

LEGISLATIVE COUNCIL

Thursday, 19 June 2014

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

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—
Education and Care Services National Law Amendment Regulations, 2014

Question Time

REGIONAL EMPLOYMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about regional skills and regional unemployment.

Leave granted.

The Hon. D.W. RIDGWAY: The agrifood industry is the biggest contributor to the state's economy, and it counts for almost a fifth of the total workforce in South Australia. The state depends upon agriculture for both food security and export earnings, and it is in need of a robust, intelligent and thriving workforce. In recent years, however, there has been a significant drop in agricultural enrolments, despite a large number of employment opportunities in the sector. The decline in applications for agriculture courses is a long-term national trend and the problems need to be faced by government.

With an ageing workforce, both on and off the farm, the agriculture industry is in desperate need of an injection of young, fresh and intelligent workers. Unfortunately this is not happening, and young people are increasingly not choosing agricultural careers. The University of Adelaide, for example, was forced to merge its Bachelor of Agriculture and Bachelor of Science (Agricultural Science) due to declining enrolments, and around Australia there has been a 40 per cent decline in agricultural graduates; this is despite there being around four full-time jobs for every graduate, with significant opportunities in a dynamic range of rewarding careers.

I noticed today the ABS figures for regional unemployment and regional employment in South Australia. In May this year, there were 1,400 jobs lost in regional South Australia, there were almost 4,000 people unemployed in regional South Australia, and South Australia's regional unemployment rate increased from 6.1 per cent to 8 per cent in May 2014. This was the worst jobless rate in all the nation. My questions to the minister are:

1. After 12 years of a Labor government, why does regional unemployment continue to rise?
2. Again, after 12 years of a Labor government, why are young people not choosing careers in agriculture or food and wine, given that the government has a strategy of premium food and wine from a clean environment?

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) (14:20): I thank the honourable member for his most important question. Indeed, the employment figures for regional Australia came out earlier today and they are disappointing for South Australia, I have to say. It is not surprising given that there was a slight increase in the unemployment rate for South Australia in last month's figures and now, with the regional figures being released today, it is not surprising that they too are following suit. There has been a small deterioration there, as well.

It is interesting to note, however, that we did have an improvement in employment for Western Adelaide and also for Southern Adelaide. For those two regions, there was a slight improvement. It was also interesting to note that—

The Hon. D.W. Ridgway: Western Adelaide—is that a region? Where does it come from?

The Hon. G.E. GAGO: It is in the Greater Adelaide region. The Hon. David Ridgway should actually read these reports accurately.

The Hon. D.W. Ridgway: Is that regional—west of Adelaide? Western Adelaide?

The PRESIDENT: The honourable opposition leader, could you please allow the minister to complete her answer in silence?

The Hon. G.E. GAGO: The unemployment rates that were released today come out for Greater Adelaide. In Greater Adelaide, there are four regions—Central Adelaide & Hills, Northern Adelaide, Southern Adelaide and Western Adelaide and the regional figures are broken down to those regions accordingly. Then, for Regional South Australia, it is broken down into Barossa, Yorke & Mid North, Outback SA, and South Eastern South Australia. The Hon. David Ridgway should read these reports and he would know these figures. This is the regional data released today. It was interesting to note that—

Members interjecting:

The Hon. G.E. GAGO: He doesn't even understand it. He doesn't even understand what the definition of regions is.

The PRESIDENT: Minister, will you sit down?

Members interjecting:

The PRESIDENT: You have one hour to ask your questions. We don't want to waste it with this bantering across the chamber. It is disrespectful, for a start, to the person giving the answer.

Members interjecting:

The PRESIDENT: It doesn't matter what side of the chamber you are sitting on. I think you should have respect for the person on their feet. The honourable minister.

The Hon. G.E. GAGO: Thank you, Mr President. It is obvious that the Hon. David Ridgway has not read the report, but it is interesting to note that the other little bit of good news in the report is that the regions for Central Adelaide & Hills, Western Adelaide and also South Eastern South Australia were all below the state average for unemployment, so that is pleasing to see.

Obviously this government is focused on jobs and ensuring that all South Australians are afforded the opportunity to undertake meaningful employment wherever they live. Those opposite look to find the most sensational, negative aspect of the data that they possibly can. They thrive on talking down South Australia. They thrive on bagging this state. They thrive on undermining consumer confidence. They delight in undermining business confidence. They absolutely thrive on talking down and bagging this state incessantly. Well, this government does not do that. We make sure that we focus on the positives and work on those areas that need further attention.

When we look at the South Australian regional data, I think it is also very important that we see that the sample sizes are very small and that we know that those rates can be very volatile. They move around a great deal because of their very small sample size, so we have to be careful at looking at those month-to-month figures. It is important that we step back and take a broader picture, but it is interesting to note that there are over 18,000 more people in jobs in regional South Australia than when this government came into power, including more than 11,000 full-time jobs. So 18,000 more people in jobs in regional South Australia than what the previous Liberal government could achieve.

Be assured that this government will continue to work with business, industry and local communities to attract investment and to create regional jobs, harder though this will be given the savage federal Liberal budget cuts which have ripped out \$400 million in funding from apprentices, vocational training and higher services; \$400 million that this federal Liberal government has ripped out of our education system over the next four years. It equates to about 20,000 training positions—

Members interjecting:

The PRESIDENT: Allow the minister to complete her answer in silence please.

The Hon. G.E. GAGO: It equates to about 20,000 training positions, and about 5,000 of those training positions would be in regions, so that is the sort of impact that it is likely to have on our regions. If this opposition is really serious about jobs in regions—we know that training and education is a critical pathway to jobs—then what have they done about lobbying their federal Liberal colleagues to replace that funding to our training, education, apprenticeships and higher education? What have they done? What do we hear? Nothing, complete silence. They have done absolutely nothing to lobby their federal Liberal colleagues about replacing those precious funds for our training needs, so they are hypocrites, that is what they are, absolute hypocrites.

We will keep fighting for this funding, that \$400 million that the federal Liberal government has ripped out of our training and education system. We will keep fighting for that funding and we will keep fighting for South Australian students and job seekers, and we will keep our shoulders to the wheel with industry and training providers to grow skills and jobs in regions.

Our jobs and skills policy sets out a strong strategy for further job creation and reinforces our continued commitment to education and training. This includes direct support for job creation and new initiatives to work more closely with industry to identify emerging job opportunities in local communities. This financial year this government is investing more than \$94 million in training, employment and industry initiatives in regional South Australia. We are investing \$20 million in skills for jobs in regions over three years to create 14,000 local jobs. As I said, although it is disappointing to see this month's figures for regions, nevertheless we have a clear jobs strategy to ensure that we have a strong future and jobs for all in regions.

WATER PRICING

The Hon. J.M.A. LENSINK (14:29): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions about sewerage charges.

Leave granted.

The Hon. J.M.A. LENSINK: The Liberal Party has again been contacted by constituents in regional South Australia regarding disparities in their treatment compared to metropolitan residents, and in particular this is in relation to SA Water sewerage charges. The sewerage charge is determined by the minimum quarterly yearly charge which for the next financial year will be \$87.85 or, and I quote:

A charge based on a percentage capital of your property (referred to as a rate in the dollar): the rate in the dollar differs for properties based in country and metropolitan locations and for residential and non-residential customers.

