years' time, and they can be part of parliament's consideration of whether to endorse the continuation of licence disqualification after the four-year point.

The Hon. G.E. GAGO: The government opposes this amendment, which would result in the expiry of sections 10A and 10B after four years of operation. Graffiti is an ongoing problem and we need to look at alternative sentencing options to try to deter offenders from committing further acts of graffiti vandalism. If a person is going to continue to vandalise property, then they should not be entitled to the same privileges that law-abiding citizens enjoy.

That being said, the power to make such an order is discretionary, so the court can take all the offender's circumstances into account during sentencing, including what impact a licence

suspension would have on the offender. The government would be happy to review the operation of this act. However, it sees no reasons why sections 10A and 10B should expire after four years. They are not mandatory provisions but simply another tool with which to deter repeat graffiti vandals.

The Hon. D.G.E. HOOD: I indicate that Family First will be inclined to support a review of the act, which I understand is the next amendment from the Hon. Mr Wade. We do so because we believe that the clause the government has within this bill dealing with section 10, which seeks to provide the courts with the power to remove the driver's licence of an offender for a given period, is somewhat contentious—we acknowledge that. However, there is some evidence from the UK and certain states in the US where they have similar deterrents in place available to the courts.

They do have that power, and there is some evidence that it has had at least some level of success, so we will not support a sunset clause on this particular provision because, if a review takes place in three years and the government of the day decides that that law either does not work, needs beefing up or should be removed or whatever the case may be, then we believe a review is the best way to do that rather than simply to remove that particular provision from the bill (or the act as it would be then).

The Hon. T.A. FRANKS: I indicate that the Greens will be supporting this amendment. I say with some cynicism that I think putting a sunset clause in is possibly a way to ensure that the review, in fact, happens. Given that we have just heard from the government that this initiative is not evidence-based and has no research behind it in terms of the drafting and the legislation that we have before us in terms of its effectiveness—and certainly restorative justice does not seem to have been pursued, as something that we know does have an impact on these sorts of behaviours—I welcome the Hon. Stephen Wade's amendment and the Greens will be supporting it.

The Hon. J.A. DARLEY: I will be supporting the opposition's amendment.

The Hon. A. BRESSINGTON: I will be supporting the amendment as well.

The Hon. K.L. VINCENT: I will be supporting it.

Amendment carried.

The Hon. S.G. WADE: I suggest this is consequential on [Wade-1] 1. I move:

Page 7, line 28 [clause 13, inserted section 10C(1)]—Delete 'this section' and substitute '5(2)'

Amendment carried; clause as amended passed.

New clause 14.

The CHAIR: There are two further amendments to insert new clauses: one by Mr Wade and one by the minister.

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

Page 7, after line 40—Insert:

14—Review of Act by Attorney-General

(1) The Attorney-General must cause a review of the operation and impact of this Act to be undertaken after the third anniversary of the commencement of this Act.

(2) The review must include consideration of the effectiveness of sections 10A and 10B of the *Graffiti Control Act 2001* (as inserted into that Act by section 13 of this Act) in reducing offending for prescribed graffiti offences (within the meaning of those sections).

(3) A report on the results of the review must be submitted to the Attorney-General within 3 months after the third anniversary of the commencement of this Act.

(4) The Attorney-General must, within 12 sitting days after receiving the report under this section, cause copies of the report to be laid before both Houses of Parliament.

I suggest to the minister that, considering that the committee supported [Wade-1] 10, my amendment is the consequential amendment to [Wade-1] 10 and should be preferred. Put it this way: if the committee had not supported the sunset clause on licence disqualification then the simpler review that the government is suggesting would have been relevant but, considering that the committee has supported the sunset clause on licence disqualification, it is appropriate that proposed subsection (2) in my amendment is the preferred form of the review. In any event, I have moved [Wade-1] 12. If the minister does not regard it as consequential I am happy to speak to it.

