

LEGISLATIVE COUNCIL

Tuesday, 17 June 2014

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge that this land we meet on today is the traditional land of the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

Condolence

BANFIELD, HON. D.H.L.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:18): By leave, I move:

That the Legislative Council expresses its deep regret at the passing of the Hon. Donald Hubert Louis Banfield, former minister of the Crown and a member of the Legislative Council, and places on record its appreciation of his distinguished public service and that, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

I rise today to pay my respects to Donald Banfield. Don Banfield was the third child of a family of seven and was raised in Wirrabara. He was quoted as saying that the Salvation Army was also in the town and that they relied on Don's brothers and sisters to make up the numbers at Sunday School.

At the age of 15, the Great Depression hit and many farmers and residents of the town struggled to pay their bills. Don's father was one of those and, as a result, was forced to close his shoe store, and he offered to work for Rossiters Ltd, which was his largest creditor, and to have a percentage of his wages deducted each week to offset his debt. The offer was accepted and, soon after, he commenced work with Rossiters and was able to get Don a job with that firm. As a result, Don left school before graduating and became an apprentice bootmaker. Unfortunately, he was dismissed, as was the case back then with most apprentices when they had completed their apprenticeship. Don was not unemployed for long, as the war was looming and Rossiters gained a large contract to make military boots, and I understand that he got his job back.

Don volunteered to join the Air Force but was knocked back since he was working in a protected industry. A couple of years later, he again volunteered, and this time the Air Force accepted him but did not send him overseas. Don served his time at various Air Force bases in Australia and, after his discharge, he returned to work at Rossiters. He was approached to take the position of union shop steward and accepted. He was later elected to the full-time position of SA branch secretary of the boot trades union and he held that position for 17 years. He was also a former president and executive member of the Trades and Labour Council.

Don Banfield became a member of the Legislative Council in 1965 and served until May 1979. In 1973, he was appointed health minister by the premier at the time, Don Dunstan, replacing the Hon. Bert Shard, who retired from cabinet following the first meeting of the parliamentary ALP following that year's election. Then, from 1975 to 1977, he was appointed chief secretary, additional to his role as the minister for health. In 1977, whilst again retaining his health portfolio, Don was appointed minister assisting the deputy premier. Don remained health minister until March 1979 when he was appointed as the attorney-general, minister assisting the premier in ethnic affairs and minister of prices and consumer affairs.

I did not know Don Banfield personally but I have noted with interest his deep commitment to children with special needs during his lifetime. I understand that Don and his wife Doreen's first son was born with an intellectual handicap and, after talking with parents of children with similar problems, he resolved that something needed to be done and that the government should be doing more. Arising from that meeting in 1950, Don became a foundation member of the children's society

that worked to assist children with special needs, known at the time as the Mentally Retarded Children's Society.

In this role he was a strong advocate for the Strathmont Special School and supported the integration of young people with intellectual disabilities into workplaces. I have also been pleased to learn of comments that Don made early in his career as a member of the Legislative Council during the mid-1960s—and let us remember that it was the 1960s—where he actually spoke out against restrictions on women exercising their vote in the upper house. In fact, the local newspaper recorded his words at the time in March 1965:

It is ludicrous that women should have a vote equal to their husbands in the Lower House...but not for the Upper House, which can frustrate anything the Lower House does. A fair go for women in electoral matters in this State will be a prelude to their receiving equal pay for equal work, which is part of Labor Party policy and which has already been given substantial effect by a Labor Government in New South Wales.

He concluded these comments by saying that he believed:

...in one roll for the election for both the Upper House and the Lower House of the State Parliament, thus ensuring citizens the right to vote for both Houses.

I am indeed very pleased to learn of these sentiments and I am glad to have the opportunity to recount those comments to you here today as we pay our respects to a former member of this place.

I was further pleased to learn of a ministerial statement that Don made in July 1978 on prostitution. He made reference to a motion in the *Notice Paper* that sought to establish a select committee to inquire into prostitution in this state. In this statement he raised concerns about any inquiry being able to obtain the evidence necessary for it to draw conclusions and table a report given the issue related to matters that were at that time prohibited by criminal law—and still are today, of course. He called for this select committee to be provided the necessary immunities in the same way that was done in respect of the Royal Commission on the Non-Medical Use of Drugs. This allowed sex workers the opportunity to speak up without fear of prosecution.

Along with his support for children with special needs, he also spoke out about the stresses that workers faced in their jobs, drawing attention to the frustrations that people carry from their workplaces into their homes. It is a message that, like his comments about equality for women, holds true even today and gives an indication of some of the forward thinking that was part of the political leaders of that day. He spoke about mental illness of workers in the 1970s during Recovery Week which aimed at focusing greater attention on mental illness in industry and commerce.

He lent his own voice and experiences to promoting the cause of good health and was photographed while having his annual medical check-up in an attempt to raise awareness of the cost and impact of heart attacks in Australia. He joined the Heart Fund's Cyclathon in 1977 to raise money for heart disease research. It is pleasing to learn of such strong advocacy from a former member.

In 1994 Don gave a speech to the Eastwood Community Group who had asked him to talk about his life and bring along his Order of Australia medal. In his speech he was reported to acknowledge that he was only the recipient of such an award as the result of achievements gained with the help of a lot of other people over many years. He went on to say that he believed no-one can get anywhere without the assistance of others. I think these really are the words of a truly humble person and words that we should all remember both in a professional and personal capacity.

In closing, I commend Don Banfield's long service to South Australia and to this parliament. I pass on my condolences to his son, Keith, daughter-in-law, Sandra, his grandchildren and his friends at his passing.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I rise on behalf of the opposition to second and endorse the remarks already made by the Leader of the Government. I believe my colleague the Hon. John Dawkins will add some further comments when I have completed mine.

The Hon. Donald Hubert Louis Banfield, or Don Banfield, recently passed away at the age of 97. He was born and raised in Adelaide, starting his life in Plympton in September 1916. Don Banfield was married with two children. As the Leader of the Government said, one of Mr Banfield's sons, Robert, was born with a disability and this spurred him to have a lasting and influential involvement in the disability sector, a passion which he later took with him to the state parliament.

He established a lobby group for disabled children, ending with the opening of the state's first special school. He was a foundation member, president and vice-president of the Mentally Retarded Children's Association from 1950, and he remained a life member.

Prior to his election to the Legislative Council, Don Banfield was also SA branch secretary of the boot trades union for 17 years. By all accounts Mr Banfield entered politics with a desire for meaningful change. He had obviously experienced the hardship and emotion of caring for a disabled child and this appeared to motivate him within parliament, particularly in the area of health.

Mr Banfield represented the Australian Labor Party in the Legislative Council from 1965 to 1979. In the Dunstan government he held the health portfolio and throughout his posting he demonstrated genuine concern for the physical and mental wellbeing of his constituency. He was vocal over his concern about the negative mental impact of factory work and he advocated for worker participation and job enrichment. It is interesting that my father was on our local hospital board in the South-East from about 1965, or probably a fraction earlier, through until his death in the early nineties, and I remember him talking about minister Banfield when delegations from the local hospital board met with the minister.

Mr Banfield was passionate in his participation in events to promote awareness of heart health and perhaps with a greater perspective of the true value of good health. After his retirement in 1979, his passion for community wellbeing continued as he became a volunteer Red Cross driver and helped out with Meals on Wheels.

Throughout his final working year, the Hon. Don Banfield also briefly held other notable ministries including attorney-general. He was awarded a Medal of the Order of Australia for his work in the disability sector. Mr Banfield's son, Keith, said he believed his father was the last surviving member of the Dunstan cabinet. On that note, it is sad to say goodbye to some of the last surviving participants of that political era for South Australia. On behalf of the opposition, I extend my great respect and gratitude for his service to the parliament and the state, and send our sincere condolences to his family and friends.

The Hon. J.S.L. DAWKINS (14:30): I briefly rise to support this motion. I met the Hon. Mr Banfield when I was a young lad, I suppose, as my father was in this place for all of the time that the Hon. Mr Banfield was here. Despite their different backgrounds, they developed a friendship and mutual respect for each other that I think many of us in this place acknowledge can be developed across the party lines, and they had a strong regard for each other.

I remember when I came to this place, I met the Hon. Mr Banfield in the refreshment room otherwise known as the bar. I think he used to come in quite regularly for meetings of former members of parliament, and he greeted me as 'Young fella, I remember you, you're Boyd's son.' Every time I bumped into him he told me some stories about my father's time in this place, some of which I think were exaggerated, but I always enjoyed meeting the Hon. Mr Banfield, and I would like to add my condolences to his family.

The PRESIDENT: If there are no further speakers, I ask all honourable members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:32 to 14:46.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Register of New Members' Interests, June 2014—Registrar's Statement
Ordered—That the Statement be printed. (Paper No. 134)

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Report on actions taken following the Coronial Inquiry into the death in custody of
Christopher Aaron Smith, dated May 2014

Regulations under the following Acts—

Legal Practitioners Act 1981—General

State Procurement Act 2004—Prescribed Public Authorities—Legal profession
Conduct Commissioner

District Council By-Laws—

Flinders Ranges—

No. 1—Permits and Penalties

No. 2—Local Government Land

No. 3—Roads

No. 4—Moveable Signs

No. 5—Dogs

No. 6—Cats

No. 7—Waste Management

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Regulations under the following Acts—

Advance Care Directives Act 2013—General

Agricultural and Veterinary Products (Control of Use) Act 2002—Restricted
Agricultural Products

Consent to Medical Treatment and Palliative Care Act 1995—General

Harbors and Navigation Act 1993—Fees

Heavy Vehicle National Law (South Australia) Act 2013—Fees—Variation

Marine Safety (Domestic Commercial Vessel) National Law (Application)
Act 2013—Fees

Motor Vehicles Act 1959—

Accident Towing Roster Scheme—Fees

Fees

National Heavy Vehicle Registration Fees, 2014-15

Primary Industry Funding Schemes Act 1998—Olive Industry Fund

Road Traffic Act 1961—Miscellaneous—Fees—Inspections—Light Vehicle Permits

Government Response to the Final Report of the Select Committee on Dogs and Cats as
Companion Animals

Government Response to the Ninetieth Report of the Natural Resources Committee of
Parliament: 'Bushfire Preparedness of Properties in Bushfire Risk Areas'

By the Minister for Aboriginal Affairs and Reconciliation (Hon. I.K. Hunter)—

Aboriginal Lands Trust—Report, 2011-12

Question Time

YOURAMBULLA CAVES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:51): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the Yourambulla Caves.

Leave granted.

The Hon. D.W. RIDGWAY: I am sure the minister would be familiar with the Yourambulla Caves. They are located 11 kilometres south of Hawker off the main Quorn road and contain Aboriginal paintings which are possibly thousands of years old. Since 1952 they have been of major tourism interest to the visitors to Hawker and it is not uncommon to see cars, campervans and buses in the car park. The cave site is on the property of a local called Trevor Jarvis.

In 2012 the manager of the Aboriginal Heritage Branch wrote to him, explaining that due to damage—and I point out that the damage, which I have seen and have a photograph of on my iPhone, is a piece of decking about 50 centimetres long and 75 millimetres wide which requires four nails to fix it—the site was unsafe for tourists and that any liability for injury of a visitor would fall on

him, the landowner. They suggested that he restrict access, providing signage to that effect, fix the damage and produce a long-term management plan.

In December 2012 the property owner placed closed signs on the entrance but they were apparently removed by someone. In December 2013 the manager of Aboriginal heritage in the DPC wrote a similar letter suggesting that the property owner seek legal advice as to his liability. In December the property owners of the cave site and the access road padlocked the entrance gate and restricted access. I visited that site and the public are still ignoring it and jumping the fence and still walking up to the caves and climbing up on the structure to view the paintings.

I should also mention about all of this being demanded of the owner of the land. He is in his mid-70s and I am unsure of his physical and financial capacity to handle the repairs and ongoing maintenance and liability insurance for the caves. My questions to the minister are:

1. Were the steps and decking in place at the Yourambulla Caves, which are now damaged, funded by grants from the Tourism or state Aboriginal Affairs departments via the Flinders Ranges Council?
2. For a period of time, was maintenance of the access road and car park for the caves funded by the Tourism Commission via the Flinders Ranges Council?
3. If indeed the state funded those aspects, is it implicit that the state government has some economic interest in the ongoing tourism operation of the caves?
4. Does the state government fund public liability insurance for the Heysen Trail and a bike trail which go through private properties nearby or adjacent to the cave site?
5. If that is so, and given that Yourambulla Caves provide a similar tourism economic benefit to the state, has it been considered that Yourambulla Caves should be insured at the state government's expense?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): My understanding is that the local council (Flinders Ranges Council) and local stakeholders have been raising this issue with the government for a little time now. My understanding is the degradation of the site has been continuing for many, many years. There is a ladder that is used for access, I understand, and a boardwalk, which are in a dilapidated condition. Whilst, in the short term, the condition of those fixtures could be addressed, it does not address the long-term way forward for sustainable use of such a tourism site and its protection also from the unwanted attentions of tourists who are there without permission.

As to the economic benefit of the site and the tourism benefit the honourable member asked in his question, I am not sure where he gets that information from. To the best of my knowledge, I have not seen any modelling that talks about that. He may have access to some certain information about the tourism and economic benefits but, of course, he has not provided that to me. At this point in time, I am instructed by my department that the best way forward is for them to talk to the stakeholders and the Flinders Ranges Council and, indeed, that is what they are doing.

The PRESIDENT: Supplementary, Hon. Mr Ridgway.

YOURAMBULLA CAVES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:56): In relation to public liability insurance, is it true that the Heysen Trail and other bike trails nearby are covered by the state government public liability?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): Mr President, if the honourable member is not satisfied by my answer, he can go off and do whatever he likes but, as I say, we are trying to work towards a sustainable future for these tourism assets of the state, and working with the local council, the local stakeholders and our department is the only way of finding a viable way forward to the future.

YOURAMBULLA CAVES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:56): I have a further supplementary. Is the minister saying the Heysen Trail is not covered by any state government public liability?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): Mr President, I didn't state that at all.

COORONG AND LOWER LAKES

The Hon. J.M.A. LENSINK (14:56): I seek leave to make a brief explanation before—

Members interjecting:

The PRESIDENT: The Hon. Ms Lensink has the floor.

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation—

Members interjecting:

The PRESIDENT: Hon. Ms Lensink, would you like to sit down? We have an hour for question time. This is an opportunity for the opposition to question the ministers. Don't waste it arguing across the chamber. The Hon. Ms Lensink.

The Hon. J.M.A. LENSINK: Thank you, Mr President. I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray regarding Lake Albert.

Leave granted.

The Hon. J.M.A. LENSINK: In December 2012, the government announced a \$740,000 scoping study to be undertaken into the future management of water quality in Lake Albert and the Narrung Narrows. The 12-month study was to suggest potential management strategies to sustain water quality and ecological health in Lake Albert and was due to be completed by the end of December 2013. However, I understand that the results of the study are yet to be released publicly. My questions to the minister are:

1. Can he provide an update as to the status of the study and when it will be released?
2. Was the Meningie Narrung Lakes Irrigators Association invited to fully respond to the final scoping study?
3. Does the government have a preferred option for a connector between Lake Albert and the Coorong?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:58): I am advised that the scoping study was initially planned to be completed by December 2013. However, delays in receiving modelling results led to a delay in the finalisation of the study. My advice is that the steering committee was supportive of an extension, which ensured a more robust outcome.