The increase in the charge will be 3.4 per cent for country as compared to 2.9 per cent for metropolitan customers. My questions to the minister are:

1. Can the minister please explain why regional residents are going to face a higher increase than metropolitan residents?
2. Is this issue covered by ESCOSA's current pricing inquiry?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): I thank the honourable member for her most important question. It is probably a question she might like to ask of the appropriate minister every year because it is the same configuration that has been going up year on year. Sewerage charges for country residents are charged at half a per cent higher than they are for metropolitan residents, and that is clearly because property values in the country are significantly less than they are in the metropolitan area. Effectively, what is happening in the country areas is that sewerage charges are at a much lower rate in the dollar based on property charges than they are for metropolitan users.

The government has been trying to bring the two prices very slowly over a period of time to some sort of equality of apportionment of costs and has been increasing sewerage charges in rural and regional areas by half a per cent for a number of years now. I still understand—and I have not glanced at my briefing at the moment—that sewerage charges in rural and regional areas are about

11 per cent currently less than they are in the metropolitan area. I might have to come back and correct that, but that is from my recollection; that is the basis.

The basis is that metropolitan property prices are much higher than they are in the country, so to try to bring some equality the government has been increasing sewerage charges by half a per cent more than in the metropolitan area for a number of years now but the gap is still quite wide. Country customers are still paying significantly less for sewerage than they would if they were in the metropolitan area.

WATER PRICING

The Hon. J.M.A. LENSINK (14:32): A supplementary question: can the minister advise whether this is covered by ESCOSA's current pricing inquiry?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:32): No, I can't but what I can say is that this government is committed to providing postage stamp prices across the state for water charges in particular, which of course means that metropolitan customers are cross-subsidising country customers. We believe that is fair, in the same way we believe that the sewerage rates in the country need to come up to some sort of equivalence with the metropolitan area so that people are paying the same. People in the country are paying less currently for their sewerage than they are in the city, and again I say that is because of the sewerage prices being based on property prices.

By leave of the house I need to correct myself. I said that country customers are paying 11 per cent less than city customers. A quick glance at my briefing says 12 per cent less.

TERTIARY EDUCATION AND TRAINING

The Hon. A.L. McLACHLAN (14:33): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about tertiary education and training.

Leave granted.

The Hon. A.L. McLACHLAN: South Australia's Strategic Plan Target 93 seeks to increase the proportion of South Australians participating in tertiary education and training to 17 per cent by 2016. However, in South Australia's Strategic Plan Progress Report 2012 it was only a 1.7 per cent increase in the proportion of South Australians participating. Will the minister provide an explanation for why there was such a small increase in the proportion of South Australians participating in tertiary education and training in the year stated?

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) (14:34): I thank the honourable member for his question. Is the target you refer to No. 93; that is, increase the proportion of those aged 15 to 64 in tertiary education and training to 17 per cent by 2016? The report that I have on that is that we have had positive movement in relation to achieving that strategic target and that we are on track to achieve it. That is the latest report I have. I will again double-check that that is the most up-to-date information, but the report I have is that we are doing well in that space.

BUILDING FAMILY OPPORTUNITIES

The Hon. T.T. NGO (14:35): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about support provided to intergenerational jobless families.

Leave granted.

The Hon. T.T. NGO: Some families face severe disadvantages when it comes to being best able to present themselves for job opportunities. My question is: will the minister tell the chamber about what the government is doing to specifically help families for whom it is difficult for family members to participate in the workforce?

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) (14:36): I thank the honourable member for his important question. The Building Family Opportunities program (BFO) works closely with disadvantaged families to assist them to break the cycle of long-term intergenerational family joblessness. The program brings together long-term jobless families, local community organisations and employers to help find solutions to what may be complex issues that prevent families from finding and keeping jobs.

This program could, for instance, support and assist young people and adults in a family to complete secondary education and/or participate in prevocational learning and skills development programs that lead to employment. The Building Family Opportunities case managers work with families to address barriers and/or challenges to them searching for or finding work. By way of an example, support could be provided to deal with housing issues, numeracy and literacy, substance misuse, self-esteem and confidence. The supports and services accessed will depend entirely on the individual and family needs. Supports are built around what is necessary to build their confidence and skills to succeed in education, training and, in the end, sustaining employment.

An evaluation of the program was undertaken by Flinders University. It concluded that BFO is creating positive change where other agencies have been unsuccessful in the past. As part of the evaluation, Deloitte Access Economics concluded that, based on cumulative wage earnings of family members entering a job through BFO, the program returns a strong economic dividend to the state.

The BFO project over four years has assisted 612 jobless families and 1,800 individuals, 325 of whom were Aboriginal, and over 700 training outcomes and 395 employment outcomes were achieved. Just this year alone, between January and May, 53 jobless families were assisted, with 409 people commencing training, and 37 have gained employment.

These are phenomenal figures, particularly when you look at the fact that these are dealing with people who have often become very disengaged with services and some of them have some very complex needs. They are wonderful achievements by these families and individuals, and I congratulate them and the services that have assisted them.

This government is committed to keeping this program going, and in 2014-15 it is expected that the Building Family Opportunities program will support more than 350 other families in the Playford region, southern Adelaide, Far North, Southern Flinders and Whyalla. This Weatherill Labor government recognises the importance of programs that support people to gain essential skills so that they can get work but, as we saw with the federal Liberal budget, many of these programs have had funding simply ripped out.

You will recall that I recently advised this chamber of the savage cuts to the Workplace English Language and Literacy program (WELL), which was worth \$95 million nationally over three years and is set to decrease annually until funding runs out completely in 2017-18. The cuts to the WELL program will make it much harder for working-age people to have the literacy and numeracy skills needed to take up opportunities of a modern economy by 2022.

In South Australia, you will recall this means that the \$2.3 million funding provided to South Australia in 2014-15 will be cut by around 75 per cent to just over \$600,000. The federal Liberal reduction will mean that from 1 July this year we will go from being able to offer 1,500 training positions to just 400—1,500 to 400 training positions, yet another appalling cut by the federal Liberal government. I hear the Liberal member opposite me here today snigger—

The Hon. I.K. Hunter: Giggling.

The Hon. G.E. GAGO: —giggling, sniggering while I mention these figures—a loss of 1,500 training positions down to 400, and they laugh. The Liberal opposition in this chamber laughs.

The Hon. T.A. FRANKS: Point of order, Mr President. I believe that the minister is inferring intent from the members of the opposition that she could not possibly know. Indeed, I didn't hear any sniggering or any noises that she refers to. For the minister to assert such things impugns and, indeed, infers an assumption that she cannot possibly know for sure.

The PRESIDENT: Minister, go ahead.

The Hon. J.S.L. DAWKINS: Point of order. Mr President, it is up to you to rule the point of order and not the Leader of the Government. The Leader of the Government has a—

Members interjecting:

The PRESIDENT: Order! Can we all sit down.

The Hon. I.K. HUNTER: Point of order, Mr President. It is incumbent upon the honourable member to point to the number in the rule book and tell us what the point of order actually was.

The PRESIDENT: The Hon. Mr Dawkins, sit down.

Members interjecting:

The PRESIDENT: No, let me just finish here. The Hon. Ms Franks had a point of order. I listened to what Ms Franks said. She sat down, I asked the minister to continue. I didn't see a point of order.

The Hon. G.E. GAGO: The reason the Hon. Ms Franks didn't hear the sniggering going on is because she is up the back and I was directly opposite the member.

The PRESIDENT: Honourable minister, there is no point of order; just continue on with the speech.

The Hon. G.E. GAGO: I do appreciate your protection, Mr President. Many people and families through circumstances beyond their control—through illness or plain bad luck—can find themselves with limited opportunity, and it is a pity that the federal Liberal government doesn't share this government's commitment to assisting them to have hope and a future in relation to job prospects. It is also a real pity that the Liberals opposite me see fit to laugh at these matters.