The Hon. G.E. GAGO: I think this might be a good time to report progress. There are implications here that the Attorney-General should have an opportunity consider. There have also been amendments which have been supported in this place and which I am sure the Attorney would like an opportunity to reconsider as well, with the possibility of perhaps recommitting certain sections.

Progress reported; committee to sit again.

TAFE SA BILL

Adjourned debate on second reading.

(Continued from 12 June 2012.)

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:24): I would like to thank the Hon. Kelly Vincent, the Hon. Rob Lucas and the Hon. Tammy Franks for their contributions to the second reading. I will endeavour to respond to all of the concerns and queries raised here or in committee.

The Skills for All initiative deals with a major skills challenge facing the state from a rapidly changing economy and our ageing population. A skilled workforce is fundamental to realising South Australia's potential for a higher growth economy. Under Skills for All, the state government will give eligible South Australians an entitlement to a government-funded training place that provides them with the ability to select the training provider of their choice.

It is important to note that this is not a voucher system. TAFE SA will play a crucial role in training for our future workforce and the South Australian government is providing strong support to TAFE SA in this regard. For instance, the state budget included an extra $38 million for a new mining engineering centre to be built at Regency. In total, around $250 million of new funding has been committed to upgrading TAFE SA infrastructure over the past two years.

Under Skills for All, TAFE SA will have the opportunity to grow its student numbers in areas of high student demand and this has already been reflected in the significant increase in student enrolments in TAFE SA this year. The government recognises that TAFE SA provides many courses and extra supports for students over and beyond that of the many private training providers, including delivery in around 50 different campuses across the state.

In recognition of this, TAFE will be receiving a higher payment for training to ensure that it continues to offer the same level of training, especially in the regions. TAFE SA will also receive funding for community services, including support for small campuses in regional locations and services to disadvantaged groups, such as those training on the APY lands and for the Aboriginal Access Centre.

To meet the skill challenge in South Australia, the government has committed an additional $194 million in training over six years to fund 100,000 additional training places. The training market is larger and to meet the skill challenge we require more training providers to deliver the additional training places. Opening up the market to other training providers, while supporting TAFE SA to flourish in this contestable environment, will benefit South Australians with more choice and greater opportunity.

For over 10 years, funding for apprentices and trainees has been contestable in South Australia and available to TAFE SA and private training providers, including group training organisations. Over this time, TAFE SA has continued to be the major training provider. South Australian apprentices and trainees have benefitted, with good training outcomes as a result of the open trainee market. The government is committed to ensuring that South Australia's reputation for quality training is maintained when the training market is made more contestable under Skills for All.

Training providers accessing the funding must be separately approved through a rigorous assessment process. If approved, they will be given a contract with specific requirements over and above the requirements as a registered training organisation. Their performance will be monitored throughout the term of their contract as a Skills for All training provider and if grounds exist it will be terminated. Surveys will be carried out with employers and students to assess the quality of training outcomes. These measures are in addition to those that already exist and are not in place in Victoria where the media has reported problems with the quality of training delivery under a contestable market arrangement.

South Australia will also introduce a system of caps which will enable the government to limit funding courses in a particular field where there is an over-supply and limited job opportunities. Whilst the market will be opened up to more training providers, it will be closely monitored and managed by the state government.

Regarding the National Partnership Agreement, the commonwealth government recently reiterated its commitment to agreement on skills reform through the 2012 policy document entitled, 'Skills for All Australians'. South Australia concluded a bilateral agreement with the commonwealth which affirmed South Australia's status as a reform state. Through this agreement, the commonwealth has committed $1.75 billion over five years to achieve key reforms to be negotiated with the states and territories through the Council of Australian Governments.

The key reforms include: a national entitlement to training; wider access to VET student loans to reduce upfront cost barriers to study at a diploma and advanced diploma level; increased availability of information about courses, costs and training provider quality through the new MySkills website; support for quality teaching and assessment; support for a strong public training provider network through the implementation of reforms to ensure a high quality training system that is accessible to all Australians; and incentives to achieve improved completion of full qualifications, particularly at a high level and for disadvantaged students.