An options paper setting out the results of the scoping study was subsequently finalised and endorsed by the Lake Albert Scoping Study Steering Committee on 2 May 2014. The options paper will be submitted for commonwealth approval before the end of the financial year and it is envisaged that the options paper will be publicly released shortly thereafter.

I have no awareness of which individual community organisations were invited to be part of the scoping study but it is my expectation, as relayed to a number of meetings down in the local area and, further, to my department, that all interested people who have a stake in the Lake Albert area, in either the environment or the agricultural benefits of the region (and the water salinity being controlled, therefore), should be heard and given full access to this process.

COORONG AND LOWER LAKES

The Hon. J.M.A. LENSINK (14:59): Supplementary question. Is the minister able to advise whether there is a connection option which is in the final report?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:59): Is there a?

The Hon. J.M.A. LENSINK: Connection between Lake Albert and the Coorong.

The Hon. I.K. HUNTER: My understanding is that the connection between the lake and the Coorong was part of a scoping study, but I've had no report back to date to signify any preferred options.

TECHNICAL AND FURTHER EDUCATION INQUIRY

The Hon. S.G. WADE (15:00): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question relating to the House of Representatives' inquiry into the role of technical and further education.

Leave granted.

The Hon. S.G. WADE: The House of Representatives Standing Committee on Education and Employment is currently undertaking an inquiry into the role of the technical and further education system and its operations. The inquiry was established in response to concerns that policy and funding changes are impacting on TAFE's future viability. TAFEs in other states have either appeared before the inquiry or have agreed to appear before it. I am advised that TAFE SA had agreed to appear before the committee on 12 June (that is last Thursday) but pulled out, citing that they had recently received a copy of the South Australian government submission to the inquiry. My questions to the minister are:

1. When did the South Australian government advise TAFE that the government would be making a submission to the House of Representatives Standing Committee on Education and Employment inquiry into the role of TAFE?

2. Given that the government submission was dated May 2014, why did TAFE not withdraw from appearing before the committee until June 2014?

3. Can the minister advise the council whether herself, her office, the Premier or his office gave any direction or guidance to TAFE SA that would have contributed to its decision to cancel its appearance?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:01): I thank the member for his question and for him allowing me the opportunity to set the record straight, because his colleague in another place, Mr Pisoni MP—

The Hon. S.G. Wade: The member for Unley.

The Hon. G.E. GAGO: —member for Unley, has been up to mischief and has basically disseminated completely incorrect information and has been incredibly misleading and mischievous. He has told blatant untruths. I am surprised, because when *The Advertiser* approached us relaying comments from Mr Pisoni we categorically stated that it was incorrect, that TAFE was not gagged in any way, shape or form by the state government in terms of its appearing before the House of Reps standing committee. Not only did we set the media straight but TAFE also, I am advised, told the media that they had not been gagged in any way, shape or form by the South Australian government either. So, what do they do? They go and report a story that says that they were gagged and then put a tiny weeny little comment from me right at the very end that says that of course that was untrue. Unbelievable. Then we have—

Members interjecting:

The PRESIDENT: Can honourable members allow the honourable minister to complete her answer.

The Hon. G.E. GAGO: We made it quite clear that it was an absolute untruth. It was an untruth and it could not be substantiated in any way, shape or form; not in any way. It had no ground to it at all and yet not only was it still reported but we've got the Hon. Stephen Wade coming into this place perpetuating the same untruth.

The decision of TAFE to present to the standing committee was a matter for them. It was their decision; absolutely their decision. They informed me, at my last meeting with them, that they had not intended to present themselves and make a submission. There was a joint, cross-government, written submission made in which TAFE participated. Its opinion was that its views had been represented in the government submission that was put forward, and I believe that is publicly available; that is there for all to see. What it does in terms of submitting to these inquiries is absolutely a matter for TAFE, so the Hon. Stephen Wade would need to ask TAFE why it made that decision.

However, I can categorically say that I did not direct or advise or request—in any way, shape or form—any position about TAFE presenting at this inquiry, and I can absolutely assure the council that neither did any of my colleagues. So it is an absolute furphy.

We see the opposition come into this place time and time again with lies; they are just lies. They are untruths, they are completely unsubstantiated. They make it up out of thin air; no research. The Hon. Stephen Wade has not even bothered to ask TAFE, he has not even bothered to pick up the phone and ask TAFE why it did or did not decide that. TAFE would make the decision about whether it is an independent corporation; it would make a decision about whether it is in its interests to submit to this inquiry or not. That is TAFE's autonomous decision to make.

I did not influence TAFE, I did not direct it; it is TAFE's decision. Yet we see the opposition come into this place—as I said, time and time again—and just tell lies, untruths, that cannot be substantiated in any way, shape or form; not researched. The honourable member does not even have the temerity to pick up the phone and check with TAFE itself, to pick up the phone and ask to speak to the chair or the CEO to ask whether—

The Hon. J.S.L. Dawkins interjecting:

The Hon. G.E. GAGO: What a joke; you think Peter Vaughan is scared of me. Are you joking? They are idiots, Mr President, absolute idiots, that is all I can say. They tell lies, they make things up, and they come into this place—

Members interjecting:

The PRESIDENT: Just hold on for a second. Minister, I would object if the opposition referred to you as an idiot; I do not think it is parliamentary language and I would like you to withdraw that.

The Hon. G.E. GAGO: Thank you for your direction, Mr President. I did get carried away out of sheer frustration at their untruths. I do withdraw the comment about 'idiots' but I do not withdraw my comment about it being a lie.

The Hon. D.W. RIDGWAY: Point of order. The minister cannot come in here all the time and accuse us of lying.

Members interjecting:

The PRESIDENT: Order, Hon. Mr Wade! Minister, I have just been advised that calling an honourable member a liar is also unacceptable.

The Hon. G.E. GAGO: I did not call him a liar; I said it was a lie.

Members interjecting:

The PRESIDENT: Can we try to refrain from unparliamentary language? I will not accept calling people names across the chamber. The Hon. Mr Wade.

The Hon. S.G. WADE: Point of order, Mr President. My question to the minister was whether or not she had given a direction or guidance in relation to TAFE. It was a question—

Members interjecting:

The Hon. S.G. WADE: I ask the minister to clarify what is a lie.

The PRESIDENT: That was a question, and the honourable minister was quite categorical in her denial.

TECHNICAL AND FURTHER EDUCATION INQUIRY

The Hon. T.A. FRANKS (15:09): Supplementary question. Can the minister clarify that that means any member of this Legislative Council—or, indeed, the House of Assembly—now has permission to talk to TAFE SA at any time they like without ministerial permission?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:09): I have already—

Members interjecting:

The PRESIDENT: Allow the minister to answer the question.

The Hon. G.E. GAGO: Mr President, I think that members here spend a lot of time half asleep. I have already made it very clear in this place that TAFE is an independent corporation. It is run by an independent board, an independent statutory authority. I have said in this place before that, since those changes were put in place, I as minister am not responsible for the day-to-day management of TAFE or staffing or other administrative issues.

I am on *Hansard* as saying that, if members want answers to that information about those administrative matters, etc., I have invited members in this place to go to TAFE because that is the body that is responsible for it. I am responsible for ensuring that TAFE fulfils its statutory responsibilities under the act, and that is where my powers and authority lie. I have already said that in this place—I have already invited members who want operational information to inquire of TAFE.

TECHNICAL AND FURTHER EDUCATION INQUIRY

The Hon. T.A. FRANKS (15:10): I have a supplementary arising from the original answer. Will the South Australian government be providing a representation to this inquiry in a formal hearing?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:11): Again, like I have said, Mr President, they just doze off. I have already indicated that the government has already put in a written submission to this inquiry. It was a comprehensive submission. It includes TAFE input, and I believe that it is publicly available, so I invite the member to have a look at that.

TECHNICAL AND FURTHER EDUCATION INQUIRY

The Hon. T.A. FRANKS (15:11): I have a further supplementary. Does the minister understand the difference between a written submission and appearing before the committee?

The PRESIDENT: Minister, that is not a supplementary. The Hon. Mr Gazzola.

INTERNATIONAL STUDENTS

The Hon. J.M. GAZZOLA (15:11): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about international education.

Leave granted.

The Hon. J.M. GAZZOLA: International students develop an understanding of other cultures that can bring new insight into their own culture as well. The new networks a student develops while studying overseas can be important when seeking employment. Minister, will you inform the chamber about a new film that encourages international students to choose Adelaide as their study destination?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:12): I thank the honourable member for his most important question. Last week, it was a great pleasure for me to officially launch Education Adelaide's first study destination film, *Destination Adelaide*, at the Mercury Cinema. We are seeing more and

more students from around the world choosing to live and study in Adelaide, and this film certainly showcases the reasons why students should do that.

The *Destination Adelaide* film aims to provide an authentic snapshot of a student's life here in Adelaide, from our world-class education to our transport, accommodation, festivals and food. The video also shows international students what they can expect after their arrival in Adelaide and demonstrates the easygoing, accessible, convenient and fun lifestyle we have to offer here in this great state. It is hoped that the film will not only introduce Adelaide but encourage students to consider and subsequently choose Adelaide as their number one destination for study. The international education market is obviously a very important sector to this state's economy. Last year, almost 27,000 international students chose to study in Adelaide, contributing \$929 million in export earnings.

I was pleased to see that new student arrivals for semester 1 this year jumped 22 per cent on last year's figures, and we have seen an increase in new arrivals from three of South Australia's top five source countries for international students, with significant increases in new students from China, India and also Vietnam.

It is fitting that, at this time of increasing student numbers, Education Adelaide has taken steps to develop a campaign and a video that reaches out to new students to continue to boost the rising number of international students already choosing to stay and study here. I understand that this video was produced as a direct result of student feedback and from ongoing feedback and collaboration from Education Adelaide members.

It is hoped that an accompanying social media campaign and competition will help spark wide distribution of the film and encourage international students to share their own Adelaide highlights. As well as sparking wide distribution of the film, overseas students can 'Like' and share the video on Facebook to be in the running for prizes while, for the local competition, students in Adelaide will be encouraged to create their own 'My Adelaide' short films.

This government is committed to increasing the number of international students that come to South Australia because we know that they contribute to improving South Australia's intercultural competence and also research, social, political, trade and diplomatic capabilities, while of course adding to Adelaide's cultural diversity and character. I would certainly encourage all members in the chamber to view this new video, *Destination Adelaide*. It is online at studyadelaide.com

MEDICAL CANNABIS

The Hon. K.L. VINCENT (15:15): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Health about medical cannabis use in South Australia.

Leave granted.

The Hon. K.L. VINCENT: On Sunday 15 June, Channel 7's show *Sunday Night* aired a piece on the use of medical cannabis. It discussed the case of a young man—a 24-year-old man living in New South Wales—with bowel and liver cancer, who is smoking cannabis to help deal with the severe nausea, vomiting and other terrible, well-known side effects of chemotherapy.

In addition, this young man has been using cannabis oil to try and halt the spread of his cancer, and perhaps have a chance at life. This story is particularly interesting since, while the young man's father is a former drug squad detective, the family is risking a \$220,000 fine and a 10-year gaol sentence for their son's use of cannabis. In the story, it was noted that South Australia's health minister—our colleague in the other place, the Hon. Jack Snelling MP—is opposed to the legalisation of cannabis for medical use. My questions are:

1. Is the minister open to at least investigating the use of cannabis for medical reasons where it is shown to improve the symptoms of disability, acute illness and chronic conditions?
2. Will the minister support the parliament investigating the legalisation of medical cannabis in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:17): I thank the honourable member for her most important two questions on the medical use of

cannabis. In relation to the first question, of course, I will take that on notice to the minister in another place and seek a response on her behalf. In relation to the second question, it is not up to him, nor any of us, in reality. What the parliament decides to do is a matter for the parliament, and it is not up to the Minister for Health to express a view about a decision of the parliament that it will take for itself.

OFFICE FOR THE PUBLIC SECTOR

The Hon. R.I. LUCAS (15:17): I seek leave to make an explanation before directing a question to the minister representing the Minister for the Public Sector on the issue of the public sector.

Leave granted.

The Hon. R.I. LUCAS: There has been a series of questions put to the Minister for the Public Sector in relation to the position of Commissioner for Public Sector Employment. The Minister for the Public Sector gave an answer to the House of Assembly some weeks ago now and the issue again has been put on the public record in relation to a cabinet submission that the minister took to cabinet on 7 April in relation to a replacement for the position of Commissioner for Public Sector Employment. I followed that up with questions in this house which, at this early stage, still remain unanswered.

Further issues have been raised with me in relation to the minister's ministerial statement which she made, where she indicated that the government was going to create the Office for the Public Sector, with the Office for Public Sector Renewal, the Office of Public Employment and Review and the Public Sector Workforce Relations agencies to be amalgamated.

Ms Erma Ranieri was going to act as the chief executive of the Office for the Public Sector, which would be the new name for those amalgamated agencies. The minister's ministerial statement did indicate that Mr Warren McCann, the current incumbent, would continue in his position until his term ran out at the end of October.

I have been advised that Ms Ranieri, prior to the minister answering questions in the house on that first occasion, had already met with staff of the Office of Public Employment and Review and staff from the Public Sector Workforce Relations agency and told them that she would be taking over as the commissioner as from 1 July and that she had commissioned a review to amalgamate her offices with OPER and PSWR with the loss of 15 staff and that she had commissioned KPMG to do work on the amalgamation. My questions to the minister are:

1. Did the minister meet with staff of the Office of Public Employment and Review and the Public Sector Workforce Relations agency prior to 6 May this year and inform them that she would be taking over as the Commissioner for Public Sector Employment and as the chief executive officer of the amalgamated agencies as from 1 July 2014?
2. When did she commission KPMG to review the amalgamation of her office with PSWR and OPER and what was the cost of the consultancy?
3. Was the former Labor ministerial staffer, Ms Rowan Roberts, the KPMG employee who conducted the review for Ms Ranieri?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:21): I thank the member for his questions and will refer them to minister Close in another place and bring back a response.

SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

The Hon. T.T. NGO (15:21): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister tell the council about the government's response to the Select Committee on Dogs and Cats and how the recommendations aim to improve conditions for animals and their owners?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): I thank the honourable member for his very important question. For many South Australians companion animals play a very important role in their daily lives. There is increasing evidence that the companionship of pets enriches people's lives and can contribute to improved health outcomes.

That means it is incredibly upsetting when we see cases of animal cruelty in our community because these animals play such an important role in people's lives.

This government is committed to putting measures in place to improve the conditions for our companion animals and prevention of acts of cruelty and neglect. On 28 November 2012 the House of Assembly appointed a Select Committee on Dogs and Cats as Companion Animals. The select committee's final report was tabled in parliament on 3 July 2013. The final report suggests possible future regulatory and legislative measures to improve the trade in companion dogs and cats. It has also contributed to an ongoing dialogue on animal rights and animal welfare in our community.