While they cut programs, such as Workplace English Language and Literacy (WELL), as well as \$30 million of cuts to pensioners' concessions, we will increase our concession funding by \$30 million, as well as fund programs such as Building Family Opportunities. We do this because we believe that they provide a window of opportunity and hope for many people whose results in life and opportunities rely on these services to obtain employment.

BUILDING FAMILY OPPORTUNITIES

The Hon. K.L. VINCENT (14:43): I think the minister in her answer referred to some 395 job opportunities that had arisen from the program. I may have that figure slightly wrong; she was listing quite a few numbers there. I am wondering what exactly constitutes a 'job opportunity' or 'employment opportunity'. Is that someone who is actually now in employment or someone who has support to look for employment? What does that mean in a practical sense?

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) (14:44): I don't have the definition of what constitutes a 'job opportunity'. There will be a definition, criteria associated with it, and I am happy to look into that and to bring that level of detail back to the chamber as soon as I can.

SCHOOL CHAPLAINS

The Hon. D.G.E. HOOD (14:44): I seek leave to make a brief explanation before asking the minister representing the Treasurer a question regarding school chaplaincy programs.

Leave granted.

The Hon. D.G.E. HOOD: The main question the High Court has examined and ruled on today with respect to the chaplaincy funding has been exactly how that funding is put in place, and whether or not the executive government has the power to fund such programs directly. This was not a decision on religion or the value of chaplains, but merely how they are funded. To be clear, there is nothing unconstitutional about chaplains in the schools at all—this is made clear in the judgment.

The national body for school chaplains has said that it believes the program will survive, and to their credit both the federal Liberal and Labor parties have determined to work together in order to resolve this situation. My question to the minister is: since the federal Labor Party has committed to ensure school chaplaincy continues undaunted, and given that two attempts to fund it have been thwarted by the High Court, will state Labor also work with the federal Coalition government and their

federal Labor colleagues to establish a constitutional state-based funding measure for the chaplaincy program?

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) (14:46): I thank the honourable member for his question and will refer it to the Treasurer or appropriate minister in another place and bring back a response.

APY LANDS, BIKE SA PROGRAM

The Hon. T.J. STEPHENS (14:46): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Bike SA program on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: Recently the government announced a \$300,000 community youth grant to expand a Bike SA program on the APY lands. The minister would be aware, as are many in this place, that the state of the roads on the APY lands is parlous at best, making use of bicycles problematic and counterproductive due to the risk of punctures, injury, etc. Therefore, my questions to the minister are:

1. What is the current Bike SA program on the APY lands?
2. What is the nature of the planned expansion of the program?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I thank the honourable member for his most important question, which, if I am right, should properly be directed to the Minister for Social Inclusion in the other place, and I undertake to take that question to her and seek a response on his behalf. I also point out that his federal Liberal colleagues in the commonwealth government recently advised of their intention to cease, as of 30 June 2015, funding of almost \$10 million.

The Hon. T.J. Stephens: I am laughing!

The Hon. I.K. HUNTER: The Hon. Mr Stephens outs himself as laughing at this cut by the federal Liberal government, this callous, cold, hard, ideological cut by this federal Liberal government against the most vulnerable Aboriginal communities in the remote parts of South Australia: \$10 million—\$9.6 million from municipal—

The Hon. D.W. Ridgway: Answer the question!

The Hon. I.K. HUNTER: Oh, I am glad to welcome the Hon. Mr Ridgway back into the chamber. I do not know where he has been for the last half hour of question time.

The Hon. D.W. RIDGWAY: On a point of order—

The Hon. I.K. Hunter interjecting:

The Hon. D.W. RIDGWAY: Sit him down! I ask the minister to withdraw that. I left the room for maybe seven or eight minutes to receive some paperwork from my office. He says half an hour—that is a disgrace and I ask him to withdraw it.

The PRESIDENT: The honourable minister, it was only a few minutes because there was peace for a few minutes. So, it definitely wasn't half an hour.

The Hon. I.K. HUNTER: It may have been, Mr President. Of course I had not heard from the honourable member for quite some time, but we hardly notice when he is here anyway. To get back to the point, he was probably out checking—

Members interjecting:

The PRESIDENT: The honourable minister, let's just keep to the question.

The Hon. I.K. HUNTER: Indeed I should, Mr President, but if I were to infer as to his motives, he may have been checking up on the report, on which he asked a question of the leader in an earlier part of question time, which he clearly had not read before reading out the question.

So, \$10 million was cut by the Liberal Party inc. at a federal level into municipal and essential services delivered to regional and remote Aboriginal communities in homelands in South Australia. Peremptory cuts, phoned up by the federal minister, who said, 'We're cutting \$10 million, and if you're very, very good, and you swallow this with a dose of sugar, we might give you a little bit extra just to make it go down easily.' The commonwealth government is walking away from the historic funding to these remote homelands and regional areas of South Australia which, for the last 50 years, has been its responsibility. These funds are used for municipal services, collecting rubbish, looking after roads, powering generators. Effectively, the federal Liberal government is going to turn out the lights and say 'sayonara' to these communities; 'You're on your own now. Pick up your own rubbish, look after your own communities. We are not going to accept that responsibility any more.'

This is a cold, hard and callous ideological federal Liberal government that does not believe in government. It does not believe in government, that is its problem, and it is withdrawing funds and passing services back to the states without any funding stream to pay for them. Is it any surprise that the Treasurer in the other place today is going to have to cut his budget to suit the federal cloth that has been sent to us with no funding stream whatsoever—

Members interjecting:

The PRESIDENT: Hon. Mr Dawkins, you are particularly loud. Please refrain.

The Hon. I.K. HUNTER: The Hon. Mr Dawkins has a very powerful voice, Mr President.

The PRESIDENT: He does indeed.

The Hon. I.K. HUNTER: I would like to see that voice lifted up in song occasionally, in tune with the South Australian government, when we oppose these hard, callous cuts of the federal Liberal government.

ORDER OF AUSTRALIA AWARD RECIPIENTS

The Hon. K.J. MAHER (14:51): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister inform the chamber about this year's Order of Australia award recipients who represent and work within South Australia's Aboriginal communities?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51): What a sensational question from the Hon. Mr Maher, and I am very pleased to answer it. The idea, of course, behind the Order of Australia and the list is to identify and recognise role models within our society, and to acknowledge these people for their services and contributions to their communities.

Some award recipients may be well-known personalities—it certainly will not be the Hon. Mr Ridgway in the future, if I have anything to do with the nominations—but most are people who have quietly dedicated years of their life to a particular cause without drawing too much attention to themselves. By highlighting their contribution—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: Mr President, the Hon. Mr Ridgway is suggesting that he should be nominated for a job in the Fringe. I am not sure what his acting abilities are up to these days. However, I will come back to the important question that was asked of me. By highlighting their contribution we help to define and encourage the values and ideals that we, as a society, aspire to.

Among the many Australians who received awards in the Queen's Birthday Honours List, announced recently, there are four outstanding South Australians who were recognised for their services and contributions to the Aboriginal community: Ms Marjorie Tripp, Mr Vincent Copley, Mr James Hignett and Dr Lewis O'Brien. These four South Australians have dedicated their life to improving conditions within Aboriginal communities and teaching South Australians about Aboriginal culture and heritage.

This government is proud of its achievement in Aboriginal affairs, and I am proud that we and this parliament recognised the first peoples of South Australia in our state constitution last year. I am proud that we are designing special legislation—the first of its kind in Australia—to recognise the self-determining governance structures of Aboriginal nations in South Australia and their unique cultural identity. These achievements would not have been possible without constant dialogue and

interaction with the Aboriginal communities to inform, help and guide us, and the four people I am speaking of today have played a very important role in establishing and maintaining this dialogue.