The Skills for All reforms have met the majority of these policy objectives through initiatives such as introducing an entitlement to a government funded training place where certificate I and II level qualifications are fully funded; enabling wider access to income contingent loans for students in the publicly funded courses; developing a new Skills for All website with extensive information on career, training pathway options and training providers to help South Australians make informed choices about how to use their entitlement which will then link into the commonwealth My School website; separating the role of the funder and the training provider by introducing legislation to establish TAFE SA as a statutory corporation; supporting TAFE SA as the public training provider through higher subsidies and community services funding, and a number of other support programs to help disadvantaged students complete qualifications such as learner support services.

As a result of the implementation of the government's Skills for All initiative to date and the legislation before this house currently, South Australia, as a signatory to the national partnership, is well placed to receive funding through this agreement and has been declared a reform state by the commonwealth government.

This means that from July 2012, subject to training providers receiving approval from the commonwealth government, students undertaking publicly funded training in South Australia will have access to income contingent loans to help defer the payment of course fees for diplomas and advanced diplomas until they are earning a sustainable income.

As announced in the recent federal budget papers, the extension of income contingent loans will be trialled for higher demand certificate IV courses, including courses in aged care and community services, disability work, plumbing and services, training and assessment, and competitive manufacturing. The trial will commence in South Australia on 1 January 2013. Through this scheme the government will help remove the financial barriers to training with higher course fees. Students will repay their VET FEE-HELP loans gradually through the tax system once their incomes are above the minimum repayment threshold set by the Australian Taxation Office.

The implementation plan to achieve the objectives outlined in the national partnership with the commonwealth is subject to continuing negotiations with the state and commonwealth governments in line with standard processes. The implementation plan will detail how South Australia will implement the reforms that it has committed to in the national partnership, concluded at COAG in its bilateral agreement with the commonwealth.

The South Australian government is negotiating the contents of the implementation plan with the commonwealth and, when concluded, will be subject to a cabinet approval process before being approved by responsible state and commonwealth ministers. We understand that this implementation plan will be available on the Standing Council on Federal Financial Relations website once finalised.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: I must admit I had to vacate the chamber for three minutes to get my files while the minister was responding to the second reading, so I want to clarify something with the minister. I assumed that what the minister was going to do was place on the record at the second reading answers on behalf of the minister that had been provided in writing to me, and also the shadow minister and the members for Unley and Goyder who had asked questions in another place. Those answers have not been put on the record. Given the shortness of the minister's response, I am assuming that he has not put on the record the—

The Hon. R.P. Wortley: I've got them here. I can do it.

The Hon. R.I. LUCAS: Yes, well, that is what I was going to check. If the minister is not going to put on the record the answers to the questions that were put during the second reading debate, then we will have to do it through the committee stage. I will have to get up and quote the minister's responses.

As I said, I thought the minister was going to provide those answers during the second reading stage because it does clarify, at least from the government's viewpoint, a range of questions that were asked during the second reading stage. As I said, I did not hear all of the ministers responses in the second reading—whether they answered the questions the Hon. Tammy Franks put, for example.

It is really in the hands of the minister, but my suggestion is that he could at clause 1, if he has not already, put on the record what the answers to the questions are. That would allow members to read overnight responses to the questions, and that would allow us to expedite the committee stage when we sit tomorrow. I have seen the answers to questions put by Liberal members, but I obviously have not seen the answers to questions asked by the Hon. Tammy Franks and other members. I am in the minister's hands.

I think the very least we need to get on the record are the answers to questions. Just to help the minister, the very helpful letter that has been sent to me in relation to my questions (which take up some six pages), half of the space is taken up by repeating what was in *Hansard*. Rather than repeating that part of the letter which repeats all of *Hansard*, I would be very happy if the minister makes reference to the page number without having to read all of that, and in that way we will shorten the minister's time in terms of placing on the record the government's responses to the questions put by me.