The report provides 11 recommendations that the committee believes will contribute to the overall goals of eliminating cruelty to dogs and cats and reducing the numbers of unwanted animals being euthanased. I have now tabled the government's response to the committee's recommendations. When it comes to the welfare standards for breeding companion animals, we know that the majority of registered breeders in South Australia raise their animals in appropriate conditions. South Australians have made it very clear that they do not want to have puppy farms operating in our state. They do not want the price of buying an animal to come at the expense of that animal's welfare. As the report points out, it is currently not possible to be assured that a puppy does not come from a puppy farm unless the puppy is being purchased from a reputable breeder.

In the lead-up to the last state election, the Labor government outlined a clear vision for the next four years of government. Our Let's Keep Building South Australia election platform included a number of commitments which will help protect our animals, including companion cats and dogs. This government, unlike the federal Liberal government, will be true to its word. We will deliver our election commitments and our vision to keep building South Australia.

As part of our plan to protect our animals, this government will introduce a new code of practice to ensure that the pets have come from healthy and humane conditions. This code of practice will be developed in consultation with the community and industry and will target puppy farms and individuals who put profits before the welfare of the animals they breed.

The state government has long enjoyed a strong working relationship with the RSPCA, which does a fantastic job in protecting and advocating for the welfare of animals. To strengthen the invaluable role that the RSPCA performs, the government will increase its annual funding to the RSPCA to \$1 million per year indexed into the future. It is also very important that the community is provided with clear and accurate information regarding responsible pet ownership and animal welfare. I will therefore be seeking advice from the Dog and Cat Management Board on whether existing materials can be updated to reflect industry standard information on pet ownership. This material can then be provided to potential owners before they make their final purchasing decision.

There are many benefits to desexing animals and it is because of these benefits that the government has long promoted it to pet owners. Desexing improves a dog's behaviour, particularly by decreasing aggressive behaviour, and it markedly reduces both cats' and dogs' wandering behaviour. The government, through the Dog and Cat Management Board, will continue to promote desexing to pet owners as a responsible measure in addressing pet behaviour and reducing the incidence of unwanted animals.

One of the key findings of the committee is that the traceability of dogs and cats is critical to reducing impounding and ultimately euthanasia rates of our companion animals. Microchipping is the easiest way of reuniting a lost dog or cat with their owner. In recognition of this, the government will introduce mechanisms to ensure that all cats and dogs sold through the commercial pet trade will be microchipped before being sold. A 12-month education campaign will accompany these changes to ensure that pet shops, breeders and prospective owners understand these changes.

In addition, the government has committed \$200,000 to fund a business case to establish a single, publicly accessible database for all microchipped animals which will include details of an animal's breeder, pet trader and owner. Not only will this mean that animals can be reunited with their owners faster but a publicly accessible database will also enable cases of aggressive behaviour or health issues to be traced back to the breeder and trader so that measures can be put in place to check that puppies or kittens are not from a puppy farm.

I thank the committee for its final report on dogs and cats as companion animals and for its diligent and important work. This is a complicated area which inevitably invokes emotional responses

from the community. Our objective, however, remains to eliminate cruelty to dogs and cats as much as we humanly can, and reduce the numbers of unwanted animals being euthanased.

Many issues highlighted in the report will require thorough and ongoing consultation with the community to ensure that state legislation and regulation effectively contribute to this objective. I am very pleased that the state government will soon implement a series of measures to address the key directions outlined in this report.

SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

The Hon. T.A. FRANKS (15:27): With regard to the \$1 million RSPCA funding figure mentioned, what part of that \$1 million will be tied and for what purposes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:27): The \$1 million will not be tied in any way that is different from the current allocation which I think is around the order of \$700,000 a year. The funding will be directed to the RSPCA for their animal protection management; that is, talking to councils, talking to pet store owners, talking to owners and reuniting animals with their lost owners—or lost animals with their owners, whichever way you like to look at it—but they will also be doing the work in conjunction with local government in terms of housing pets that are otherwise not reunited with their owners.

SELECT COMMITTEE ON DOGS AND CATS AS COMPANION ANIMALS

The Hon. T.A. FRANKS (15:28): Given the proportion of RSPCA funding that is currently tied to reporting on euthanasia figures, will that be considered for other organisations that currently don't record euthanasia figures such as the AWL?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:28): No.

CHILD SEX OFFENDERS, INDEFINITE DETENTION

The Hon. D.G.E. HOOD (15:28): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question relating to intervention action in the High Court recently.

Leave granted.

The Hon. D.G.E. HOOD: On the weekend, *The Australian* newspaper reported that the indefinite detention of serial paedophiles across Australia is currently being reviewed and is under threat. The constitutional challenge has been mounted by serial paedophiles Edward Pollentine and Errol Radan, who have been detained 'at Her Majesty's pleasure' (a term often used in these matters) under Queensland law, having been deemed unable to control their sexual desires and representing a severe risk to the community.

Under these laws, these two men need to produce medical evidence that they are unlikely to cause harm to the community should they be released. The High Court will consider whether or not such laws are constitutional and whether they distort the independence and integrity of the justice system, as has been alleged by the individuals concerned.

Family First understands that South Australia has made written submissions regarding these powers arguing that they should not be deemed unconstitutional and, if that is the case, we commend the government for doing so. My questions to the minister are:

1. What South Australian laws is the government seeking to protect in this matter?
2. Do these laws only pertain to sexual offences?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:29): I thank the honourable member for his questions and will refer them to the Attorney-General in another place and bring back a response.

APY LANDS, WATARRU COMMUNITY

The Hon. T.J. STEPHENS (15:30): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the Watarru community on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to the question I asked on 22 May. The minister gave me a completely irrelevant answer, preferring to criticise the commonwealth government rather than answer the question. Problems at Watarru, I believe, still remain. Therefore, my questions to the minister are:

1. What is the monthly cost to the government of maintaining services in Watarru?
2. Is the government maintaining infrastructure with taxpayers' dollars for a non-existent community?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:30): Again we see the opposition coming into this place and asking a question, leading with their chin, because it was only a few minutes ago that I was out on the front steps of Parliament House talking about what the federal government is doing to homelands in remote areas across Australia. Not only are they ripping half a billion dollars out of Aboriginal programs across the nation, they are also cutting their contribution to municipal services, which go to homelands and other small communities, by \$10 million.

They have been funding these programs for 50 years in South Australia. They have now told us unilaterally that they will be stopping that funding after the coming 12 months, and they will not be adhering to their responsibilities, to which federal governments have adhered for the last 50 years. They will essentially be turning out the lights on remote communities in South Australia, and they have no plan—no plan whatsoever—to provide these essential services to communities that have depended on them for 50 years. The opposition has a great hide coming in here asking about these programs when it is their federal colleagues who are cutting off funding to them.

APY LANDS, WATARRU COMMUNITY

The Hon. T.J. STEPHENS (15:31): By way of supplementary question, I asked the minister about the Aboriginal community of Watarru that has a school, I believe school teachers, no students, and no residents. What does that have to do with the federal government, and are you still funding that community?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:32): Again, I come to the point: the federal Liberal government, which is responsible for municipal service funding across this state, unilaterally has told this state that they are cutting the funding, and there is no comeback, with no provision for the states to continue that funding. How on earth will these homelands continue to turn on the lights, to pay for their water, and to pay for council collection of garbage? How will they provide these services? The Liberal Party, state and federal, has no answers for them.

APY LANDS, WATARRU COMMUNITY

The Hon. T.J. STEPHENS (15:32): Again I refer the minister to my original question and my supplementary question: the community is called Watarru, northwest of the state, no people living there, how much money are you pumping into that community?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:33): I refer the honourable member to my original answer.

BUTTON BATTERY SAFETY

The Hon. J.M. GAZZOLA (15:33): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about button battery safety.

Leave granted.

The Hon. J.M. GAZZOLA: We know that young children can be adventurous and love to explore, and when they find something new one of the first things they do is put it in their mouth. Will the minister inform the council about the inaugural International Awareness Week for Button Battery Safety?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:33): I thank the honourable member for his most important question. I am very pleased to be able to report that Consumer and Business Services, as the state's consumer watchdog, is jumping on board with the inaugural International Awareness Week for Button Battery Safety, which is taking place this week from 16 to 20 June 2014. This awareness week is a very worthwhile reminder to all South Australian parents about the dangers of children ingesting button batteries in particular.

These batteries are a very commonly found battery in most households, including in things like children's toys, calculators, small remote controls and other small electronics—the sorts of items we see regularly lying around coffee tables and lounge room chairs. These are often accessible to small children who like to play with these and dismantle the battery and, as the Hon. John Gazzola mentioned, the first thing they like to do is pop it in their mouth.

These button batteries are quite small. They are made of lithium which makes a dangerous combination for children who are tempted to put them in their mouth. If the battery becomes stuck in the child's throat, this can result in severe burns or choking. When a coin-sized lithium button battery becomes stuck in a child's throat, I am advised that the saliva can trigger an electrical current and that can cause a chemical reaction that can severely burn the oesophagus in as little as two hours. Symptoms of the coin-sized button battery ingestion may be similar to other childhood illnesses such as coughing, drooling and discomfort. Once burning begins, damage can continue even though the battery has been removed.

In 2012-13 eight children aged 10 years and under were admitted to the Women's and Children's Hospital paediatric emergency department in relation to swallowing or choking on a button battery. Incidents involving these button batteries are most common amongst children and toddlers, with the majority of cases involving children three years or under.

I urge all parents and carers of children to follow some very simple tips in order to help keep children safe from button battery related injuries. I urge parents and carers to ensure that these batteries are kept out of sight and out of reach from children in a securely locked location, and when these batteries are required in a household device parents should ensure that the battery compartment is firmly secure. Parents should also be reminded to periodically check the battery compartments of devices to ensure that they remain firmly secure. As soon as batteries have finished being used, it is important that they are disposed of immediately and securely, as even flat batteries can still be hazardous. If you suspect that your child has ingested a button battery, it is very important that they not be allowed to eat or drink nor induce vomiting. They should be immediately taken to the nearest hospital emergency department.

International awareness week for button battery safety is a great opportunity to share life-saving information with caregivers, friends, family members and babysitters, and I urge all those with small children to exercise caution to prevent incidents with button batteries. If people are interested, there is more information online on productsafety.gov.au.

ADELAIDE CASINO

The Hon. T.A. FRANKS (15:37): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers questions about SkyCity Casino.

Leave granted.

The Hon. T.A. FRANKS: As the minister is well aware, in this parliament we have recently seen reforms that have been of benefit to the SkyCity casino. At a presentation in December last year they championed those legislative reforms to their shareholders and noted that a new tax rate will apply to premium VIP EGMs, reduced from 43 per cent to 20 per cent, and noted that they may

have the ability given the exclusivity contract to open a new casino in the future under their own auspices.

It is little wonder then that in *Smart Investor* magazine this month, Perennial Growth's Lee Mickelborough was most excited about investing in SkyCity because as he said:

We recently bought (New Zealand-based casino operator) SkyCity. That's an interesting situation because it has a casino in Adelaide that could be poised to realise value. Usually there's not much happening in Adelaide but the casino there is right across from the cricket grounds and they've built a footbridge to go right into the back of the casino. They've negotiated a ticket-in/ticket-out, premium gaming rooms and a lower gaming tax. We think it is going to make another \$50 million EBITDA without them doing anything.

1. Does the minister agree that SkyCity is going to make \$50 million EBITDA without SkyCity doing anything?
2. Does she have concerns that this is lost revenue to this state?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:39): I am not surprised at all to hear the Greens' doomsday view on the potential for SkyCity casino to be part of a reinvigorated, vibrant riverside precinct. I am not surprised that the Greens see this as the kiss of death, because that is how they usually see these innovations. Indeed, as the honourable member mentioned, in 2014, this government implemented a new tax and regulatory arrangement. It provides regulatory certainty for the Adelaide Casino to proceed with its \$350 million investment of an expanded casino with a six-star boutique hotel in order to compete in the international gaming market.

The new approved licensing agreement between the South Australian government and the Adelaide Casino became unconditional as at 14 February 2014. The Adelaide Casino has made the \$20 million variation payment required under the agreement. Nonetheless, unless by 30 June 2019 the Adelaide Casino is opened for business and an expanded casino and six-star boutique completed in accordance with the development proposal approved by me as minister, the specific exclusivity provisions outlined in the approved licensing agreement will no longer have effect. So they are required to deliver. There are further legislative amendments that will commence in July 2014.

This agreement has been put in place to allow the Casino to expand its facilities and build, as I said, a six-star boutique hotel so that South Australia will be able to compete in the international gaming market. This is a very important initiative for our riverside precinct development. This is a key corner of that and will increase the vibrancy of the riverside so that it can attract other investors and developers into that space as well. Mr President, as I said—

Members interjecting:

The PRESIDENT: Let's not have discussion across the chamber.

The Hon. G.E. GAGO: —it is an initiative that I would expect the Hon. Tammy Franks should be standing here and congratulating this government for.

ADELAIDE CASINO

The Hon. T.A. FRANKS (15:42): Supplementary. The question was: what is the loss in forgone earnings had the original VIP tax rate continued to be available and bringing more money into our coffers in this state than the sweet deal they have done with you?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:43): Overall, these arrangements are absolutely in the interests of South Australia. I am happy to provide answers to the detailed questions if I can and bring back a response. I know that some of the information is, obviously, commercially sensitive but, if it is not covered by those provisions and I am able to provide more details, I am happy to do so.

VOCATIONAL EDUCATION AND TRAINING

The Hon. A.L. McLACHLAN (15:43): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding Indigenous unemployment in South Australia.

Leave granted.

The Hon. A.L. McLACHLAN: I refer to the Department of Further Education, Employment, Science and Technology Agency Statement in the 2012-13 budget. Based on the performance indicators, in 2011-12, there were 4,747 Indigenous Australians participating in the vocational education and training program and, of those 4,747, only 42.8 per cent of these Indigenous students are completing their qualification. Can the minister provide an explanation as to why there is such a low participation and completion rate for Indigenous students in the vocational education and training programs?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:44): Indeed, this is an area of great challenge for this government and other governments. It is one that we continue to work very vigorously on. South Australia is committed to halving the gap in employment outcomes between Aboriginal and non-Aboriginal people by 2018, as reflected in our State Strategic Plan. Unlike the federal Liberal government, which has just slashed funding to Aboriginal people and Aboriginal communities, this government continues to support efforts in this area.

In 2013, there were 3,100 course enrolments of Aboriginal students through Skills for All, an increase of 66 per cent or 1,200 extra enrolments when compared with 2012. So, just to reiterate that: since the introduction of Skills for All there has been an increase of 66 per cent or 1,200 extra enrolments when compared with 2012. Since the Aboriginal employment cluster initiative commenced in late 2010, 737 Aboriginal people have been supported into training and 381 participants have gained a job. The Skills for Jobs in Regions program delivered employment initiatives to over 1,000 Aboriginal people, with over 330 people gaining a job in 2012-13.