Ms Marjorie Tripp was appointed an Officer of the Order of Australia for her service to the Aboriginal community through the promotion of improved aged-care and health outcomes. Ms Tripp was the first Aboriginal woman to enlist in the Navy. She was 17 when she signed up for the Women's Royal Australian Naval Service in 1963. She is possibly most well known for her tireless work to ensure that Aboriginal members of the armed forces receive the recognition they deserve. For years she lobbied and fundraised, and chaired the Aboriginal and Torres Strait Islander War Memorial Committee, which led to the establishment late last year of a memorial down on the Torrens Parade Ground.

Ms Tripp has also been a strong advocate for health and aged-care services for Aboriginal people, and after she left the Navy she studied social work and built a career working with the Aboriginal affairs department. Her work focused on the impacts on women of issues such as petrol sniffing and domestic violence. For much of the eighties she chaired the South Australian branch of the National Aborigines and Islanders Day Observance Committee, as well as playing a part in establishing Adelaide's Tandanya National Aboriginal Cultural Institute.

Another deserving recipient, of course, is Mr Vincent Copley AM. He was appointed Member of the Order of Australia for his significant service as an advocate for the improvement of social, legal and economic rights of Aboriginal people. Mr Copley is a respected elder of the Ngadjuri people of South Australia and was the inaugural national secretary of the National Aborigines and Islanders Day Observance Committee. He has been politically active since the late 1960s, I am told, and I understand that one of his many great achievements was to be involved in establishing legal aid for Aboriginal people in South Australia. Mr Copley is also an accomplished sportsman, having been recognised for his talent as both a footballer and a cricketer.

I turn to Mr James Hignett, who received a Medal of the Order of Australia for his service to the Aboriginal communities in South Australia. Mr Hignett began working at the Australian Education Union in 1979 and was instrumental in the development of the Australian Education Workers Award in 1987.

We recognise the importance of education in empowering Aboriginal people to achieve their goals and also educating the broader public about Australia's first peoples. Ensuring that there are fair conditions for Aboriginal people to enter the education field plays an incredibly important part. Mr Hignett has been enormously generous with his time in this regard.

As a board member of Reconciliation SA, he was involved in producing an education pack for Reconciliation SA that is a useful tool for schools today. He is also a member of the Register of Aboriginal Veterans of SA and a member of the South Australian Aboriginal and Torres Strait Islander War Memorial Committee, to name a few of his commitments.

I must now turn to Dr Lewis O'Brien, who was appointed an Officer of the Order of Australia in recognition of distinguished service to the Aboriginal community of South Australia as an elder and educator, as well as for the promotion and protection of Aboriginal culture and heritage. Uncle Lewis O'Brien, as he is known to many, is a respected and very proud Kurna elder. He has dedicated much of his life to preserving and growing the Kurna culture. His activity within the community has helped educate people from all across the state.

Most of us would have had the pleasure of being welcomed to country by him on many occasions in his very wonderful unassuming manner. This is reflected in the way Dr O'Brien responded to receiving his award. He said, 'The recognition is nice but for me it is more about getting the recognition of Aboriginal people and the work being done.'

The wonderful thing about these four outstanding South Australians is that their first thought is always about the wellbeing of their community. These very deserving recipients demonstrate the way a single person can make our society and community a better place by using whatever talents they possess and giving up their time for their communities.

I would like to congratulate all the South Australian award recipients on behalf of this parliament and thank them for the difference they make and for inspiring all of us to contribute our time to make this place better for everybody.

TAFE SA

The Hon. T.A. FRANKS (14:57): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding her responsibilities under the Technical and Further Education Act 1975 and TAFE SA.

Leave granted.

The Hon. T.A. FRANKS: As members are aware, we have had many questions on TAFE SA in this place over the period of sitting. Indeed, we had questions on 7 May and 3, 5 and 18 June (over a dozen questions), many to which we have received a response from the minister that TAFE SA is now an independent statutory authority and therefore she does not have a responsibility to provide what she calls operational information and answers on operational matters, which include, of course, the closure of courses and campuses and the deep distress that has been caused by the government's new regime.

Yesterday, when I asked the minister on what date the Technical and Further Education Act 1975 was repealed, she responded that she would find out and bring it back to me but encouraged me to do my own research, and indeed said what a lazy opposition both myself and the opposition were.

I draw to the minister's attention the fact that the Technical and Further Education Act 1975 is currently assigned to her under the acts committed to ministers; indeed, under section 5 of the Administrative Arrangements Act 1994 as of 16 June 2014. I ask the minister to confirm whether or not this is a clerical error and whether or not she, as the minister, is still responsible for the Technical and Further Education Act 1975, which is assigned to her, and ask her to answer all of the questions regarding TAFE SA asked on those sitting days of parliament.

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) (14:59): I thank the member for her questions. Indeed, I have since been advised that there have been two attempts to repeal the Technical and Further Education Act 1975 (SA). The repeal of the 1975 act was associated with the TAFE SA (Prescribed Employees) Amendment Bill 2013 and the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill 2012. Neither of these bills were passed. In fact, if the Hon. Tammy Franks is so concerned about this act being repealed, maybe she should spend some of her energy lobbying those members in this place who didn't support those bills, which is the opposition, Family First and the Hon. John Darley.

I am advised that TAFE SA is still able to operate without this legislation being repealed. I am also advised that the 2012 bill was passed in the Legislative Council and was subjected to a deadlock conference before being laid aside. The 2013 bill did not pass because the 2012 bill was considered to be more favourable. If there are other matters in those questions, I am happy to take those on notice and bring back a response.

Given the Hon. Tammy Franks' interest in the VET sector and TAFE, in particular, and given the federal Liberal government cuts to this sector (\$145 million over the next four years), I wonder what the Greens have done about lobbying the federal Liberal government to reinstate those really important funds to South Australia. I have indicated those cuts here in South Australia—those funds that are going to be ripped out of our training, apprenticeship and higher education system (I think the \$145 million is just out of our training and VET sector)—are likely to result in a cut to 20,000 training positions here in South Australia.

That is the magnitude of these savage cuts to our funding. What will happen is that it is likely to impact on 20,000 training positions. So, I wonder what the Hon. Tammy Franks has done about lobbying the federal Liberal government about reinstating funding so that those 20,000 training positions are not ripped out of the system and, as I have said, 5,000 of those are likely to be located in the regions. So, it will have a profound impact right across the state.

I have spoken in this place about the impact of the federal budget cuts on literacy skills training, that money being ripped out, so I won't go on and on about that; I have already raised that issue here today. There is also a single teenage parents initiative that previously provided subsidy for teenage parents training. The federal Liberal government has ripped out those funds as well.

Funds to assist teenage parents to remain engaged in training have been savagely ripped out of the system. It is a cruel, callous federal government.

I would urge the Hon. Tammy Franks, given her level of interest in this very important policy area, to lobby very hard, to join with the Labor Weatherill government to oppose these savage cuts and to fight back against the federal Liberal government's cuts to our very important training and education services, plus those other cuts that have been mentioned in this place as well.

TAFE SA

The Hon. T.A. FRANKS (15:04): Supplementary: how can the students and staff of TAFE SA have confidence in you as the minister if you do not even know what acts are committed to you as the minister?

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) (15:05): Again, if the Hon. Tammy Franks really wanted to expend her efforts in a constructive and powerful way, I would be urging her to come and join us to fight against the federal Liberal government's savage, cruel cuts to our training sector. It will have a profound impact on training throughout the state.