There is also a two-page letter with an attachment which the member for Unley received to questions he put in the House of Assembly debate and which I repeated in my contribution, and there is a one-page response to the member for Goyder. Again, a good part of those letters is just repeating what is in *Hansard*, which I do not think is required. I think it is important that the government's response to questions asked by the shadow minister in the other place, and certainly by members in this chamber, are placed on the public record and are there for all other members to look at and analyse themselves.

The Hon. R.P. WORTLEY: I do have the response to the questions asked by the Hon. Mr Lucas. They were sent to him in a letter, but I do agree that other members should really hear those responses. So, I can go through that right now if you want.

In relation to the TAFE Bill 2012, the Hon. Mr Lucas asked the following question: can the minister outline what will be the dividend policy that Treasury will require of TAFE SA should, at some stage in the future, it makes profits on its operations, as the minister has outlined he believes will happen in the reasonably short term; or will the agency not be required either to repay capital or pay a dividend, or any sort of additional financial return based on its profitability, back to Treasury? Will it be able to keep 100 per cent of its profits irrespective of the level of the profitability of the agency?

I can advise that TAFE SA, as a statutory corporation, will operate in accordance with the provisions of the Public Corporations Act 1993. This includes the development and implementation of a performance statement prepared by the minister and Treasurer after consultation with the TAFE SA Board of Directors. This performance statement will include provision for the payment of dividends by the corporation to the Treasurer out of any profits it may generate. The performance statement will be finalised prior to commencement of a corporation.

Section 30 of the Public Corporations Act 1993, which provides for the payment of dividends by statutory corporations, will apply to TAFE SA. Unless otherwise required by the Treasurer, TAFE must, before the end of each financial year, recommend by writing to the

Treasurer that TAFE SA pay a specified dividend, or not pay any dividend, for that year, as TAFE SA considers appropriate.

The Treasurer may accept or vary the recommendation by TAFE SA in relation to dividends, after consultation with TAFE SA's minister, by notice in writing to TAFE SA. Interim dividends are provided for in the legislation in the same way; that is, first, a recommendation from TAFE SA and then a final determination by the Treasurer.

The Hon. Mr Lucas said that one of the issues he wanted to seek answers from the government about was the budget treatment of the new agency via the current budget treatment for DFEEST. In broad terms, DFEEST is currently in what he would call a normal or usual government department or agency and is included in what is called the general government sector for budget purposes; therefore, its surplus or its deficit is an impact on what is called the net operating balance which is produced by Treasury in the budget papers, which we will see later today. He understood that we are likely to be seeing a net operating deficit of up to $800 million a year for the next couple of years, but the calculation is done on a budget sector defined as a general government sector.

The budget management and accounting arrangements currently proposed for TAFE SA and for its separation from DFEEST are being prepared subject to the passage of this legislation on the basis of its current classification status, that is that TAFE SA is within the general government sector. This is the basis of the 2012-13 budget and forward estimates. Ultimately, the question of whether TAFE SA is classified as being within the general government sector or whether it is a public non-financial corporation is a determination made by the Australian Bureau of Statistics. A classification submission is being made by Treasury to the ABS seeking this determination.

While the government is dependent on the ABS determination before the specific accounting treatment can be finalised, the final controls and objectives of the corporation will be essentially the same. The approved budget management and control framework that have been implemented for TAFE SA requires it to comply with budget approval, monitoring and reporting requirements as set out by Treasury in relation to all government agencies. TAFE SA will be accountable for achieving the budgeted operating outcome. This will be monitored and managed through the budget management processes established by the Treasurer.

The TAFE SA chief executive will be accountable under the government's chief executive financial accountability framework for the TAFE SA board of directors and the minister. Financial accountability will be against a government-approved budget, and TAFE SA will be expected to comply with budget monitoring and reporting requirements set by Treasury in relation to all government agencies. Any adverse budget impacts will be identified with Treasury.