DFEEST has an Aboriginal engagement to employment strategy which strives to connect Aboriginal job seekers and students to industry-tailored skills training, career information and hands-on job experiences; connects employers to work-ready Aboriginal job seekers; and ensures that Aboriginal job seekers have the breadth of employability skills needed to be competitive across a range of industries, improving their opportunities for sustainable employment. A range of integrated initiatives contribute to the outcomes achieved through the strategy, including an Aboriginal employment support service, Aboriginal apprenticeship program, Connecting Aboriginal People to Resource Industries Program, remote public internet access centres in remote Aboriginal communities, Building Family Opportunities and funding for Tauondi Aboriginal College, TAFE SA Aboriginal Access Centres and the APY TAFE program.

To achieve halving the gap in employment outcomes between Aboriginal and non-Aboriginal people by 2018 requires, obviously, significant efforts. In addition to Skills for All funding, \$13.5 million is being invested in Aboriginal training and employment initiatives in 2013-14. As I said, there have been a number of unique and innovative approaches that have been implemented to assist to increase the number of Aboriginal people in employment, and I have mentioned the Aboriginal employment industry cluster initiative, where employers have formed seven industry clusters in the sectors of: advanced manufacturing; community services; energy, water and resources; hospitality; professional services; retail; and the South Australian public sector.

Each industry cluster is led by a senior industry champion and seeks to address the under-representation of Aboriginal people in their respective workforce. The initiative emphasises partnerships, real jobs and sustainable outcomes and includes outcomes in new areas where previously there were no Aboriginal people employed. For example, 41 Aboriginal people are now employed in the professional services sector.

Skills for Jobs in Regions, which I have referred to, engages job seekers in tailored, location-specific employment projects where they become work ready and are connected to local employers and job opportunities. Tour of Opportunities, which is a partnership with Reconciliation SA, connected over 250 Aboriginal school students and job seekers to career pathways and employment opportunities through an interactive tour of Aboriginal employment industry clusters.

COOBER PEDY INDIGENOUS LAND USE AGREEMENT

The Hon. J.A. DARLEY (15:49): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions regarding an Indigenous Land Use Agreement for the Coober Pedy township.

Leave granted.

The Hon. J.A. DARLEY: On 11 May 2007 the Antikarinja Matu Yankunytjatjara were recognised as the traditional owners of approximately 76,000 square kilometres in and around Coober Pedy. For the past three years parties have been working on a mutually agreeable Indigenous Land Use Agreement (ILUA) for the Coober Pedy township. Unfortunately, no agreement has been made, which is causing delays to matters such as freeholding applications, boundary realignments, and formalising the tenure of existing infrastructure.

Development has now remained stagnant for the past three years, as dealing with crown land cannot proceed over native title within the Coober Pedy township boundary until the ILUA is signed. I understand the traditional owners are eager to finalise the ILUA; however, compensation matters have yet to be resolved between themselves and crown law. Can the minister advise:

1. When will the Coober Pedy ILUA be finalised and signed?
2. Does the government plan to make a lump-sum compensation payment; if so, how much?
3. If not, can the minister provide details of how compensation will be determined and how this will be paid to the traditional owners?
4. Will there be restrictions on what these compensation moneys will be able to be used for?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:51): I thank the honourable member for his most important question. Native title is a significant vehicle for change in South Australia. The statewide native title resolution process, which this government supports, was ground breaking in its approach and provided a foundation of unparalleled collaboration and partnering in the area of native title. This process enables native title groups and claimants to have direct conversations with governments and others around respective rights and interests, but also services, jobs and businesses, and the health of their people and their culture and their country. I understand that to date 73 per cent of the area of South Australia is covered.

This government has made it a priority to build a strong and cooperative relationship with native title claimants, so much so that 88 ILUAs have been negotiated and signed across South Australia dealing with pastoral, local government, land access, mining and infrastructure issues. I am advised that a number of claims have been completely resolved, including those of the Gawler Ranges, the Arabunna, the First Peoples of the River Murray and De Rose Hill.

Having said that, negotiations around native titles and Indigenous land use agreements are the responsibility of the Attorney-General in the other place, so I will take the honourable member's questions to him and seek an answer on his behalf.

*Bills***CHILD SEX OFFENDERS REGISTRATION (CONTROL ORDERS AND OTHER MEASURES)
AMENDMENT BILL***Introduction and First Reading*

Received from the House of Assembly and read a first time.

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:53): I move:

That this bill be now read a second time.

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

Leave granted.

The *Child Sex Offenders Registration Act 2006* (SA) (the CSOR Act) requires child sex offenders to register with the Commissioner of Police ('registrable offenders'). Depending on the offence or offences for which the registrable offender has been convicted, registration is mandatory for 8 or 15 years or life, or for a discretionary period specified in a court order. Under the CSOR Act these registrable offenders are required to make an initial report to the South Australian Police (SAPOL) of certain personal information, must report annually, and must update SAPOL when certain personal information changes. Registrable offenders are precluded from undertaking child-related work.

Amendments to the CSOR Act passed by Parliament in 2013 tightened the reporting requirements and provided SAPOL with increased powers to monitor registrable offenders and assess their compliance with the CSOR Act.

Although child sex offenders are subjected to the reporting requirements under the CSOR Act, the CSOR Act was designed as a monitoring tool. While under the CSOR Act a registrable offender is precluded from engaging in child-related work, there are few other limitations placed upon them.

The *Child Sex Offenders Registration (Control Orders and Other Measures) Amendment Bill 2014* ('the Bill') inserts a new part into the CSOR Act such that SAPOL will be able to apply to the Magistrates Court for a new type of order, called a Control Order, to be made against any registrable offender. Under the Bill a Control Order made by the Magistrates Court will place restrictions and prohibitions upon a registrable offender. For example, a Control Order could, amongst other things, prohibit a registrable offender from associating with, or communicating with, a specific person or persons of a specified class, such as children under a certain age, and the Control Order could prohibit a person from being in the vicinity of a specified place or place or premises of a specified class, such as a school.

These new laws are in addition to current provisions contained in the *Summary Procedure Act 1921* (the SP Act) concerning paedophile restraining orders.

The Bill inserts new provisions in the CSOR Act such that on application by SAPOL, the Magistrates Court may make a Control Order against any adult registrable offender if the court is satisfied, on the balance of probabilities, that the registrable offender poses a risk to the safety and well-being of one or more children, or children generally, and that the making of the order will reduce that risk.

In making the Control Order, the Magistrates Court must take into account the circumstances and seriousness of each offence in relation to which the person is a registrable offender, including the age of the registrable offender when those offences were committed, the age of each victim of the offences when they were committed and the difference in age between the registrable offender and each victim.

The Magistrates Court must also take into account the period of time since each offence was committed, the registrable offender's total criminal record, the effect of the order sought on the registrable offender in comparison with the level of the risk that a further registrable offence may be committed by the person, whether the registrable offender has breached the CSOR Act or breached a paedophile restraining order, a child protection restraining order or a registered foreign restraining order under the SP Act and the personal circumstances of the registrable offender, such as age, accommodation, employment, physical and mental condition and integration into the community.

Under the Bill, a Control Order may prohibit or restrict any conduct including associating with, or communicating with, a specified person or persons of a specified class (such as children under a certain age), being present at, or being in the vicinity of, a specified place or premises or a place or premises of a specified class (such as a school), undertaking specified employment or employment of a specified kind or other conduct of a specified kind (such as accessing or using the internet or a computer).

The Magistrates Court will be able to make interim Control Orders and will be able to vary or revoke a Control Order. In addition, the Magistrates Court may make a Control Order without being satisfied of the matters I have spelt out if the Commissioner of Police and the registrable offender consent to the making of the order and it is in the interest of justice to make the order.

In considering whether it is in the interest of justice to make the order without being satisfied of the matters set out above, the Magistrate Court may have regard to whether the registrable offender received legal advice, has an intellectual disability, is illiterate or not literate in the English language, is the subject of a guardianship order or may not, for some other reason, understand the effect of consenting to the order.

Under the Bill if the Magistrates Court makes or varies a Control Order (or an interim Control Order) and the registrable offender is not present in Court at the time, then the Commissioner must cause a copy of the order to be served on the registrable offender.

A Control Order (or a variation of a Control Order) does not take effect until it is served. Under the Bill, a police officer can require the registrable offender to remain at a particular place for so long as may be necessary for the order to be served.

If a registrable offender refuses or fails to comply with the requirement, or the officer has reasonable grounds to believe that the requirement will not be complied with, the police officer may arrest and detain the registrable offender in custody (without warrant) for so long as may be necessary for the order to be served or 2 hours or such longer period as is approved by the Court, whichever is the lesser.

A Control Order will only remain in force for a maximum of five years or a lesser period as specified in the Control Order and a breach of a Control Order is a criminal offence with a maximum penalty of five years imprisonment.

The Bill also makes a number of minor amendments to the CSOR Act to provide further clarity concerning a number of other provisions.

When the CSOR Act was last amended in 2013, reporting timeframes were reduced and tightened. However, in error, section 18 of the CSOR Act was not amended. As such, the Bill amends section 18(1)(a) to reflect the tightened timeframes.

Section 66L was inserted into the CSOR Act and states as follows:

66L—Information to be provided to parents and guardians

A registrable offender who—

- (a) generally resides in the same household as that in which a child generally resides; or
- (b) stays overnight in a household in which a child is also staying overnight,

must tell a parent or guardian of the child who generally resides in the same household as the child—

- (c) that he or she is a registrable offender under this Act; and
- (d) what the offence or offences were that resulted in him or her becoming a registrable offender.

Maximum penalty: \$25,000 or imprisonment for 5 years.

It is Government's view that this information should be provided by the registrable offender prior to staying overnight or generally residing in the same household as a child and as such, the Bill makes amendments to section 66L to require this.

Furthermore, it was Government's intention that each parent or guardian who resides with the child be informed. As such, the Bill amends section 66L to ensure this is clear.

In addition, the Bill inserts a further requirement into section 66L such that a serious registrable offender who has, or intends to have, reportable contact with a child must, as soon as practicable after the contact (or after forming the intention to have contact) tell an 'available responsible adult'—

- that he or she is a serious registrable offender under the CSOR Act; and
- what the offence or offences were that resulted in him or her becoming a serious registrable offender.

The same penalty will apply, a maximum penalty: \$25,000 or imprisonment for 5 years. An 'available responsible adult' in this respect means—

- a parent or guardian of the child that is known to the serious registrable offender; or
- an adult person apparently responsible for the supervision of the child at the time of the contact or when the serious registrable offender forms the intention to have the contact.

A serious registrable offender is defined under the CSOR Act as—

- a registrable repeat offender; or
- a registrable offender who has been declared by the Commissioner of Police to be a serious registrable offender.

A registrable repeat offender is a registrable offender who has committed—

- on at least 3 separate occasions, a class 1 or class 2 offence; or
- on at least 2 separate occasions, a class 1 or class 2 offence provided that on each occasion the victim was under the age of 14 years.

Under the CSOR Act at the moment, these offenders have to report details of any 'reportable contact' with a child to SAPOL.

Under this amendment, when such a report is made by a serious registrable offender in circumstance such that the offender should have informed the parents or guardians of their status as a registrable offender, SAPOL will be able to follow up with the parents and ensure this has happened, thereby confirming that the parents are aware of the offender's criminal history as a child sex offender.

This reporting requirement should act as a deterrent to help prevent grooming; grooming of a child and also grooming of a family in order to gain access to a child.

Under section 66F of the CSOR Act the Commissioner of Police is able to publish certain details about a missing registrable offender on a website. The section does not specifically state that the Commissioner of Police can

publish the fact that a person is a registrable offender under the CSOR Act, although it is clearly implied. For clarity, the Bill makes an amendment to section 66F to make this abundantly clear.

Under section 66J of the CSOR Act the Attorney-General is able to give a person consent to re-publish identifying information published by the Commissioner of Police on the website. Given the sensitivity of the information, and the fact that re-publication in the absence of consent is an offence, conditions should be attached to the consent.

Therefore, the Bill amends section 66J to provide for such.

In addition, consent to re-publish should not be given unless the Attorney-General takes into account those same matters that the Commissioner takes into account when the Commissioner makes a decision to publish. As such, the Bill amends section 66J to reflect this.

When the Commissioner makes a decision to publish the personal information on the website the Commissioner is protected from any civil or criminal liability or from any claim of a breach of confidentiality or secrecy imposed by law. The Attorney-General who gives consent for the information to be re-published elsewhere should be afforded the same protection. As such, the Bill amends section 66J to provide this protection.

In addition, if the Commissioner of Police removes the information from his website (for example, because the person is no longer missing or no longer under any reporting obligations under the CSOR Act) it is only fair that persons who have re-published the information also remove it. The Bill therefore makes an amendment to section 66J to provide for such removal.

The CSOR Act was amended in 2013 such that the definition of 'child-related work' from which registrable offenders are banned was expanded to include taxi and hire-car drivers. However, advice was received that the section did not make it beyond doubt that the ban extends to these roles entirely rather than to when the role involves contact with children.

As such, the Bill amends section 64 of the CSOR Act to make it expressly clear that registrable offenders cannot apply for employment, or be employed, as taxi drivers or hire-car drivers, regardless of whether they will have contact with children.

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 *Child Sex Offenders Registration Act 2006*

4—Amendment of section 9—Child sex offender registration order

This clause proposes to change the matters of which a court must be satisfied when making an order under section 9 requiring a person to comply with the reporting obligations of the Act. The clause substitutes the words 'safety and well-being' for 'sexual safety' so that the court must be satisfied that a person poses a risk to the safety and well-being of any child or children before making an order. This wording is used elsewhere in the CSOR Act so the change is being made for consistency.

5—Amendment of section 18—Change of travel plans while out of South Australia to be given

This clause proposes to reduce the period of extended stay outside South Australia that activates the requirement of the section to report the extended stay to the Commissioner of Police.

6—Amendment of section 64—Interpretation

This clause proposes to include work in connection with taxi services and hire care services as *child-related work* whether or not the work involves contact with a child. Currently taxi and hire care services are *child-related work* only if they involve contact with a child. Under section 65, it is an offence for a registrable offender to apply for or engage in *child-related work*.

7—Amendment of section 66F—Commissioner may publish personal details of certain registrable offenders

This clause proposes to clarify that information published by the Commissioner under the section (whether before or after the commencement of this subsection) may specify that the person to whom it relates is a registrable offender.

8—Amendment of section 66J—Publication, display and distribution of identifying information

This clause proposes a number of amendments to the offence of publishing, distributing or displaying (without having first obtained the written approval of the Minister) any information that is identifiable as the personal details of a person published by the Commissioner under section 66F.

The clause proposes to amend subsection (1) such that the publishing, distribution or display of such information may only be done in accordance with the approval of the Minister, which may be subject to such conditions as the Minister thinks fit. In determining whether or not to grant an approval, or the conditions to attach to an approval, the Minister may take into account the matters specified in section 66G(2) (as if the references to the Commissioner in section 66G(2)(f) and (h) were references to the Minister).

The clause proposes that no civil or criminal liability will attach to the Minister or the Crown by reason of a grant of approval where the Minister makes a grant of approval under the section in good faith.