It will impact on people's lives—young people's lives and also the lives of older South Australians who have been retrenched and want to reskill or upskill to be able to re-enter the workforce. I would urge the Hon. Tammy Franks to come and join us in opposing these savage, cruel federal Liberal government cuts. I have already put on the record that I am happy to take those questions on notice and I will bring back a response.

TAFE SA

The Hon. T.A. FRANKS (15:06): Supplementary: how can the minister talk about savage cuts to single parents when her government—the Labor government under Rudd and Gillard—ripped the single parent payment away from them and indeed continues to hold that policy position?

The PRESIDENT: The honourable minister, we are getting into territory that does not relate to the question at the moment. The Hon. Mr Wade.

WATER AND SEWERAGE INFRASTRUCTURE

The Hon. S.G. WADE (15:06): I seek leave to make a brief explanation before asking the question of the Minister for Water and the River Murray on third-party access.

Leave granted.

The Hon. S.G. WADE: The Department of Treasury and Finance published a report entitled 'Access to water and sewerage infrastructure' in February 2013. It raised the option of ESCOSA's regulatory role being extended to include a state-based third-party access regime. Submissions to the Department of Treasury and Finance closed in March 2013 with the expectation that a draft third-party access bill would be released by mid-2013 for further consultation and introduction into parliament in September 2013.

A draft bill was provided at the last possible moment last year without any opportunity for parliamentary scrutiny and in the face of industry concerns that it was not worth the paper it was written on. I ask the minister: when will the government table a third-party access bill as required under the Water Industry Act?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his most petulant question and my answer is: soon.

CONSUMER PROTECTION BOOKLET

The Hon. J.M. GAZZOLA (15:07): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about consumer protection for Indigenous Australians.

Leave granted.

The Hon. J.M. GAZZOLA: I understand that, earlier this year, consumer protection agencies across Australia released a publication aimed at assisting Aboriginal Australians to understand their consumer rights. Minister, will you update the chamber on Consumer and Business Services' involvement in the release of the *Be Smart—Buy Smart* publication earlier this year?

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) (15:08): I thank the honourable member for his question. I am pleased to advise members about Consumer and Business Services (CBS) and their involvement in the national launch of the *Be Smart—Buy Smart* publication on 12 March 2014. CBS led a national project to develop an illustrated publication to assist Indigenous Australians to understand their consumer rights. The new *Be Smart—Buy Smart* booklet provides helpful tips and information for Indigenous consumers about their shopping rights and responsibilities under the Australian Consumer Law. I am advised that Indigenous Australians living in remote areas are often targeted by dodgy traders and scammers. The *Be Smart—Buy Smart* booklet offers advice and assistance to prevent unfair treatment when shopping.

The government wants to help Indigenous Australians understand their legal rights and obligations and protect them against unfair trading practices. Consumer protection agencies across Australia are taking a proactive—

Members interjecting:

The PRESIDENT: Will honourable members please allow the minister to give an answer in silence? If you want to have any discussion, you can always go outside.

The Hon. G.E. GAGO: Thank you, Mr President. Consumer protection agencies across Australia are taking a proactive step to engage with Aboriginal consumers to improve the behaviour of traders in the marketplace. The booklet provides information through simple messages and illustrations, complementing other services offered individually by Consumer and Business Services and other consumer protection agencies. The booklet covers topics such as shopping rights, credit and book up, refunds, guarantees, warranties, lay-by, contracts, scams, resolving issues, and lodging a complaint.

The project was a joint consumer awareness initiative by all state and territory consumer protection agencies in Australia, with support from the National Indigenous Consumer Strategy reference group. The new booklet was launched nationally earlier this year, with thousands of copies of the booklet having been distributed across the country, including a recent Sorry Day event held in Adelaide at Victoria Square in May. The *Be Smart—Buy Smart* booklet is available for viewing on the CBS website, or free copies can be obtained by calling 131 882.

CBS is also currently developing a consumer rights DVD aimed at Aboriginal consumers living on the APY lands. The DVD, titled *Deadly Dollars—Something for Nothing*, will depict what can happen to an Anangu family when lumbered with debts caused by expensive contracts and impulsive purchasing. The script has been developed in close consultation with locals from the lands, including residents, community leaders and community service providers. Filming for the video occurred last month, with local actors speaking Pitjantjatjara. English text will be overlaid so that the video can be viewed by Aboriginal people from other areas across South Australia.

The government hopes to finalise the launch of the DVD in coming months and these initiatives demonstrate the government's contribution and commitment to ensuring all South Australians have a better understanding of their consumer rights and are protected from unfair business practices. Every South Australian has a right to be protected equally under the Australian Consumer Law.

COOBER PEDY WASTE DEPOT

The Hon. J.A. DARLEY (15:12): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions regarding native title.

Leave granted.

The Hon. J.A. DARLEY: On 11 May 2011, the Antakirinja Matu-Yankunyjtjara were recognised as the traditional owners of approximately 76,000 square kilometres in and around Coober Pedy. Following this decision, I understand the government had determined all locations of

significance to the traditional owners in and around this area and that a list of these sites is kept confidential for fear of site desecration.

I have been advised that the traditional owners have recently objected to the site of the recently established Coober Pedy dump as it is located, or partly located, on a significant site. I understand an alternative site is being investigated; however, to date, no alternative site has been identified. I am further advised that, if an alternative cannot be found, Coober Pedy's waste will have to be trucked over 500 kilometres away to Port Augusta. My questions are:

1. Can the minister advise whether an alternative site for the dump has been found and, if not, when can this be expected to be resolved?

2. Have any other alternatives, other than what I have outlined above, been investigated for managing Coober Pedy's waste?

3. Will the government provide any economic assistance to either establish a new dump or to contribute to the ongoing cost of trucking Coober Pedy's waste to Port Augusta?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:14): Again, I need to advise the house that responsibility in terms of native title rests with the Attorney-General in the other place. Consequently, I will take the question on notice and seek a response from the Attorney in the other place and bring it back for the honourable member.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:14): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Mental Health and Substance Abuse, questions about suicide prevention funding.

Leave granted.

The Hon. J.S.L. DAWKINS: The government has in place the South Australian Mental Health and Wellbeing Policy, the SA Health Primary Prevention Plan 2011-16, the SA Health Service Framework for Older People and the South Australian Suicide Prevention Strategy 2012-2016. These policies are all intended to add to the effort to reduce deaths caused by suicide in South Australia.

My question is: will the minister provide a breakdown of funding and effort the government has provided to implement the SA Mental Health and Wellbeing Policy, the SA Health Primary Prevention Plan 2011-16, the SA Health Service Framework for Older People in relation to suicide prevention, as well as that relating directly to the South Australian Suicide Prevention Strategy 2012-2016?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I thank the honourable member for his important question and his ongoing activism in this area. It is a very important policy area on suicide prevention and our programs as a government. I undertake to take the question to the Minister for Mental Health and Substance Abuse in the other place and seek a response on his behalf.

EYRE PENINSULA WATER SUPPLY

The Hon. M.C. PARNELL (15:16): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions about Eyre Peninsula water supply.

Leave granted.

The Hon. M.C. PARNELL: On 22 January, the government responded to the 85th report of the Natural Resources Committee on Eyre Peninsula's water supply. Six of the committee's 12 recommendations were not supported including recommendation 9, which states:

The Minister for Sustainability, Environment and Conservation require SA Water, as a user of the water, to implement and report on automated time-series pumping of Eyre Peninsula borefield water meters with this information provided to DEWNR and the EP NRM Board on a quarterly basis to ensure allocations are not exceeded. This information should also be made available on SA Water's public internet site.