Budget issues and mitigating strategies will need to be escalated through the TAFE SA board of directors and the minister. It will be the responsibility of the minister in consultation with the TAFE SA board to provide advice to the Treasurer on any corrective strategies to be considered. Variations to approved TAFE SA expenditure authorities or revenue budgets must be sought via an application to the annual budget process or via a separate submission to cabinet where a matter of such significance warrants.

What is the position of TAFE SA in relation to compulsory redundancies given that there will now be a competitive market and given that TAFE SA will be competing and is clearly not in a position to give any guarantee that TAFE SA will continue to maintain 80 per cent of the market share? If it was to decline, how does TAFE SA manage its staffing and employment expenses if it does not have the option of forced redundancies?

The questions to the minister were: who finally controls the level of deficit that TAFE SA can run? Who actually finally approves the level of deficit that TAFE SA signs off on? Does minister Kenyon's equivalent (whatever that is to be called in the future) have to approve and authorise the TAFE SA budget for next year? Is it the Treasurer? Does he or she have to sign off on that? Is it both or does neither minister have any role in approving and authorising its budget?

Mr Lucas was seeking specific responses to those questions, as to whether a board or a CEO decision to run deficits of some magnitude for a year require approval by someone other than themselves. The other question is: does TAFE SA independently have complete authority over the level of fees and charges imposed to help it balance its budget? If it does not, does it have to be approved by the appropriate minister equivalent or the Treasurer in future? Again, he sought a detailed response from the minister in relation to that.

He also asked: in relation to TAFE SA as it moves through in the first instance of voluntary redundancies, will the up-front costs of voluntary redundancies be subsidised by way of loan or other arrangements from the Treasurer to TAFE SA to help it fund the up-front costs of voluntary redundancies? He also asked: in the first instance as we are moving through the voluntary redundancies, will the Treasurer either loan or provide an appropriation to TAFE SA to fund up-front costs of voluntary redundancies?

I am advised that, under current departmental arrangements, TAFE SA's financial performance is addressed within the overall portfolio budgets of the Department of Further Education, Employment, Science and Technology (DFEEST). The financial management arrangements that will be implemented once TAFE SA becomes a statutory authority will continue to require TAFE to develop a budget that is in accordance with financial targets set for the further education, employment, science and technology portfolio in the budget. The budget performance of DFEEST and TAFE SA will be managed in accordance with the budget allocated to the portfolio.

The final accountability of the board and the TAFE chief executive will be determined by this requirement. While the board will determine the financial plan for the corporation, this plan must comply with the financial parameters set by the government through the Budget Performance Statement.

Appropriation funding will be made to DFEEST which will have responsibility for management of portfolio financial outcomes. However, the corporation, consistent with its more commercial charter, will be able to establish its approved budget on a net operating outcome basis, recognising interdependency of the revenues and expenditure in a market-based environment. This reflects the fact that TAFE SA will be dependent on revenue flows that are determined by client choice.

The funding model established for Skills for All accommodates this approach in a number of ways. It provides differential pricing for TAFE SA in recognition of cost factors determined by government policy and community services funding for non-commercial activities required of it by government. Funding for community service obligations by Treasury were identified, as well as structural adjustment funding to support significant changes that TAFE may need to implement as it positions itself in a more competitive VET system.

In response to the question on the TAFE SA Bill raised by the Hon. Rob Lucas about TAFE SA's position and authority in relation to employment arrangements and excess staff separations recorded on pages 1394 to 1395 of *Hansard* on 31 May 2012, I am advised that employment arrangements will be in accordance with those agreed through an enterprise agreement. TAFE is currently utilising targeted voluntary separation packages on the same terms as other government agencies and will continue to. Under these arrangements, TAFE SA staff separations are funded by Treasury, DFEEST and TAFE SA like other government agencies managing excess staff where positions have been declared surplus and staff have opted not to separate.

Any cost pressure risks are managed with the Skills for All funding model arrangements as part of the portfolio budget. In response to the question on the TAFE SA Bill raised by the Hon. Rob Lucas about TAFE SA's authority over fees and charges recorded on pages 1394 and 1395 of *Hansard* on 31 May, advice to me is that TAFE SA must comply with the Skills for All policy like any other training provider.