The clause also proposes to require any person who has published identifying information on a website, or who is otherwise displaying such information, to take reasonable steps to remove the information in the event that the Commissioner of Police removes any or all of the personal details of a registrable offender from the website on which they are published under section 66F.

9—Insertion of Part 5C

This clause inserts new Part 5C as follows:

Part 5C—Control Orders

66JA—Court may make control order

This clause provides for the Magistrates Court to make control orders against a registrable offender on the application of the Commissioner of Police. The Court must be satisfied (on the balance of probabilities) that the registrable offender poses a risk to the safety and well-being of a child or children and that a control order will reduce that risk. Subclause (2) lists the matters to which the Court must have regard in deciding whether to make a control order and what the terms of a control order should be.

The Court may make a control order without being satisfied of the relevant matters if the Commissioner of Police and the registrable offender consent to the making of the order and it is in the interests of justice to make the order without being satisfied of those matters.

66JB—Terms of control order

A control order may prohibit or restrict any conduct, including associating with, or communicating with, a specified person or persons of a specified class, being present at, or being in the vicinity of, a specified place or premises or type of place or premises or undertaking specified employment or employment of a specified kind. A control order may also prohibit or restrict other conduct specified in the order.

If the Court makes or varies a control order in relation to a person, it must take all reasonable steps to explain to the person the terms of the order including the person's obligations and the consequences of failing to comply with the order.

66JC—Interim control orders

This clause provides that the Magistrates Court may, when considering an application for a control order, make an interim control order if the Court is satisfied that it is appropriate to do so in all of the circumstances.

66JD—Duration of control order

A control order remains in force for 5 years unless the Court fixes a shorter period. An interim control order remains in force for the period specified by the Court in making the order, or until further order of the Court.

66JE—Variation and revocation of control order

This clause provides for the Magistrates Court to vary or revoke a control order or interim control order on application by the Commissioner of Police or the person subject to the control order. The Court is only to consider an application if there has been a material change in circumstances relating to the registrable offender, the control order or the interim control order and it is in the interests of justice to consider the application.

66JF—Offence to contravene or fail to comply with control order

A person who, knowingly or recklessly, contravenes or fails to comply with a control order or interim control order is guilty of an offence which is punishable by a maximum penalty of imprisonment for 5 years.

66JG—Service of order

This clause requires the service of a control order on a person who is not present in court when the Court imposes a control order or interim control order in relation to the person, or varies or revokes a control order or interim control order on the application of the Commissioner of Police in relation to the person. An order imposing or varying a control order or interim control order that

is required to be served under the clause will not take effect until the order is served on the person. The clause further provides that, for the purposes of serving a control order or interim control order on a person, the Commissioner of Police may require the person to remain at a particular place for so long as may be necessary for the order to be served. If the person does not, or will not in the reasonable belief of a police officer, comply with the requirement to remain at a place for service, then a police officer may detain the person for as long as is required for service of the order, up to a maximum period of 2 hours (which may be extended up to 8 hours by the Magistrates Court on application).

10—Amendment of section 66L—Information to be provided to parents and guardians

This clause proposes to amend section 66L to require a registrable offender who proposes to reside or stay overnight in a household where a child resides or will stay overnight, to tell a parent or guardian of that child (who generally resides in the same household as the child) that he or she is a registrable offender. This requirement will apply before the registrable offender may reside or stay in the household.

This clause also proposes to insert a new subsection requiring a serious registrable offender who has, or intends to have, reportable contact with a child to tell an available responsible adult that he or she is a serious registrable offender and what offence or offences resulted in him or her becoming a serious registrable offender. This must be done as soon as practicable after the reportable contact, or after forming the intention to have reportable contact. An available responsible adult is a parent or guardian of the child that is known to the serious registrable offender or is an adult person apparently responsible for the supervision of the child at the time of the contact or when the serious registrable offender forms the intention to have the contact. This new subsection carries the same maximum penalty, being \$25,000 or imprisonment for 5 years.

Debate adjourned on motion of Hon. J.M.A. Lensink.

SUCCESSION TO THE CROWN (REQUEST) BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

**ADMINISTRATION AND PROBATE (REMOVAL OF REQUIREMENT FOR SURETY)
AMENDMENT BILL**

Final Stages

The House of Assembly agreed to the bill without any amendment.

SUPPLY BILL 2014

Second Reading

Adjourned debate on second reading.

(Continued from 5 June 2014.)

The Hon. R.I. LUCAS (15:55): I rise to support the second reading of the Supply Bill. The Supply Bill is a relatively simple and straightforward bill that we see on a regular basis, usually once a year, occasionally twice a year. Essentially, this will provide just under \$4 billion, if approved by the parliament, to allow the continued payment of public services from 1 July 2014 for a period of up to three months or whenever the money runs out, the theory being that the Appropriation Bill will be introduced on Thursday of this week and, in the normal course of events, will pass before the midyear parliamentary break, which is some time (I cannot remember exactly when) in late July or early August, and the Supply Bill will allow the continued operation of the Public Service and the delivery of public services all during that particular period. That will therefore ensure that, even if there were delays in the Appropriation Bill, the payment of doctors and nurses, transport services and the like can continue without any fear that there will be any break in those services during any parliamentary consideration of the Appropriation Bill.

In addressing the Supply Bill and the fact that we are looking at a very significant sum of money (\$3.9 billion) in this Supply Bill, in the normal course of events, there is no detail given, and that is usual; there is no budget breakdown, there is no detail as to exactly where that money is going to be spent. One can assume only that, generally, it is for a continuation of the existing services that state governments deliver right across the board. We can be guided in that by where the money is being currently spent in 2013-14 and where the government has indicated by way of either election commitment or policy announcement that it intends to spend money in 2014-15 as a guide in terms of where this money might be spent. But certainly the money will be spent on every arm, area or sector of public service in government. The debate, as you would know, Mr President, on the Supply

Bill has been broad ranging as long as it canvasses any of the areas where public expenditure of a state government nature is involved.

In looking at the reason we need a \$3.9 billion Supply Bill, I want to look at the recent record and the projected record of the government in terms of its financial management. It will not surprise you, Mr President, to know that I and many members in the community have been fiercely critical of the financial mismanagement, negligence and incompetence of various Labor premiers, various Labor treasurers and, collectively, Labor governments since 2002. I think that it is useful, in doing that, to look at some specific figures and to compare the promise against the performance. In doing that, I will go back to a period from 2008-09, just before the global financial crisis, through to the next financial year, which will be 2014-15.

In the analysis, I want to describe the very first mention of that particular financial year in the budget documents. In relation to 2008-09, some four years prior to that, in the budget documents in the forward estimates, there would have been an estimate or a promise as to what the surplus was going to be for the financial year 2008-09. For that financial year, when it first appeared in the budget documents, the commitment was that there would be a \$75 million surplus in 2008-09. In the end, when we got to 2008-09, instead of the \$75 million surplus, there was a \$233 million deficit.

For the 2009-10 year, the initial promise was for a \$208 million surplus. That was on track, because what was actually delivered was a \$187 million surplus—very close to the estimate. I note that the budget in that year was significantly assisted by very significant federal government grants as a result of the global financial crisis and the financial assistance package that the federal government provided to the states through Building the Education Revolution and other financial assistance packages that were provided to the states in their state budgets to assist the national economy to respond to the GFC.

Nevertheless, the actual delivery in that year was very close to the estimated surplus. For 2010-11, the very first promise was for a \$278 million surplus. That turned into a \$53 million deficit. For 2011-12, it starts to get progressively worse. The first promise was for a \$424 million surplus and what happened was a \$258 million deficit, so for 2011-12 we are talking in terms of a turnaround of almost \$700 million from what was promised to what was delivered.

In 2012-13, it got worse. The promise was a \$304 million surplus and what was delivered was a \$948 million deficit—a turnaround of over \$1.2 billion in terms of what was delivered against what was promised. Then for 2013-14, it was worse again: a promised surplus of \$480 million and an actual deficit of \$1,013 million, so a turnaround of approximately \$1.5 billion for the 2013-14 financial year that we are just concluding. As we speak, if we look at the financial year 2014-15, the promised surplus was initially \$840 million. On the most recent estimate provided in about January of this year for 2014-15, it was estimated that we would be having a \$576 million deficit—again, a turnaround of about \$1.4 billion.

The sad record we have seen over those seven financial years is that, in each of those seven years, the government promised a surplus. However, they delivered six budget deficits as opposed to seven surpluses. The only year that there was a surplus was the year when there was a bailout following the GFC, which was 2009-10. What is even more worrying is that, whilst in the early stages, the slippage or the turnaround might have been of the order of \$200 million or \$300 million, what we have seen in the last three years—2012-13, 2013-14 and 2014-15—is slippage or a turnaround or a decline in performance of nearing \$1.5 billion per year. That is, the difference between the surplus promised and the deficit actually delivered has been between \$1.2 billion and \$1.5 billion a year. That is a damning indictment of the Weatherill Labor government and various other Labor governments under previous—

The Hon. J.S.L. Dawkins: The Labor government has no backbenchers at the moment.

The Hon. R.I. LUCAS: Certainly not much support for the leader, but we knew that to be the case.

The Hon. J.S.L. Dawkins: There is no support for the leader.

The Hon. R.I. LUCAS: No support for the leader at the moment, but we knew minister Gago was—

Members interjecting:

The Hon. R.I. LUCAS: It is disappointing there are no Labor members prepared to support their leader at all. The worrying thing for South Australians as we look at this Supply Bill—and as we are about to enter an Appropriation Bill debate for the next couple of months—is the financial mismanagement and incompetence of the Premier, the Treasurer, various ministers and the government. To have a situation with such consistency that the difference between what was initially predicted and what was actually delivered is nearing \$1.5 billion a year is a damning indictment.

Let me look just at the year we are about to conclude, which is 2013-14, and you can do this for each of those years but time does not permit. As I indicated earlier, when the budget estimates were first brought down for that particular financial year (that is for 2013-14, this financial year) it was in the 2009-10 budget, so it was the last year of the forward estimates. In that, Labor boldly predicted that there was a pathway to surplus and 'we are going to deliver a \$480 million surplus'.

Remember those words, Mr President, 'pathway to surplus', because I am sure we are going to hear them over the next couple of days. I am sure the caucus has been inculcated with a pathway to surplus, a return to surplus and that will be the phrase the caucus will be asked to parrot on behalf of—

The Hon. J.S.L. Dawkins: It is a potholed pathway.

The Hon. R.I. LUCAS: It is a very potholed pathway, as the Hon. Mr Dawkins indicates. The pathway to surplus back in 2009-10 was for a \$480 million surplus in the 2013-14 year. So as everyone looked at those budget papers, they said, 'Oh, yes, we're going to have this half a billion dollar surplus in 2013-14.' The next year it indicated, for 2013-14, that the surplus would be \$370 million—I should say that was for the 2010-11 budget—and then the Mid-Year Budget Review was \$382 million. Then when the 2011-12 budget came in it was reduced to an \$80 million surplus that was projected.

Then when we came to the 2012-13 budget we were talking about a \$348 million deficit; when we came to the Mid-Year Budget Review it was a \$778 million deficit; when we came to the 2013-14 budget it was actually an \$868 million deficit; and then when we came to the 2013-14 Mid-Year Budget Review it was a \$911 million deficit. When we got the update in January this year it was over \$1 billion—we cracked the billion dollars for the first time, a South Australian record performance for the Labor government. It managed to crack the billion dollar a year deficit mark for the first time for any government in the state's history.

From starting off with a pathway to surplus of a \$480 million surplus for the 2013-14 financial year, we are ending up with—and we still do not know obviously the absolute final figures—at this stage a \$1 billion deficit. What sometimes happens is that when the final figure comes in it drops a bit because of underspending but it will, nevertheless, be close to \$1 billion instead of a half a billion dollar surplus, so we are talking about a \$1.5 billion turnaround over that period of time. I think it is important to look at that because it is indicative of the problems this government has in terms of financial management and competence.

It progressively gets worse. The promise is made of a pathway to surplus and the promise is made of a return to surplus. Then progressively, as each Mid-Year Budget Review comes out, the surplus disappears and the true extent of the problems and the true extent of the financial atrocities are revealed, and the deficit is revealed. In recent years they have been cracking the billion dollar mark or knocking on the door of the billion dollar a year mark, in terms of their annual deficit or annual overspending.

As I said, time does not permit to go through each of those financial years, but each of them has a very similar tale to tell and I am sure that that will be the tale that we will see on Thursday and, subsequently, when we see the budget document. There will be a massive budget deficit for 2013-14. There will be a massive budget deficit hammering on the door of close to a billion dollars, one would imagine, but somewhere between half a billion and a billion dollars deficit for 2014-15.

We are promised a surplus for 2015-16—maybe, maybe not. Even if we are promised, no-one will believe it based on this government's performance, but maybe they will just stretch out the promise for a return to surplus to the following year—rather than 2015-16 to 2016-17. I am sure that the budget documents ultimately for the last year, 2017-18, will show a pathway to surplus, a return to surplus of a few hundred million dollars in financial year 2017-18. That should be treated with the

scorn and laughter as each of the last seven promises of a return to surplus that have been made by this government.

Whilst I am sure the community did not have much confidence in treasurer Foley, they had less confidence in treasurer Snelling, and they had less confidence in treasurer Weatherill, but Mr President, even you would be forced to concede that no-one is going to have any confidence in Treasurer Koutsantonis in terms of being able to deliver a budget surplus or a financially competent set of books.

As I put on the record before, he is a man struggling mightily with his brief. He does not understand the merest essentials of financial and economic concepts. He struggles to understand how the GST is distributed, has no comprehension of payroll tax thresholds applying to small businesses in his own state, has an inability to read the federal budget papers in relation to how much GST is being applied and, with all those atrocities, he is also someone who does not pay his gambling debts to members in this particular house, and I am sure you are well aware of the circumstances of that atrocity committed by the member for West Torrens some years ago now.

With all of that, what we have backing Treasurer Koutsantonis are some appalling examples of denial by ministers and, in particular, key ministers. I want to make some reference to an area in which I have had some experience over the last 12 months or so, that is, the health portfolio, and the appalling performance of minister Snelling, formerly treasurer Snelling. His performance, as we have just highlighted, was appalling in terms of management of the state's finances and books but having come out of Treasury one would have hoped that he might have brought some financial rigour and expertise to the health portfolio but, sadly, that has been lacking as well in that particular area.

The critical issue that I want to raise during the Supply Bill debate is in relation to the significant financial challenges confronting the health portfolio, and the problems and some of the issues that relate to that, particularly as the health budget is 30 per cent or more of the total state expenditure. The impact of what occurs in health is critical to the state's financial results and the state's financial future.

It has been clear since September last year, prior to any federal budget, that the chief executive officer of SA Health and other senior officers fessed up and indicated that total state budget cuts for the health portfolio over the forward estimates period amounted to more than \$1 billion. I will go through the detail of their evidence in a moment. I was talking earlier about the denial of ministers and how that adds to the problem for treasurers and for governments.