In responding to that recommendation, the government response included the following:

[An] increase in monitoring and the publishing of data would be difficult and costly.

My questions to the minister are:

1. What cost is associated with quarterly meter reading and reporting?
2. Does the minister accept that the monitoring of the most precious natural resource in one of the most productive regions of South Australia should be a top priority?

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 this most important question on the topic of water supply on Eyre Peninsula. I said in this place before the Natural Resources Committee handed down its final report of the inquiry into Eyre Peninsula's water supply that this government is acutely aware of the importance of secure water supplies to the future of our state. This is of particular concern in regional and remote areas of South Australia and, as we know, there is significant community concern about the security of water supplies on Eyre Peninsula.

The recommendations from the final report are being reviewed by the government in the context of ongoing and recent initiatives, such as the development of the new water allocation plan for the region's groundwater resources, new metering requirements for SA Water in the region and the introduction of independent economic regulation of SA Water and ongoing annual reviews of the region's water security through the Eyre Peninsula Demand and Supply Statement. In addition, we have invested significantly in the science and monitoring of Eyre Peninsula since 2008, I am advised, providing invaluable information for the future management of water on Eyre Peninsula.

The Natural Resources Committee made a total of 12 recommendations in its report into the Eyre Peninsula water supply. A number of the committee's recommendations are already being progressed by the state government and, as a result, three recommendations have been supported and another three are partially supported by the government. The committee's report assigned equal weight to anecdotal evidence received from the community to that of peer-reviewed scientific research, and I do not believe that is a very good basis for decision-making.

The state government has invested significantly in the science and monitoring of water resources on Eyre Peninsula in recent years, and I am advised that the level of effort in this region exceeds that in most other areas of the state. It is important that the government continues to exercise a cost-effective approach to regulation across South Australia to minimise red tape impacts on regional businesses and communities. The NRM board will continue to work with relevant government agencies to support efficient regulatory practice for natural resources management in the region.

Parliamentary Procedure

BUDGET PAPERS

The following papers were laid on the table:

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

- Budget Paper No. 1—Budget Overview 2014-15
- Budget Paper No. 2—Budget Speech 2014-15
- Budget Paper No. 3—Budget Statement—2014-15
- Budget Paper No. 4—Agency Statements—Volume 1 2014-15
- Budget Paper No. 4—Agency Statements—Volume 2 2014-15
- Budget Paper No. 4—Agency Statements—Volume 3 2014-15
- Budget Paper No. 4—Agency Statements—Volume 4 2014-15
- Budget Paper No. 5—Capital Investment Statement 2014-15
- Budget Paper No. 6—Budget Measures Statement 2014-15

*Bills***SUPPLY BILL 2014***Second Reading*

Adjourned debate on second reading.

(Continued from 17 June 2014.)

The Hon. A.L. McLACHLAN (15:20): I rise today to speak on the Supply Bill and to support its second reading. I begin by acknowledging the importance of this bill and, in particular, the ability of the government to have access to the funds it needs to ensure its continued operation ahead of the consideration of the upcoming budget and the associated legislation. However, in supporting this bill one cannot help but pause to reflect on the difficulties South Australia is facing and the state's perilous finances that allow little room to freely chart its course in the coming years.

How did we come to find ourselves as a once wealthy and vibrant community now racked by self-doubt, debt laden and with recurring deficits? Government must work with business to build a strong economy and to secure the state's financial position which, in turn, will allow us to pursue our social endeavours.

At the same time, the environment in which we operate must always significantly determine our spending priorities—yet the state deficit is one of the fastest growing of any state. Unemployment, which is the scourge of social cohesion, is on the rise and there are 18,000 fewer full-time jobs since the last budget. The youth jobless rate is above the national average. In certain economic rankings the state is often the worst on the mainland. Some economic forecasts indicate our growth may be up to four times slower than the national average.

Small to medium size businesses are the backbone of the South Australian economy. One analysis of our competitive environment surprisingly indicates that Melbourne is cheaper for doing business than Adelaide. As a community, led by this parliament, we must carefully review our spending priorities and ensure that their impact is maximised for the benefit of the citizens that have elected the parliament.

There was a time—a happier time—when South Australia could see itself on an equal footing with New South Wales and Victoria. Now we are spoken of comparable to Tasmania. Like Tasmania, we have in comparison to the east coast states, per head, larger government, higher numbers of citizens on welfare and larger numbers of public servants. This is not a recipe for success. These metrics will not deliver us a prosperous future; rather, they are the symptoms of a directionless economy and steered by a government that would rather grow the public sector than create an environment in which its spirited citizens can flourish.

There are two expenditure areas upon which I wish to make some specific comments: the public sector and health. The Public Service is essential to ensure that South Australians enjoy the key services which the government traditionally provides. However, the public sector does not have the skills or motivation to take on risk and create wealth. As I have remarked earlier, we continue to have one of the highest ratios of public sector employees to citizens. If we are to continue to spend at this level on the public sector the focus should be on service delivery and less on oversight and administration.

There is little point spending on employment that has either little or no impact on the ability of our people to create wealth and, in turn, improve employment opportunities. Our public servants need to become leaders of our community rather than merely its administrators. Their focus should be on creating an environment where there is an increase in productivity and participation, not regulation and economic stall.

I now turn to health. Health is the largest challenge for the government to meet its budget expectations. Measures to control spending are an obvious priority. There needs to be an urgent emphasis to reduce waste and inefficiency. The rate of spend in health cannot continue unabated, for it will eventually surpass our ability to raise the necessary revenues.

Health spending has grown about 8 per cent a year and now consumes around 30 per cent of the state's budget. While the spending increases, it directly limits our ability to provide for the other needs of our community, such as education and infrastructure for trade. A transformation or recasting

of this sector is necessary so that our community investment derives the best outcome and value for our people. The longer we continue to invest in the existing and unsustainable model of enterprise, the longer it will take to return our finances to an even keel.

It has been said by many that the main objective of fiscal policy should be to contain public debt. I agree with this sentiment. Sustainable long-term growth requires sound public finances. We should turn our gaze to Europe and acknowledge the disaster that expansionary fiscal policy has brought to those countries that have taken this path.

I urge the government to make a serious commitment to identify and realise a sustainable economic model for this state. We should endeavour to have surpluses which will provide security for our people when future challenges or unexpected shocks arise. At present we do not have the fiscal settings that will provide us with the financial strength to confidently embrace our future and the inevitable challenges that await us. Our watchword in all our deliberations must be self-reliance. I urge the government to be more diligent in the leadership and the management of our state. I commend the bill to the house.

The Hon. J.M.A. LENSINK (15:26): I rise to make some remarks in support of the Supply Bill and I thought I might do so by reference to each portfolio and the areas that I have carriage of on behalf of the Liberal Party. I shall start with the portfolio of the status of women.

I would like to commend the Office for Women, the Premier's Council for Women, and, indeed, the minister for the efforts they are undertaking to reduce violence towards women and children. In particular, I note that 90 per cent of the victims of violence perpetrated by men are women, with other situations falling into the remaining 10 per cent. I also place on the record that terrible statistic we have in Australia of one woman being murdered by an intimate partner every week.

Over some time the government has had a strategy, including the Family Safety Framework which is progressing; it has been rolled out to all regions across the state. Obviously, it has had some difficulties in its early implementation stage, but the feedback that I am receiving is that largely, conceptually it is good and varies across regions—depending on the interest and expertise of the personnel who are running that program. It is working much better with non-government agencies than it was initially; it took time for some cultural change to ensure they were included.