Under this policy no fees can be charged for entry levels, certificates I and II and priority qualifications. This is reflected in high subsidies for these courses to address revenue implications. Fees can be charged for certificate III and above qualifications with a capped upper limit that is currently set at $7,000. Within this policy structure student choices and competition will operate.

In response to a question on the TAFE SA Bill 2012 raised by the Hon. Rob Lucas about superseded provisions in the legislation relating to employment terms and conditions of TAFE staff, recorded on page 1396 of *Hansard* of 31 May 2012, consultation on the legislation took place with a wide range of stakeholders, including TAFE SA staff, unions representing staff and the higher education sector, peak bodies representing business and other public and private sector organisations.

The legislation aims to establish TAFE SA as a statutory corporation and reform the necessary governance arrangements. The consultation did not cover the employment terms and conditions, as these were not addressed in the legislation. The current Technical and Further Education Act 1975 is unique in that it contains legislative employment provisions, some of which

are currently supplemented and in some cases superseded by an industrial instrument created under the Fair Work Act 1994.

The existing employment terms and conditions in the Technical and Further Education Act 1975 will be transferred to the schedule to maintain the status quo and to reassure staff that there are no changes to employment terms and conditions proposed through this governance reform. They remain preserved as the minimum terms and conditions in the legislation, should enterprise bargaining negotiations in future seek to affect those subject areas.

The legislation will see the Technical and Further Education Act 1975 repealed. The application of the schedule allows for flexibility in the future. If industrial agreements supersede all the legislative provisions, it may be removed. This will be managed through the enterprise bargaining process. The legislation has been drafted so that, if this situation eventuates, the schedule can be removed without affecting the governance arrangements for TAFE SA.

I have a number of responses to questions raised by David Pisoni. In response to questions on the TAFE SA Bill 2012 raised by Mr Pisoni, the member for Unley, recorded on page 1600 of *Hansard* of 16 May 2012, TAFE SA will be accountable for achieving the budget operating outcome. This will be monitored and managed through Budget managerial processes established by the Treasurer.

Monitoring arrangements will be consistent with other general government entities. The TAFE SA Chief Executive will be accountable under the government's chief executive financial accountability framework through the TAFE SA Board of Directors and the minister. Financial accountability will be against the cabinet approved budget, and TAFE SA will be expected to comply with budget monitoring and reporting requirements set by Treasury in relation to all government agencies.

While this reporting will be provided to Treasury, it will also be provided to DFEEST to enable the department to assess and advise the minister on the overall portfolio budget positions. Any adverse budget impacts will be identified with Treasury and DFEEST through this process. Budget issues and mitigating strategies will need to be escalated through the TAFE SA Board of Directors and minister.

It will be the responsibility of the minister, in consultation with the TAFE SA Board, to provide advice to the Treasurer on any corrective strategies to be considered. This will be undertaken in consultation with the DFEEST chief executive, who will, on behalf of the minister, have responsibility for assessment and advice on the portfolio budget position and the measures to address adverse impacts.

Variations to approved TAFE SA expenditure authority or revenue budget must be sought by an application to annual budget process or via a separate submission to cabinet where a matter of such significance warrants. Based on the March 2012 year-to-date position, there is a risk that TAFE SA will report a deficit of approximately 2 per cent for the financial year 2011-12. Budget measures to offset this deterioration are currently being considered. Based on the historical annual operating result of TAFE SA from the 2007-08 financial year, TAFE SA has a five-year accumulated deficit of around $8.4 million.

In response to a question on the TAFE SA Bill 2012 raised by Mr Pisoni and recorded on pages 1602 and 1603 of *Hansard* of 16 May 2012, since the commencement of the TVSP scheme a total of 130 targeted voluntary separation package offers have been made across the Department of Further Education, Employment, Science and Technology. Of these, 95 have been offered to TAFE SA employees. Of these 137 offers, 83 employees have accepted TVSPs and separated. Of the 83 employees who have accepted TVSPs, 57 were from TAFE SA and the remaining 26 were from DFEEST.