The Minister for Health was asked a question on 21 May about the health budget, total spending and savings targets and he was asked whether the minister could guarantee that no health services would be negatively impacted by the South Australian Labor government's proposed \$1 billion cuts to the health budget across the forward estimates. Minister Snelling said:

I have checked the relevant *Hansard* from the Budget and Finance Committee, and the chief executive officer of the Department of Health says no such thing. The Hon. Mr Lucas has pulled the figures out of thin air. He has completely made it up—completely made it up—as is his wont. The Hon. Mr Lucas will peddle any nonsense to anyone who will listen. It is complete and utter nonsense, and I am happy to refer members opposite.

Later he goes on to say:

The member for Davenport should know better than to listen to and take the advice of the Hon. Mr Lucas, or believe any word—any word—that comes out of the mouth of the Hon. Mr Lucas.

Subsequently on 22 May, in a most unparliamentary way I might add, the minister interjected on a speech being given by the Leader of the Opposition and said:

Rob Lucas lied.

Intriguingly, when a point of order was taken in the House of Assembly, the minister was not required to withdraw what we would accept as unparliamentary language. Clearly the governance of that other house has some significant issues if one is allowed to make unparliamentary statements like that.

Putting aside the intemperate language, I want to return to the facts, because this is clearly the reason why we have problems in health: because the minister is unable to even read evidence given by his chief executive officer, Mr David Swan. I refer to the transcript of evidence, page 1958 from 30 September 2013, given by David Swan. He was asked, as they normally are, what the total savings tasks were. The question from the chairperson, which is myself, was:

Thank you very much. Can you clarify again the required savings tasks for the agency for 2013-14?

Mr Swan, that is, the chief executive, for the benefit of the minister, stated:

It is \$160.8 million.

The chairperson:

And for each of the forward estimate years from 2014-15?

Mr Swan—and I again remind the minister that that is his chief executive officer:

Yes, for 2014-15 it is an additional \$97.85 million, for 2015-16 it is \$80.860 million, and for 2016-17 it is another \$39.5 million, giving a total—

and this last bit is confusing, I must say, but I will put it on there for the sake of the record—

giving a total over the forward estimates of \$425 million.

That is the evidence of Mr Swan, the CEO of SA Health, to the Budget and Finance Committee. To now go through his evidence: in the first year, that is, 2013-14, the year we are in currently, they had a \$160.8 million savings task from the state Labor government. He then says:

For next year it is an additional \$97.85 million.

If you add to \$97.85 million to \$160 million, that adds unto \$258.6 million, the total savings task for the 2014-15 financial year. You have to achieve \$160 million worth of savings in 2013-14, you have to keep those savings for the next year and you have to add another 97 which gives you \$258.6 million.

For the benefit of members, I remind them that sometimes agencies, when they achieve let's say the first \$160 million, do so in a number of fashions. Sometimes they do it with one-off savings, that is savings they can only achieve in one particular year—for example, not filling key executive positions for a year which they know they have to fill the following year. So you make a one-off saving for the 2013-14 financial year which can be attributed to your 2013-14 savings task when you acquit it to Treasury. So they are what we would call one-off savings.

There are also ongoing or recurrent savings. That is, you take out 20 staff in a unit from 2013-14, you achieve a saving of whatever it might happen to be, say a couple of million dollars, and that is an ongoing saving which you can acquit to Treasury forever and a day. So your savings that you achieve can be achieved in a number of different ways, some through recurrent and ongoing, some through one-off.

However, the reality is that in the following year 2014-15, Treasury will require of you the \$160.8 million in savings plus the \$97.8 million, a total of \$258.6 million. If you have had one-off savings in 2013-14, you still have to find alternative savings in 2014-15 to make up for the one-off savings that you achieved in the previous year to make up for it in the current year which would be 2014-15. Similarly, the next year there is an additional \$80.86 million which takes the annual saving in 2015-16 up to \$339.5 million, and then Mr Swan said, 'In 2017-18 it is \$39.5 million additional which, when you add it to the \$339.5 million, gives you \$379.0 million a year ongoing from 2017-18.' It is a simple matter for any junior level Treasury officer or indeed ministerial staffer to minister Snelling to add 160.8, 258.6, 339.5, 379.0 at that stage to give you \$1,137.9 million in accumulated savings tasks over the period that we were talking about which was the forward estimates at that particular time.

The critical issue is that by the fourth year there still has to be a \$379 million a year ongoing savings task forever and a day after that. If there was no further savings task for health, which will not be the case because there will be further savings tasks, that would be their required savings task to continue from 2016-17 onwards. Put simply, that is the way Treasury applies itself to the savings tasks that agencies have to confront. It is not just health but all agencies. It is not different under Labor because this was the way it was done under Liberal and it was the way it was done under the Bannon government prior to 1993 as well. It is a standard operating procedure for Treasury and for government departments and agencies.

Those numbers added to \$1,137 million—the reason we used the figure less than that, which was \$1,033 million, was that in the Mid-Year Budget Review what happened was the government took a political decision to defer some of the 2013-14 savings into the 2014-15 year. Now, why would they do that? Because they had an election coming up in March 2014 so they deferred \$45 million

or so worth of cuts so that minister Snelling would not have to go to those health agencies prior to the election and tell them that they have had their funding cut and he was then able to say, 'We are reviewing your funding over the next 12 months so we have not taken a decision to cut it. We will come back to you in July 2014.'

Of course, minister Snelling at that stage was anticipating that he would no longer be the minister in 2014 and that it would be some other sucker who would have to front up in July 2014 and say to all these people, 'Have we got news for you! We have done the review and you are losing your funding.' Senior health people know that is the case, ministerial staffers know that is the case, the opposition knows that is the case and media observers know that is the case. Not all, might I say, health agencies and non-government agencies were aware of it. They just thought the minister was being a good bloke and deferring the cuts until after the election and they were being genuinely reviewed.

As a result of the Mid-Year Budget Review, the savings tasks were slightly massaged, but the Mid-Year Budget Review makes it quite clear that, ultimately, the \$379 million a year savings tasks for health for 2016-17 still had to be met. So, whilst there was some lag or deferral to get them over the election and some lag or deferral in the first year after the election which impacted, there was still \$1 billion worth of SA Health cuts over the forward estimates period that had to be achieved. That is the reality.

My challenge to minister Snelling—it is easy for him to use intemperate and unparliamentary language in the House of Assembly which, clearly, the Speaker and Deputy Speaker evidently allow—

The Hon. S.G. Wade: It's the Wild West.

The Hon. R.I. LUCAS: Yes, it's the Wild West, as the Hon. Mr Wade indicates. Rafferty's rules are allowed, evidently, in the House of Assembly under the leadership of the Speaker and Deputy Speaker, one would think, but that is a debate for another time.

My challenge to the minister and his acolytes who would represent him here, as they stand up in this house this afternoon or tomorrow, is to provide the facts in relation to the evidence that the CEO of SA Health gave to the Budget and Finance Committee—not to provide the facts because the facts are there, but to indicate why the CEO of SA Health did not know what he was talking about when he gave answers to the Budget and Finance Committee in September last year. Minister Snelling, or his acolytes, could indicate why the Mid-Year Budget Review is wrong when it says that, ultimately, the savings tasks for SA Health in 2016-17 and 2017-18 will remain exactly the same as it was intended had there just been this deferral to get them over the difficulties of the election.

That is the challenge for them. There are a number of other issues that, if time had permitted, I would have addressed but I will have plenty of time in the Appropriation Bill debate to go through the massive wastage that is going on within health at the moment in terms of health IT. I have flagged the concerns over a long period of time about the incompetence of the minister, senior officers in the department and, in particular, the IT section of SA Health and the finance section in terms of managing the budgets.

In relation to the \$40 million blowout in the Oracle project, I put on the record the confidential minutes of the EPAS program board from late last year flagging a \$40 million blowout already—there is already a \$14 million blowout and then another \$40 million, so that is a \$54 million blowout in the EPAS project—and highlighting the potential for a blowout of up to another \$60 million, so a total blowout, potentially, of up to \$100 million in terms of EPAS, and that is, frankly, just scratching the surface.

Believe it or not, the promise from the minister was that EPAS was to have been delivered in 12 hospitals in 13 days' time. On 30 June 2014, EPAS was going to be rolled out. It is a financial calamity; it is a financial disaster. It is a scandal in the making. Even the minister is now having to concede that the very earliest it will be rolled out is maybe mid or late next year. Whistleblowers within the department tell me that is the best possible set of circumstances. It may well not be until 2016 or maybe, even, the pessimists are saying, 2017.

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.I. LUCAS: That, and the burn costs are \$2 million to \$3 million a month for every month of delay under the previous arrangements. The EPAS program board is trying to reduce the burn costs. There are over 200 staff working on this EPAS project—200 staff. I would hope that at some stage the Hon. Tung Ngo, with his intimate knowledge of the SA Health portfolio and the financial scandals brewing within SA Health, will speak fearlessly and put on the record and join with me in sharing his concerns about the mismanagement and the financial incompetence of various sections within health.

I cannot imagine the Hon. Tung Ngo—I cannot say that—I would hope the Hon. Tung Ngo was not walking around with his eyes closed whilst he was a ministerial adviser to the Minister for Health. I would hope that he would have recognised some of the issues that I have addressed. During the Appropriation Bill debate it is not just EPAS; EPLIS and ESMI are acronyms for two other health projects. There are major concerns about what the minister and the government are doing. The whole medical imaging area of government is going to come to a head in June and in the months afterwards in terms of what the government is seeking to do. The challenges that confront this government in terms of managing an out of control and rampant health budget and health portfolio are only too apparent to anyone who is prepared to have a close look at it.

During the Appropriation Bill I will spend more time on that particular issue and others. With those comments I indicate my support for the second reading.

The Hon. K.J. MAHER (16:31): I rise to speak on the Supply Bill and to talk about this current year's appropriation, and I will put that in the context of where we find ourselves now and the recent economic history in this state. It is no wonder the good people of South Australia have entrusted the Labor team for a fourth term of government. It is a bold and visionary government that has transformed South Australia over the last 12 years and over the last 12 months has reinforced this with strong budget initiatives.

South Australians know that we are a government that delivers the services, infrastructures and policies that they expect. Over the last 12 years, we have invested in building our state. I am proud to say this has resulted in South Australia's economy nearly doubling in size from \$52.4 billion in 2002 to \$95.1 billion in 2013. We understand that for the state's economy to continue to grow we need to attract new industries and that is why we are focused on supporting the establishment of the industries that will drive economic growth and job creation into the future.

The support of the exploration for new mining and energy resources has been a significant priority for this government and continues to be so. We have promoted the state's premium food and wine products generated from our pristine, clean environment throughout international markets, boosting our international exports. This government has a clear plan that will see South Australia continue to build on this strong foundation over the next four years.

This government's record demonstrates that we are committed to the protection and creation of meaningful jobs for all South Australians. As we continue to build on the fundamentals of our economy, our state will continue to prosper. Over the last three terms of government we have been successful in improving not only the economy and employment opportunities, but improved community safety and we now lead the nation on policing, with more police per capita than any other state in Australia. We lead the nation on many other fronts: in recycling and in wind power. We generate more wind power than any other state. In terms of water security, we have the highest number of households with rainwater tanks and the highest proportion of wastewater reuse.

When it comes to education, I am proud that more students are more likely to remain in school until year 12 than in any other state. This government is committed to ensuring that every child has the best chance to access world-class education and, as recently as last month, we opened the state's 40th Children's Centre in Lockleys, a total investment of \$3.2 million. The centre will offer 57 preschool places, occasional care and community and parenting programs. This government understands that the early years are crucial when it comes to brain development, health and wellbeing of young people, and it is through investments like this that we can ensure services are always available to meet the needs of the community.

I am proud to be part of a government that has invested in a world-class new hospital, a much needed redevelopment of the Adelaide Oval, an expanded Convention Centre, and an expansion of the tram network. Coupled with the multibillion dollar investment in new expressways, super ways and upgrades to public transport, our city is being transformed.

We understand that good, meaningful employment is paramount to creating opportunities for all South Australians and ensuring good social cohesion in communities right across the state. We understand that the creation of meaningful jobs is the principal means by which we share the benefits of economic growth. That is why we have committed to a comprehensive job package that will ensure displaced workers are given the support they need to find new work through the jobs that will define our future.

Our jobs and skills package will see jobs created in local communities through the direct training of job seekers, helping workers to gain skills for new jobs as traditional jobs decrease, and support for retrenched workers. The government will work with and support local communities affected by the downscaling of traditional industries, and we are committed to assisting, in particular, the automotive industry to restructure and diversify into new sectors.

We must maintain our world class capacities as we transition into new opportunities and new markets. That is why we are committed to accelerating the advanced manufacturing sector in South Australia. The transition of South Australia's manufacturing industry to advanced manufacturing, where we compete on the basis of extra value, is an absolute priority. We are committed to building the new industries of South Australia, creating future industry clusters, funding of the business transformation vouchers to help businesses grow, and the expansion and acceleration of the manufacturing works program.

I commend the government's focus on defence, resources, energy, premium food and wine, health and biomedical industries, tourism, education services and creative industries to drive growth and new jobs into the future. The government is committed to an agenda that will ensure we continue to build South Australia.

In the transport area, I am proud of the decisions we have made to transform our state's transport network. Over one and three-quarter billion dollars has been invested to upgrade our rail infrastructure with modern electric rail cars as part of the first major purchase of new rolling stock in 20 years. The rail network now extends 5.7 kilometres beyond Noarlunga to Seaford, across a 1.2 kilometre bridge spanning the Onkaparinga River. This is a major boost to transport services for the southern suburbs.

The duplication of the Southern Expressway is nearly completed, the new Britannia roundabout has reduced accidents and traffic is flowing far more freely, we have embarked upon the electrification of rail services, and can now boast an award-winning world-class airport. This is a government that has prioritised transport funding, investing strongly to build the Northern Expressway, as I said to duplicate the Southern Expressway, to upgrade South Road and the Port Expressway, all while committed to no toll roads in our state now and into the future.

As part of the Integrated Transport and Land Use Plan, which sets out a 30-year vision for the regeneration of our urban and regional transport infrastructure, we have committed to continuing the upgrade of and investment in transport infrastructure. The government is committed to extending the O-Bahn network along Hackney Road, building and extending park and ride facilities, the electrification of rail lines, and better metropolitan and regional roads. It is a government that is committed to improving our city roads, our country roads, and our economy.

I support the commitment to contribute \$21 million to the \$106 million upgrade of the main access road into the APY lands. This will improve access to the lands and create development and job opportunities as well as making it easy to transport goods and services and improve road safety. We are also committed to upgrading the Strzelecki Track in the state's Far North. This project involves upgrading and sealing about 450 kilometres of unsealed outback road, providing a more secure freight route, improving safety for road users (including tourism operators), and opening up the area to greater exploration for mineral resources.

In the area of health there has been very significant investment. The government has been committed to continuing to build better hospitals, and the significant investment in new, world-class hospital infrastructure will continue when we build a new Women's and Children's Hospital, investing in new and advanced medical equipment, and keeping waiting times low with new elective surgery.