We also have the orders which are able to be implemented by police, which we support. The feedback from the sector is that there is a mixture of understanding within SAPOL; there are some officers who are very effective at assisting victims in these areas. One of the problems that we have going forward that still needs some policy work is that victims often do not report, or they feel reluctant to, and that is a reflection of the power differential between people who are being abused and their perpetrators. It is almost a situation where those women need an advocate who is able to ensure that orders are brought in and any breaches are reported much earlier in the piece. I think they are all the things for which the government is to be commended, and they enjoy bipartisan support. The position within the Coroner's office is also starting to bear some benefits, and we look forward to further progress in that area.

On the environment front I will not be particularly complimentary. I first noted in the 2009-10 budget that the funding for the environment was being cut more savagely than in other areas. In the Hon. Kevin Foley's last budget it was also quite savage. A number of cuts are coming into place within the current financial year, which will see a lot of those services disappear. So, I feel like a bit of a broken record standing up here in this place talking about cuts to the environment department. It was an issue in the state election. Of course we have such a colossal level of debt that the requests from the conservation sector that any party commit to doubling of the environment department funds certainly was not attainable and my rhetorical question to them was, 'Which hospital wards would you like me to close to implement that?' My prediction is that the question will arise again in the next election, but the cuts will be so savage that my question will be, 'Which hospital would you like me to close to fund that?'

We have seen a number of changes to the environment agencies over the years: DEH has merged with the old department of water, land and biodiversity conservation. For one year we had a department for water. We had the NRM boards, which came into operation in 2004 and have now all been rolled in together. There are certainly some signs—and my colleague the Hon. John Dawkins spoke about this in his contribution on the Supply Bill recently—that there is a loss of regional

management, which was the whole point of implementing natural resource management boards. I have been advised that they are even being told not only that they will have responsibility for native vegetation, that unit is effectively being cut to one-third of its current staff, but that they will indeed be responsible for marine parks—and this is all with less funding.

From the Budget and Finance Committee, the figures that have been provided there on staffing levels: at 30 June 2009 the NRM boards had 306 staff, and that dropped by 30 June 2012 to 280.8 and it is projected to continue to be lower. These NRM staff have quite a conflict. The governance structure for natural resource management and the environment in South Australia is wrong—the only polite way to put it—because that regionalised approach they were suppose to have is no longer there. The increasing fingers of the central bureaucracy is extending over natural resource management.

My interpretation of why this has taken place is that it is quite cynical. The environment was a big issue in 2007-08 when we had the height of the drought. Now that it has come off the political agenda, the environment portfolios are, quite frankly, for this government expendable. In some ways I think the environment department has itself to blame for some of the cuts that have taken place. It has overreached in a number of areas. It overreached with natural resource management. With the implementation of that we saw a number of volunteer organisations being increasingly marginalised.

I attended a Landcare conference last year—Landcare largely representing the landowners and NGOs—and their comments at the conference were that when NRM came into being the professionals turned up and kicked out the volunteers because they knew what they were doing. Those sentiments still exist. There would need to be a huge amount of work to rebuild those relationships. So the environment agencies in South Australia have overreached in that sense and taken for granted the good conservation works undertaken by volunteers and landowners on their own properties, and also in the matter of the marine parks, which was a disgraceful real estate grab by the environment department at the expense of sustainable local fishing, so they are paying the price. I am told that the environment does not have any friends in the right of the Labor Party; they are viewed with some disdain because so many times the attitude has been what can be described as a deep green agenda, which is exclusionary and 'we know best'. It certainly does not take people with it, and we have seen that in relation to the marine parks.

Over 12 years we have seen a progressive lessening. For a while we saw that it was a bit expanded, I think, under the Hon. John Hill, and at a time when revenues were still increasing there were a lot of new environmental programs. I have to say a huge amount of money was wasted on things that did not work, and I think there has been a huge loss of the really rigorous science in that department, which is affecting water allocations and practical conservation efforts. The department is operating in a completely defensive manner at the moment as it struggles to work out how to manage funding cuts.

I think it needs to get back to basics. I think it needs to work out some priorities about what it is they want to preserve beyond their own jobs, and work out the priorities for endangered ecological communities within this state, where the best native vegetation is, where the native vegetation is that needs protection at the highest level, and what strategies we need to put in place to protect the environment, because I do not think it is doing a particularly effective job at the moment.

On this front I would like to say that over the past 12 years we have continually seen the Greens preference the Labor Party. Now, I can say categorically that if we had had a Liberal government in the last 12 years the savage cuts that are taking place now would never have happened. We would not have had the overreach that has made a lot of government cynical about what the environment department gets up to, and we would not have had the sort of overspending and recklessness of this government, which has led to this extreme belt tightening.

I think it is time for the conservation sector to appreciate that the Greens do not necessarily work in the best interests of conservation, ultimately: first, because they preference the Labor Party; and, secondly, because if you run around in a panic all the time you just put people off, the mainstream gets switched off to your message, and ultimately you need them if you are going to bring the community with you.

The majority of conservation efforts take place on private land, and I do not think the people who are involved in those efforts have been appreciated for quite some time. We have had some effort from the community. Gerry Butler of Landcare has been undertaking a sterling effort, and,

frankly, deserves reward for trying to bring back some common sense into the system. I commend him and that organisation for their efforts.

However, if we are actually going to have some effective conservation efforts we need a few truths told, and I think the Department of Environment, Water and Natural Resources is quite dysfunctional and probably has been for some time. It needs to take a good, hard look at itself. I commend the bill to the house.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:38): I rise to speak to the Supply Bill 2014, and make some relatively brief comments about the bill. I was just chatting with some of the table staff and attendants here; we were instructed by the minister that we should be prepared to spend Tuesday night, Wednesday morning, Wednesday night, Thursday morning, Thursday night, and even Friday morning here, but I suspect we will be finished government business well before 5 o'clock this evening. So I am not quite sure what the minister was proposing, given that there are only six items the *Notice Paper*, or why she was so forthright in that letter. Nonetheless, we are here today.

Our support for this bill is nothing more than a conventional formality. It is not an endorsement of the Labor government's financial management; it is simply a measure to ensure that our hard-working public servants are paid and that the South Australian public has access to state government services.

This Weatherill Labor government was elected to its fourth term in March and will subsequently deliver its 12th budget. Unlike a newly elected government, which would typically deliver its budget based upon a vision for the future, this stale Labor government will deliver a budget based upon crisis management and nothing more. Make no mistake, this state is on the cusp of economic crisis. Our manufacturing sector is in turmoil, we have the highest unemployment rate on the mainland—in May alone, 4,500 jobs were lost—and our business environment is such that we are struggling to attract private investment.

As this Labor government is in its 12th year, there are no scapegoats for South Australia's woeful financial position. This is not a hangover of previous governments. Labor has had full control of the coffers for over a decade now, and with that power comes responsibility. They are 100 per cent responsible for our current financial situation.

When we look to the Public Service, sadly they have been let down by this government. I will summarise what the situation is, and I will be brief because it has been explained in thorough detail in the other place by my colleague (the then shadow treasurer) Iain Evans. There is a \$300 million to \$350 million disparity between the projected revenue from the state's own tax/stamp duty revenue and that which we are actually receiving. So, before the election, Labor was unrealistically optimistic with their budgeted revenue and now, following 15 March, we are seeing the ugly truth. Labor has run six deficits in seven years—that is a deficit of over \$1 billion this year, an over-spend of \$1,000 million. The government predicted that it would be a \$480 million surplus. So they were \$1.5 billion out in their predictions.