Since the commencement of the TVSP scheme, three TAFE SA employees declared excess have resigned and 28 have been placed into ongoing permanent placements. The house was advised on 16 May 2012 that 80 employees were currently declared excess across DFEEST and TAFE SA combined. I am also advised that the most up-to-date figure from 10 May 2012 is 82 employees; the total number fluctuates from week to week. Of these 82 employees, 63 are at TAFE SA. Of these 63 employees, four have accepted TVSPs but not separated, 17 are in funded and partially-funded temporary work placements and the remaining 46 are unfunded. I seek leave to table a graph.

Leave granted.

The Hon. R.P. WORTLEY: Seventeen employees declared excess are in funded temporary positions. In response to a question on the TAFE SA Bill raised by Mr Pisoni and recorded on page 1603 of *Hansard* of 16 May 2012, as was advised in the house on 16 May 2012 Ms Elaine Bensted is a former deputy chief executive officer of the Department of Further Education, Employment, Science and Technology and has transferred across to the office of TAFE SA under her existing salary and conditions.

Ultimately, who the chief executive of TAFE SA is and the rate at which they are paid will be a decision for the TAFE SA board of directors. Once the board is set up and the statutory corporation is operating, the minister will approve the appointment of the chief executive by the board and will approve the terms and conditions of that appointment. During the committee stage, the house was given an approximate figure of $280,000 as the value of the salary package for Ms Elaine Bensted, the current Chief Executive of TAFE SA. I can now confirm that the exact figure is $276,862.

In response to a question on the TAFE SA Bill 2012 raised by Mr Pisoni, the member for Unley, and recorded on pages 1605 to 1606 of *Hansard* of 16 May 2012, the commonwealth has advised that South Australia, through its reforms of vocational education and training, meets the commonwealth requirements as a reformed state. Recognition as a reformed state allows all registered training organisations accessing state government funding to apply for VET FEE-HELP. This means that Skills for All training providers, whether TAFE SA or non-TAFE SA, can apply to the commonwealth to access and offer VET FEE-HELP to their students on Skills for All training courses.

The declaration as a reformed state does not affect non-TAFE SA RTOs who are currently approved to offer VET FEE-HELP to students. They will continue to be able to offer those income-contingent loans even if they choose not to participate in the Skills for All market. An application arrangement and the funding arrangements are identical whether TAFE SA or non-TAFE SA.

In response to a question on the TAFE bill raised by Mr Griffiths, member for Goyder, recorded on page 1606 of *Hansard* on 16 May 2012, I can confirm that TAFE SA will have its own insurance through the South Australian Government Financing Authority. The Insurance division of SAFA operates using the SAICORP trading name. This is no different to other public organisations and agencies.

In response to a question on the TAFE SA Bill 2012 raised by Mr Pisoni, recorded on page 1607 of *Hansard* on 16 May 2012, in terms of ongoing monitoring and compliance with visa conditions, under part D of the national code of the commonwealth's Education Services for Overseas Students Act 2000, all registered training organisations are required to systematically monitor students' compliance with students' visa conditions relating to attendance and are required to notify and counsel students who are at risk of failing to meet attendance requirements.

If students have breached attendance requirements, training providers are required to report noncompliance through the Provider Registration and International Students Management System. It is then the responsibility of the commonwealth Department of Immigration and Citizenship. Students must have a confirmation of enrolment from an education provider before they can apply for a student visa. Beyond the application, an enrolment provider has no involvement in the approval for a student visa. Those are the answers to the questions.

The Hon. R.I. LUCAS: As I suggested before, it would seem to make sense that we should report progress. I indicate that my expectation is that we should be able to conclude the committee stage relatively expeditiously tomorrow, when members have had a chance to have a look at some of those complicated responses. There is just one question I wanted to put to the minister's advisers, if we are going to report progress tonight, in terms of trying to provide a further answer for the committee stage tomorrow.