We have worked very hard to slash waiting times for elective surgery, increasing procedures by around 23 per cent since we have been in government. We are committed to giving people the best emergency care, expanding care in the home and in the community and continuing to improve

the life of people with mental illnesses and improving health care for country South Australians. Ensuring that all South Australians have access to healthcare services is a priority for this government. We have had success in achieving this over the past 12 years, and the South Australian public have entrusted us to continue this task.

The government knows how important it is that all South Australians have access to their local doctor and the importance of catching healthcare problems early. When we came to government there was a state of disrepair in most of our hospitals and emergency departments and elective surgery waiting times were long. We have invested around \$2 billion to transform our hospitals and health facilities.

One particular issue is that of the Hon. Jack Snelling, the member for Playford and Minister for Health, pledging to secure the future of the Women's and Children's Hospital palliative care services. The Women's and Children's Hospital palliative care services provide care and support to around 80 children each year, with around 80 per cent of the children cared for at home and 20 per cent in hospital. Staff at the Women's and Children's Hospital in this area do a fantastic job in caring for South Australian children who have a life-limiting illness.

This is an incredibly valuable service, providing care for our state's sickest children and support for the families during a very difficult time. I understand that the state government contributes around \$500,000 a year, with the commonwealth government providing approximately \$250,000. The announcement by minister Snelling that the state will continue to provide this service came after the federal government's contribution was not renewed, putting the service at risk. This government felt that it was too important that the Women's and Children's Hospital palliative care unit service was kept going to risk that funding.

In the area of Indigenous affairs, there have been very important budget initiatives over the last 12 months and the last 12 years. The health care of Aboriginal Australians is of massive importance. The rate of diabetes is three times the national average, with the added problem that many Aboriginal and Torres Strait Islander people live a long way from specialist dialysis machines. Investment in such things as a new dialysis truck has helped to meet this need.

Renal dialysis patients from the APY lands and other remote areas in South Australia often need to relocate indefinitely to places such as Adelaide, Port Augusta or Alice Springs for their dialysis treatment. In a land area bigger than that of the state of Victoria, this has meant that some of these patients have moved many hundreds of kilometres from their traditional home to receive such treatment. This new dialysis truck will enable a number of patients from the APY lands, Coober Pedy and Yalata to return home for short periods of time to see their friends and family, and to attend local events.

The previous federal Labor government provided \$600,000 in funding to Country Health SA local health networks to build and fit out a renal dialysis truck for use in remote Aboriginal communities. This truck was completed late last year and was delivered to South Australia in January 2014. Following an official launch and successful trial of the truck in Adelaide, the first trip was undertaken to Ernabella in the APY lands in March 2014. It is these and other initiatives that will make a significant difference to the life and health of Indigenous South Australians.

This current budget, and certainly the last 12 years, have provided innovation in the areas of environment and research innovation. Our clean environment is certainly one of the most important determinants of our state's success. We need clean air, healthy water, fertile land and open space for our communities and for our economy. This government is committed to continuing to protect and embrace our pristine environment so that it can be utilised and enjoyed for generations to come. We are committed to taking action on climate change and promoting the sustainable use of resources. Investing in research and innovation is a great way to improve our economic performance and overall level of social, environmental and health wellbeing.

The knowledge and new ideas generated by South Australian research organisations, when translated to industry, can contribute enormously to raise our overall standard of living and economic performance. To encourage this process, the South Australian Labor government established the Premier's Science and Research Fund in 2004 which was renamed the Premier's Research and Industry Fund in 2012. This fund is focused on those areas where the state has an existing advantage and can make the biggest impact on a local, national and international level.

The Premier's Research and Industry Fund encourages outputs directly related to South Australia's seven strategic priorities, particularly, growing advanced manufacturing, realising the benefits of the mining boom for all, and premium wine from our clean environment. Over the past nine years, the Premier's Research and Industry Fund has provided nearly \$32 million to researchers, leveraging around \$74 million from industry and research organisations amounting to over \$100 million invested in the South Australian economy.

Over the past 12 years, this government has strengthened the quality of life for people living in regional communities and we are committed to continuing to invest in these communities, which form the backbone of our state. We know that the agriculture industry is worth about \$16 billion annually to South Australia and employs one in five South Australians, and that regional communities drive the sector. It is a major reason for making sure we focus on those living in regional areas.

This government has an agenda that will provide more support for people living in those communities through greater support to travel long distances for health care, relocating city health jobs to the country, grants for regional fishing infrastructure, protecting our food bowl from urban sprawl, branding our food and wine regions, a new task force to look at regional mining, and the acceleration of agribusiness.

The state government recently announced details of the expanded \$15 million Regional Development Fund to stimulate economic growth and create jobs in the regions. The increase in the fund is part of a \$39 million package that will be spent in the regions over the next 12 months, including \$10 million for a one-off Jobs Accelerator Fund. The first of three country cabinet meetings outside Adelaide will be held in the Riverland later this month. Building on our already strong commitment to the regions, the \$15 million annual funding will be allocated through five new programs.

Firstly, a major projects program (\$8.55 million) will support major economic projects designed to strengthen regional industries and support local economies and opportunities through investment in strategic projects. Secondly, the community infrastructure program (\$3 million) will support investment in regional communities to develop economic growth infrastructure and grow their capabilities as a foundation for future jobs and economic growth.

Thirdly, a small grants program worth \$3 million will support new regional employment and investment opportunities linked with state government projects. Fourthly, a regional food initiatives program (\$300,000) will support regionally-based food organisations to build a stronger regional food presence in South Australia. Finally, the country communities cabinet program will support projects in communities that host country cabinet meetings over the next four years.

The Regional Development Fund is aimed at driving economic growth and productivity by investing in regional infrastructure, creating jobs and creating new opportunities for regional South Australia. In addition, the government has recently announced four projects in the Murraylands and the Riverland that will receive a total of \$227,000 in funding from the state government's Food and Wine Co-Innovation Cluster Program.

The \$2.7 million five-year pilot program will help establish cluster groups in the Murraylands and Riverland and Limestone Coast regions. The funds will help regional food and wine related businesses to work together to explore new opportunities for growth and innovation. The Food and Wine Co-Innovation Cluster Program recognises that industry-led collaboration can lead to significant improvements in productivity and competitiveness.

Through these grants, businesses will be working together to create efficiencies and increase sustainability in agriculture, horticulture, food and dairy industries in the Murraylands and the Riverland region and identify other regional opportunities in the area. These projects show great initiative and innovation by bringing these elements together, benefiting South Australia's food and wine industries with a positive economic outcome for the whole region.

Finally, I need to make mention of an area that has been a very big focus over the last 12 months particularly, and I am proud to be a member of a team committed to continuing to transform our city as one of the great small cities in the world. The government has embarked on a historic \$9.3 billion capital program that supports an annual average of more than 7,500 jobs. This investment in critical infrastructure is creating a vibrant city for all South Australians. The

government's small bar legislation, coupled with our program to activate laneways such as Peel Street and Leigh Street, is complementing significant investment in our city.

I am proud to be a member of government that is committed to ensuring Adelaide continues to be a vibrant city. I have mentioned in this place a number of times before some of the great reviews we are getting such as a listing in *Lonely Planet's* top 10 cities to visit and international publications all over the world. I look forward to working with other members of the government, members of the cross bench and opposition in a constructive way to ensure this term of government builds on the programs of the last 12 months and is as effective as it can be and has been for the past three years, and we work together to continue to build South Australia to deliver the services the community rightfully expects. I support the second reading and commend the bill to the chamber.

The Hon. T.T. NGO (16:51): I also rise to speak in support of the Supply Bill 2014. The Supply Bill is an important piece of legislation. It allows for the funding of government services that are vital in helping to foster a fair, compassionate society.

Members interjecting:

The PRESIDENT: Order! Thank you, Mr Lucas.

The Hon. R.I. Lucas: Can't hear him.

The Hon. T.T. NGO: I can start again.

The Hon. R.I. Lucas: I'm listening to him.

The Hon. T.T. NGO: The Supply Bill is an important piece of legislation. It allows for the funding of government services that are vital in helping to foster a fair, compassionate society. Paying the wages of our workers in fields like health and education are instrumental in improving the quality of life for all South Australians, and this is the purpose of passing this bill. However, it is beyond this that government has an even greater role to play by providing the infrastructure that South Australia needs for the future.

Those opposite are so closed minded that they are only able to see public spending as waste. They could not be more wrong. This government has embarked upon extremely successful public spending measures. This public expenditure was embarked upon in a period when private investment subsided but now we are starting to see private investment pick up off the back of public investment.

Members interjecting:

The Hon. T.T. NGO: There are a few hotels around. It is private spending and investment in our economy that will provide long-term solutions to lowering unemployment, increasing the tax base and continuing to make South Australia a great place to live. This will make it more sustainable to pass bills like these which pay the wages of our public servants. We know that many in the Liberal Party did not want football to come back into the city.

Members interjecting:

The PRESIDENT: Can the honourable members be gentle with the Hon. Mr Ngo, please.

The Hon. T.T. NGO: I have not finished.

Members interjecting:

The Hon. T.T. NGO: They howled that the redevelopment of the Adelaide Oval was a waste of money. There were—

The Hon. D.W. Ridgway interjecting:

The Hon. T.T. NGO: There was one exception—

Members interjecting:

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: Point of order.

The Hon. I.K. HUNTER: The honourable member on his feet should know he is out of order responding to interjections and the honourable interjectors know that they are out of order as well.

The PRESIDENT: I think the opposition's behaviour is outrageous. The Hon. Mr Ngo, do not be distracted by interjections from the opposition.

The Hon. T.T. NGO: I apologise, Mr President. There were exceptions in their ranks. Some people saw sense. For example, the Hon. Martin Hamilton-Smith, one of the most clear thinking leaders the South Australian Liberal Party has ever had, can be credited with pioneering the idea of bringing football back to the city. It was fantastic—

The Hon. J.S.L. Dawkins: You rejected his ideas.

The Hon. T.T. NGO: No, it was a fantastic idea and the member for Waite must be congratulated for his determination to make the government take note of his idea and to bring it to fruition. It is not a coincidence that the member for Waite has decided to join the government where his skills will be utilised and acknowledged.

Members interjecting:

The PRESIDENT: The Hon. Mr Ngo will continue with his speech.

The Hon. T.T. NGO: The redevelopment of Adelaide Oval provided a once in a lifetime opportunity to create a world-class stadium in the greatest possible location. The oval has now been constructed and I speak from firsthand experience when I say that it is fantastic. I am clearly not alone in thinking that either. On current projections, the AFL attendance at Adelaide Oval games will grow up to one million spectators throughout the home and away season, which is a massive increase when compared with Football Park attendances.

The Hon. T.J. Stephens interjecting:

The Hon. T.T. NGO: No, it's coming. The new stadium is a modern multisport inner-city stadium with seating for 50,000 and a minimum of 70 per cent of seats undercover. The new oval is best placed to deliver fans by trains, trams and buses and the designers intently focused on delivering a 'pavilion in the park' model stadium which optimises the benefits of the Parklands location and incorporates a pedestrian footbridge over the River Torrens to enable easy access to the stadium from the city.

Who would have thought that the much-maligned footbridge would be packed with thousands of people before and after the game? Foresight is something the Liberal Party completely lacks. The South Australian Centre for Economic Studies, a self-funding joint research unit of the three major South Australian universities, predicts that the redevelopment of Adelaide Oval will bring in every year an increase of \$114 million in economic activity, with \$74 million of spending occurring directly within the CBD. The redevelopment has created the equivalent of 405 full-time jobs. The increase in attendance figures as well as the increase in activity in the private sector can be put down largely to the public spending measures implemented by this state Labor government.

Construction projects at the Adelaide Casino are projected to create 500 jobs and a further 1,000 jobs upon the completion of the redevelopment. The redevelopment will include a six-star hotel, a rooftop pool, and cafes and restaurants. In much the same way that the Crown Casino in Melbourne has renewed the nightlife on the Yarra, so too the Riverbank Precinct will thrive on the River Torrens, attracting not only high rollers from interstate and overseas and injecting money into South Australia, but providing a great atmosphere for the residents of Adelaide.

It is this kind of public spending on infrastructure which will lead to three new city hotels with over 600 rooms on offer opening later this year. The general manager of Quest, Andrew Weisz, has cited the major new development of Adelaide Oval and the new Royal Adelaide Hospital as key factors in the uptake of new private expenditure within the CBD. In fact, there are at present 33 privately funded developments in various states of completion all around the city, funded by private investors to the tune of nearly \$2.5 billion.

The oval is so successful that attendance figures are way up for both South Australian football teams. You could argue that Port Adelaide Power attendance would be higher this season, no matter at what oval they played. We are, I believe, on track to win the premiership this year.

The Hon. T.J. Stephens interjecting:

The Hon. T.T. NGO: But fans of Adelaide Crows must really like the oval as well if they are willing to turn up in droves just to watch their team lose. If I can make the Hon. Mr Stephens feel better, the Crows have very loyal fans. We must congratulate them and acknowledge that Crows fans are very loyal.

The AFL is not the only sporting code benefiting from the modification: cricket crowds are expected to grow by 65,000 attendees a year, and total attendances at a redeveloped Adelaide Oval will increase from the old level of 399,000 to 1.371 million—more than tripling attendance. The infrastructure Labor has put in place—investment in roads and public transport—has proven more than capable of handling the increase in traffic into the city, particularly on game day. Congestion and disruption has been minimal, with an estimated 70 per cent of the 50,397 attendees to the first football game arriving and leaving on public transport. Throngs of South Australians and South Australian-owned companies have been given work and thrive because of these investments.

The Adelaide Oval project employed over 800 local construction workers, and using established multipliers it also generated an estimated 300 additional jobs. Further, 60 of the 63 contractors employed were South Australian based. Additionally, connections from the footbridge and riverbank will encourage people to explore the vibrant bars and atmosphere of Bank, Leigh and Peel streets. This will revitalise our restaurants, bars and retail districts, all the way through to the Central Market.

Those in the Liberal Party claim to support small business, but how many untold hundreds of small businesses have benefited from the flow-on effects of these investments? How much worse would those South Australians be doing if the Liberals had their own way?

I am proud to support the Supply Bill, which in funding the Public Service nurtures and supports the wider South Australian economy. This Supply Bill, like previous supply bills passed by the Labor government, will nurture economic growth and ensure that South Australia is well equipped to continue passing supply bills and continue to fund vital services far into the future. I commend the bill.

The Hon. J.S.L. DAWKINS (17:04): I rise today to support the second reading of this bill which provides, I understand, some \$3.941 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill for 2014-15 passes both houses. As we know, the Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure, and the government is entitled to continue delivering these services in accordance with general approved priorities; that is, the priorities of the last 12 months until the Appropriation Bill is passed. Before making some comments on a couple of areas in particular, I note that the use of that money is for the work of public servants to service the constituents and residents of South Australia.

I wish firstly to direct some comments to the area of natural resources management and particularly the natural resources management boards that exist in South Australia. I have a particular interest currently and have had for the past four years as I have been a member of the Natural Resources Committee of the parliament, but I suppose much earlier than that in my early days in this house I was a member of a committee that recommended that soil boards and animal and plant control boards be amalgamated into one entity. At that stage that recommendation did not include water into those amalgamated entities but the current government rolled water into that scenario and what evolved was the natural resources management boards that we have today.

We are served by eight of those boards, including the Alinytjara Wilurara NRM Board, which is in the Aboriginal lands of South Australia taking up an enormous area of the state. We have the South Australian Arid Lands NRM Board, the Eyre Peninsula NRM Board, and a board also in the region of Yorke and Mid North. We have the South Australian Murray-Darling Basin NRM Board, and the Adelaide & Mount Lofty Ranges NRM Board. The coverage of the state is completed by the NRM boards on Kangaroo Island and in the South-East.

As a member of the Natural Resources Committee I am privileged to have visited those boards, seeing the work they do on the ground and understanding the fact that there is in most instances very strong voluntary support and community backing for much of the work that they do. I think we understand that there are concerns about some of the activities of the boards and some of the staff, and I think sometimes that is overstated by some people. There are a number of people certainly in the upper Fleurieu area who make a lot of noise about NRM boards, but when they are

asked to show you some examples of their claims they do not come through with taking you out and showing you what you are happy to go and look at. I always think that indicates that maybe they are exaggerating what they say.

There is no doubt that there are some concerns in a number of areas with some of the work that the boards have done in relation to water allocation plans, and something I will get to later on as well is the significant concern about the loss of a number of the local boards' autonomy since the government rolled them under the umbrella of the Department of Environment, Water and Natural Resources.

Having been a member of the Natural Resources Committee, I had a good chance to have a look at the management, particularly the financial management, of the boards, because they have to bring their levy increases each year to the board for our approval, particularly if they are above CPI. In the early stages of these boards as they made transition arrangements, the committee gave the benefit of the doubt to pretty well all the boards for a period of time in allowing some increases above CPI where it was based on good merit for local reasons. That certainly has been the case.

However, I think a couple of years ago we were alarmed when the Adelaide & Mount Lofty Ranges NRM Board brought in an increase of something in the order of (I cannot remember exactly) 11 per cent. The committee objected to that, which threw the minister's office into a bit of a panic because, even though there is obviously a provision for that, they were not prepared for us to do that. I must remind the council that at that stage there were four members of the government on the committee that supported that action.

There was a delay, I think, within the government to react to us rejecting that application for a levy increase of that size but, as a result, that board and other boards have, I think, responded to that and, certainly in this last 12 months, there has been a significant improvement in the way they have not only adhered to that CPI increase but also the capacity of most boards to bring the levy application to us earlier rather than later in the time frame.

I would have to say that, from the experience of the visits that the committee has had to all of the boards, I think, in the main, the boards are served by excellent people who sit on the boards themselves and are also served extraordinarily well by the staff. There will always be some exceptions but that is our observation. Particularly those people who live locally and have a commitment to that local region are actually terrific people.

However, we have seen the decision in the last few years of the government to put the natural resource management boards under the control of the Department of Environment, Water and Natural Resources, and I think that has been a mistake. Certainly, very soon after that happened I remember the committee had the chief executive of DEWNR in as a witness and I think he was asked to explain how the boards would operate or how the chief executives of each of the boards were supposed to operate having their responsibilities split between the members of the board themselves and the chief executive of DEWNR.

To say that he gave what I would call a 'Sir Humphrey' answer is an understatement, but I know that some of the senior management of the individual boards who were sitting in the room at the time were grimacing because they could see the extraordinary difficulty of trying to serve two masters, and I do not think that has been a good thing for natural resource management at all.

As I say, I think the great majority of the people who work in the area are in that sector for the right reasons. They are backed up by some terrific people who serve on the boards themselves and on the various regional committees within those areas and, of course, the volunteers who go out and do the work that I know the Hon. Michelle Lensink has witnessed recently and is going to witness again soon, the volunteers who go out and do planting in areas that need it or do the weeding in areas that are inaccessible to machinery and they do it with their own equipment in most cases.

So, I think that is something that I would like to indicate that I support: the continued funding support, obviously through the levies but also anything else the government can do to assist natural resource management in this state; but let us have a look at that DEWNR control over these boards. It was certainly the opposition's policy at the last election to have a significant review of the way in which natural resource management was rolled out in this state. A lot of the concern that resulted in that policy, I think, comes from the fact that DEWNR has this umbrella control over the individual boards that I mentioned earlier.

I emphasise that for the strength of the eight boards, and the people who are on them, in widely varying regions, we need to go back to an emphasis on local decisions from local people. I think it is extraordinarily relevant, as I say, when you look at the wide variety in those regions. You have the AW and SA Arid Lands NRM board regions that are vast in size but with very few people. I know that you, sir, in your past career, were a member of the committee and you have been on some of the trips into those areas and I once saved you from going down a hole at Coober Pedy. I hope you remember that well, sir.

We also, of course, have the varying regions of Eyre Peninsula, Yorke Peninsula and the Mid North, the Murray-Darling Basin, the South-East and, of course, two other regions that are quite different: you have a region just for Kangaroo Island, so an NRM board for 4,500 people completely surrounded by water, and then you have the Adelaide & Mount Lofty Ranges NRM Board, which has the vast majority of the population of South Australia in a relatively small region, which basically goes from the southern banks of the River Light to Victor Harbor—extraordinarily different areas.

Mr President, I think you may have been on the committee when we visited areas as different as Port Gawler, One Tree Hill and Kersbrook in the one day; not that much distant from each other but significantly different in climate and environmental conditions. In concluding this aspect of my speech, I indicate that I think it is important, in supporting the natural resource management boards, that we emphasise that factor of local decisions by local people; if we do, we will not go far wrong.

The second issue I wish to mention today is that of the Upper Spencer Gulf Common Purpose Group. This group is an example of a group established with a common purpose—as is evident in their title—that is keen to work with all arms of government for the betterment of a community, or in this case three communities. The Upper Spencer Gulf Common Purpose Group is an alliance of local government, regional development and education representatives in the Upper Spencer Gulf. Its aim is to facilitate economic and social growth across the cities of Port Augusta, Whyalla and Port Pirie.

It was formed in 1998 as a forum for the three cities to share information, jointly implement initiatives, provide a united voice, and work with government, industry and other stakeholders in the interest of improving the long-term sustainability of the region. In 2012 a memorandum of understanding was signed by local, state and commonwealth governments to provide a strategic framework for coordinating the effort to support economic diversification, prosperity and sustainable communities. The MOU aims to align economic, environmental and social development planning and action to coordinate and sequence investment to maximise the benefit of improved infrastructure, liveability and economic resilience. I am of the understanding that the Upper Spencer Gulf cities remain committed to the MOU principles and continue to work hard at seeking re-engagement at both state and commonwealth levels; indeed, representatives of that organisation were in Adelaide last week doing just that.

The current activities of the Upper Spencer Gulf Common Purpose Group support the priorities identified in the MOU action plan, including a regional sustainability program, the Upper Spencer Gulf education, skills and training hub, and a focus on the area of energy generation and transmission. It also focuses strongly on strengthening administrative collaboration, efficiencies and resource-sharing opportunities across the three cities, including consistency in planning, joint procurement and its representation within the Local Government Association.

I am pleased that, for the first time, this group has appointed a full-time chief executive officer, and I think that is a boon to that organisation. Ms Anita Crisp has, for some time, been the CEO of the Central Local Government Association Region and she has now taken on that role with the common purpose group. I welcome her involvement and commitment in that role.

I was also very pleased that the representatives of that group, in their discussions with me, in particular in relation to their commitment to the social aspect of their work, were very supportive of my work in the area of suicide prevention. It is certainly something that has already seen groups acting in Port Augusta for a number of years, the Suicide Intervention Life Preservation Action Group (SILPAG), which I have spoken about in this place before.

I am pleased to note that, through the government's Office of the Chief Psychiatrist, there will be one of the suicide prevention networks established in the City of Whyalla, in cooperation with the city council, very soon, and I know that the mayor, Jim Pollock, is very supportive of that move. Also, the current chairman of the Upper Spencer Gulf Common Purpose Group, mayor Brenton

Vanstone of Port Pirie, is also aware of suicide issues in his city and keen to do more in that area. Of course, as I have said, in Port Augusta, that work has been going on for a number of years, particularly with the Aboriginal community there, and it is supported very strongly by mayor Sam Johnson and the member for Stuart, Mr Dan van Holst Pellekaan.

With those remarks, I am very pleased to support this bill. I again indicate its importance as it does provide that \$3.941 billion that enables the work of public servants, in their service to South Australians, to continue until the Appropriation Bill passes both houses. I am pleased to support the bill.

Debate adjourned on motion of Hon. T.J. Stephens.

CRIMINAL LAW (SENTENCING) (CHARACTER EVIDENCE) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:28): I move:

That this bill be now read a second time.

Good Character in Sentencing for Child Sex Offences

Section 10(1) of the Criminal Law (Sentencing) Act 1988 says that:

In determining the sentence for an offence, a court must have regard to such of the following factors and principles as may be relevant: ... (l) the character, antecedents, age, means and physical or mental condition of the defendant...

This reflects the common law. The authoritative discussion of the principle involved is contained in the judgement of the High Court in *Ryan v The Queen* [2001] HCA 21; (2001) 75 ALJR 815. That was an appeal against sentence by a former priest who had been convicted of 14 serious sexual offences against 12 young boys aged between six and 14 years and had asked the sentencing judge to take into account 39 additional offences. The offences had occurred over a period of 20 years. He had otherwise been a person of good character. He was sentenced to imprisonment for 16 years. Earlier he had been convicted of 20 similar offences against a number of victims and had been sentenced to imprisonment for six years. It was ordered that the two sentences be served cumulatively. The appeal to the High Court was against the sentence of 16 years.

In the course of that case, the High Court was asked to rule on the relevance of evidence of prior good character in mitigation of sentence for such offences. The court was divided. Callinan and Kirby JJ thought that evidence of previous good character was relevant in mitigation when sentencing for offences of this kind, whereas Hayne J and others disagreed. There was, therefore, no majority position on this issue.

The leading South Australian decision on point is *R v Liddy* [2002] SASC 306. This was an appeal against sentence for child sexual offences committed by a magistrate who took opportunities presented by his office and by his volunteer work in lifesaving by young people to commit a series of sexual offences against children over a period of many years.

He was eventually sentenced to imprisonment for 25 years with a non-parole period of 18 years upon his having been found guilty by a jury of six counts of unlawful sexual intercourse with a person under the age of 12 years, three counts of indecent assault and one count of offering a benefit to a witness. He appealed against the sentence. One of the grounds relied upon was the failure to take into account, or sufficient account, evidence of previous good character. Again, there was not an unanimous view. Mullighan J said:

There is no clear statement by three members of the Court in *Ryan* that otherwise good character should usually operate in mitigation. Obviously there are clear cases where it could reduce a sentence, however in cases such as the present case I do not think this matter is of much significance. The appellant used his otherwise good character and his position of trust and prominence in the community to gain the confidence of the parents of the boys and, indeed of the boys themselves, which is a matter of aggravation. The fact that he had otherwise lived his life without offending and had made positive contributions to the community is a matter in his favour but, in all the circumstances, does not justify a reduction in the sentence.

However, Gray J said:

In re-sentencing the appellant a relevant consideration includes the need for some credit to be given for his previous good works and his prior good character and reputation. However any credit arising from these matters must be measured against the use of his position as a surf lifesaving coach and his office as a magistrate as instruments to effect his criminal purposes. In the particular circumstances of this case only limited credit can be afforded.

There continues to be a difference of opinion on the point. This ambiguity in authority is used as leverage by defence counsel making sentencing submission in mitigation of child sexual offences. I am of the opinion that the matter needs to be cleared up, that there needs to be a statement that the law does not regard previous good character to be mitigating in certain cases, and that the operative principle should be one that Mullighan and Gray JJ agree about, that there is no mitigation where the offender has used his good character or good works as a mask or tool by which to access or control his victims. It does the law no credit to say that, even where the offender has used his good name as the means by which to commit his crimes, that fact is mitigating. In my view, it is at best neutral, at worst, an aggravating factor.

New South Wales has legislated to this effect. Section 21A(5A) of the Crimes (Sentencing Procedure) Act 1999 says:

(5A)—Special rules for child sexual offences

In determining the appropriate sentence for a child sexual offence, the good character or lack of previous convictions of an offender is not to be taken into account as a mitigating factor if the court is satisfied that the factor concerned was of assistance to the offender in the commission of the offence.

At the 2014 election, Labor pledged to enact this provision in South Australia. This bill fulfils that pledge.

In relation to correcting an error, section 20AAC of the Criminal Law (Sentencing) Act 1988 says (emphasis added):

20AAC—Sentence of imprisonment not to be suspended

- (1) *Subject to subsection (2), but despite any other provision of this act or any other act or law, the following provisions apply in relation to the sentencing of a person who is a serious firearm offender for a serious firearm offence (including where the offence is the serious firearm offence that resulted in the person being a serious firearm offender):*
- (a) *if the maximum penalty for the serious firearm offence includes a period of imprisonment—a sentence of imprisonment must be imposed on the person;*
 - (b) *the sentence of imprisonment cannot be suspended;*
 - (c) *section 18 does not apply in respect of the sentencing of the person;*
 - (d) *if—*
 - (i) *the person is also being sentenced in respect of other offences; and*
 - (ii) *1 or more of those offences are not serious firearm offences,**section 18A does not apply to the sentencing of the person in respect of the serious firearm offence (however nothing in this paragraph affects the operation of section 18A in respect of the other offences).*
- (2) *A court sentencing a person who is a serious firearm offender for a serious firearm offence may declare that subsection (1)(b) does not apply to the person if he or she satisfies the court, by evidence given on oath, that—*
- (a) *his or her personal circumstances are so exceptional as to outweigh the primary policy of the criminal law in respect of firearms offences set out in section 10(3a); and*
 - (b) *it is, in all the circumstances, appropriate to suspend the sentence.*

The issue concerning section 20AAC(2)(a) is that section 10(3a) of the act no longer exists.

Section 10(3a) previously stated that: 'A primary policy of the criminal law in relation to offences involving firearms is to emphasise public safety by ensuring that, in any sentence for such an offence, paramount consideration is given to the need for deterrence.'

Section 10(3a) was replaced by section 10(2)(e).

Section 10(2)(e) states that in determining the sentence for an offence, a court must give proper effect to the following:

- (e) in the case of an offence involving a firearm—the need to protect the safety of the community by ensuring that paramount consideration is given to the need for general and personal deterrence.

Section 20AAC(2)(a) should be amended to delete the reference to section 10(3a) and replace it with a reference to section 10(2)(e) and in addition, to adopt the wording in that section.

I commend the bill to members. 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—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 10—Sentencing considerations

This clause amends section 10 to provide that a sentencing court is not to have regard to the good character or lack of previous convictions of the offender if the offence is a class 1 or class 2 offence (within the meaning of the *Child Sex Offenders Registration Act 2006*) and the court is satisfied that the alleged good character or lack of previous convictions assisted the defendant to commit the offence.

5—Amendment of section 20AAC—Sentence of imprisonment not to be suspended

This clause corrects an incorrect cross reference.

Debate adjourned on motion of Hon. K.J. Maher.

At 17:36 the council adjourned until Wednesday 18 June 2014 at 14:15.