One of the questions asked by the member for Unley was in relation to the level of debt that TAFE SA will be carrying. In response to that, the minister's advisers have indicated that the annual cumulative deficit of the last five years is $8.4 million and that the expected deficit for this year is 2 per cent. I just ask the minister if, tomorrow when we reconvene, he can indicate what that 2 per cent is; that is, how many millions of dollars are we talking about?

I know the question the member for Unley is asking is that, if TAFE SA is to be separated as a separate body, what will be the state of it is books when it starts up? Is it going to start off with the accumulated deficits of $8.4 million plus 2 per cent of this year's budget deficit so that it starts off with a net debt of $10 million or $15 million or something like that on its books as a separate

body or agency, or will that be, in essence, written off by Treasury or left with the parent body of DFEEST?

In essence, TAFE SA is going to be asked to run as a statutory operation with its board, set its fees and all those sorts of things. If it starts off with a clean financial sheet, that is one thing in terms of the level of fees it is going to set, etc. If it starts off with a big deficit and a debt on its books, then it is going to have to work to charge fees at a higher level, to pay that debt and deficit off over a period of time.

The answers that the minister has just read onto the record do not appear to answer that question. I think it would not just be me as a member: I suspect other members in this chamber would be interested to know, before we are asked to finally vote on this, exactly how it is to be set up in terms of its books. So, if I could ask the minister overnight and his advisers to bring back some answers to that tomorrow and put them on the record, I think that would assist.

The only other question I flag is the minister's reply to my question, which was my guess was that TAFE SA was going to be set up as what is called a PNFC—a public non-financial corporation—that is taken out of the general government sector; it is not a normal department. The minister's response was that that is ultimately a decision of the Australian Bureau of Statistics as to whether it is going to be a department or a PNFC. It then goes on to say that a classification submission has been made by Treasury to the ABS, seeking this determination.

I am sure that is technically correct, but my experience is that Treasury actually argues for one thing or the other. It does not just go off and say, 'Hey; you make the decision.' My suspicion is that Treasury will argue this should be a PNFC and these are the reasons why it should be, and the ABS will either say it agrees or it does not agree. So, what I am seeking is confirmation that Treasury, in making its submission, is actually arguing the case that it should be a PNFC taken out of the general government sector.

That then comes back to the question I asked earlier about what is the state of its books, if it is going to be. If it goes off into what is called the PNFC sector, it therefore does not impact on the net operating balance of the general government sector. I know that is all complicated. I put it on the record. The Treasury advisers and the minister's advisers will understand it and, if we can get an answer tomorrow, that should expedite the committee stages of the debate tomorrow.

The Hon. R.P. WORTLEY: We will answer most of those questions tomorrow. Two per cent is around about $5.5 million.

The Hon. T.A. FRANKS: My question regarding the implementation plan was not when it would be made public, but was calling for it to be made public and, in fact, tabled in this council. So, I clarify that was the question I asked, and we would welcome seeing the implementation plan before proceeding with debate.

The Hon. R.P. WORTLEY: Once it has been finally agreed to it will be made a public document and it will be tabled in parliament.

Progress reported; committee to sit again.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The House of Assembly requested that a conference be granted to it respecting certain amendments to the bill. In the event of a conference being agreed to, the House of Assembly would be represented at the conference by five managers.

APPROPRIATION BILL 2012

The House of Assembly requested that the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago), the Minister for Industrial Relations (Hon. R.P. Wortley) and the Minister for Communities and Social Inclusion (Hon. I.K. Hunter), members of the Legislative Council, attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:07): I move:

That the Minister for Agriculture, Food and Fisheries (Hon, G.E. Gago), the Minister for Industrial Relations (Hon. R.P. Wortley) and the Minister for Communities and Social Inclusion (Hon. I.K. Hunter) have leave to attend

and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

At 18:08 the council adjourned until Thursday 14 June 2012 at 14:15.