If you add up every surplus promised by this government, they total \$2.6 billion, and if you add up every deficit that has actually been delivered, it is \$2.9 billion. That is \$5.5 billion that this government has mis-budgeted. This government has lost our AAA credit rating. This, coupled with the fact that we have the highest debt in the state's history (\$14 billion), has delivered us an interest bill of over \$1 billion per year. That is a snapshot of where our state's economy is at under this Labor government. Situations like this do not happen overnight. They are the result of 12 years of terrible fiscal management.

I have often wondered what advice Treasury has provided the Treasurer and, in turn, cabinet. Those public servants in Treasury would be giving, I would expect, frank and fearless advice. I suspect that, sadly, from their point of view, it has almost always been ignored. Clearly, you could not imagine a government going down the path this government is going—\$5.5 billion that it has mis-budgeted or mismanaged. You could not imagine that happening without the staff in Treasury saying to the Treasurer, to other ministers and the chief finance officers in each of the departments, 'Minister, we've got a problem; we need to correct it.'

In the midst of all of this turmoil, the Premier has appointed a new Treasurer. It is his first budget today and I am sure we will see what comes of that over coming weeks. However, it has been interesting to look at the rhetoric around that.

We need to look at the 12 years of financial management and some of the promises that were made at the 2010 election. One of the biggest areas of government expenditure is the Public Service itself and the number of public servants. After the 2010 election the Sustainable Budget Commission recommended—and I think it was adopted—that some 4,000 positions should go. Looking at the figures today, 1,400 more positions have gone—5,400 positions.

It is an interesting concept that when you employ experts to look at the budget and recommend a range of measures, one of the measures you adopt is a reduction in Public Service numbers, which of course is one of the major costs on government, and you do not actually adhere to it and there are now 1,400 more than at the last election. It is really hard to believe anything that we are likely to see in today's budget.

Someone once described a very effective analogy to illustrate the contrast between Labor and Liberal. They said that Labor will smile at you and put \$100 dollars in your front pocket and, of course, most people will be happy to have some extra cash handed to them. It will perhaps encourage the perception that this is a government that supports you and deserves your vote, but it is just a distraction.

Indeed, while the recipient is reflecting on the positive opportunities given by this quick cash injection, Labor will be crouching behind them stealing \$1,000 from their back pocket. Of course, the public will not notice that it is missing immediately, but you can be sure that over time, as their debts and expenses become more of a burden, they will call on that money and it will not be there.

At the other end of the spectrum is a Liberal government. It will not be out to trick you. It will not coax you with an offer of quick cash; instead, you will be asked to participate in a budget which is prudent and financially responsible. But, in turn, down the track, when you call on the \$1,000 in your back pocket, it will still be there, and perhaps it will have even earned some interest. This government simply does not understand long-term financial management, much as they do not understand what South Australians do with their hard-earned taxpayer dollars.

As the shadow minister for primary industries and tourism, I have had a quick look at some of the figures that have been tweeted and what have you—and the Treasurer probably has finished his budget speech now. Primary industries is, of course, our premium food and wine, the agricultural sector—and we have a former minister sitting opposite. One of Premier Weatherill's seven key strategies is to rebuild our economy on the back of one of these seven key strategies.

Over the 12 years Labor has been in office, we have seen a steady decline in the number of personnel, FTEs, in PIRSA and, of course, the budget allocation to it—the appropriation to primary industries. It is rather bizarre, as I mentioned before, that we have probably some 5,400 more public servants than we should have if you look at the 2010 Sustainable Budget Commission. One of the seven key strategies is our food and wine sector, our agricultural sector, which is still our biggest industry, yet there is less support from government today for that than there has been at any time in the last 12 years. It just flies in the face of everything they have said.

If you look at tourism, it has had the lowest FTEs on record in the last 12 years. It is not quite the lowest appropriation, but it would be bordering on the lowest appropriation. It was some \$60 million under treasurer Foley; it is now down, I think, to about \$44 million or \$43 million. So, it is the lowest on record. We have minister Bignell now in charge of this. In PIRSA, he has the lowest appropriation on record and the lowest number of FTEs. He has almost the lowest appropriation on record and the lowest number of FTEs in tourism. At the same time, I suspect that his ministerial travel is at the very top end of the spectrum, where he is spending like a drunken sailor on his overseas travel. Yet we see that his departments, and the people those agencies are there to support, are getting neglected and becoming more despondent as time goes by with the lack of support from government, other than the rhetoric that it is an important part of the state's economy.

I will also quickly touch on another little bit of waste. We saw the visitor information centre close on King William Street a few years ago. It was \$1.4 million a year to keep it open, and the government simply could not afford it. It was a budget measure. They thought that it was important, but they could not afford it. It went to a basement in Grenfell Street to save money. It then went to

North Terrace, and the services were co-located with Services SA. The minister opposite me was the minister for tourism at the time.

Now, of course, it has gone into a shared facility in James Place, a side street off Rundle Mall. In fact, my understanding is that it is staffed by Adelaide City Council volunteers. You are not able to make a booking there, and it is a poor support for our tourism industry. That was to save \$1.4 million. It is interesting that, only two or three weeks ago, the government announced that it would be very happy to spend an extra \$2 million a year (that would more than fund the visitor information centre and leave \$600,000 left over) for a new member of the Labor cabinet.

The member for Waite was sworn in as a new member of the Labor cabinet. I am sure that he will be completely ineffective in contributing to the betterment of this state, and this is why: he promised his electors that he would fight within cabinet for policies and principles on which he was elected, but he was elected as a Liberal member on Liberal policies and Liberal principles, and you, Mr President, and your colleagues opposite have no interest in having anything to do with Liberal policies or Liberal principles. That is why you sit on that side of the chamber, and I am sure that he will be extremely ineffectual. Premier Weatherill is wasting \$8 million over the forward estimates on a minister who is supposedly promoting Liberal causes in which you and your colleagues have no interest, and he is trying to tell the public that it will be a worthwhile budget measure.

As I start to close, I remind all the members in the chamber that you could have left the visitor information centre where it was for \$2 million a year and had change. You could have reinstated the \$3.5 million annually to the Community Recreation and Sports Facilities Program, which is due to be cut by Labor in 2015; you would have had enough over the forward estimates to fund that. It would have almost gone all the way to increasing the energy and water concessions by 2, 4 and 6 per cent and I note the member for Waite's plethora of media releases prior to the election expressing concerns about the cost of electricity. I wonder how many old age pensioners in his electorate would like to have a further reduction on their electricity bill via a concession rather than have him as a minister.

A vital three-year funding commitment to the McLaren Vale hospital to invest in technology to attract more surgeons and patients could have been funded out of that \$8 million. An increase to the Patient Assistance Transport Scheme—again, a pretty important scheme—could have been funded out of that \$8 million. An increased number of short-stay acute mental health beds at Lyell McEwin Hospital or Flinders Medical Centre—again, a very important need in our community—could have been funded with that \$8 million.

Of course, it could have funded a reintroduction of car registration stickers, an issue which in some parts of the community has been accepted but in other parts of our community still brings a fair level of distress. People are devastated when they get a fine for driving a vehicle that has been unregistered and they had no knowledge that it was unregistered.

Those are some of the things that that \$8 million could have bought but, instead, that \$8 million has bought a minister who has control of less than 0.2 of 1 per cent—that is one-fifth of 1 per cent—of the budget. I think it is about \$38 million out of a \$17 billion budget, and he believes he will be an effective member of cabinet with control over 0.2 of 1 per cent.

This illegitimate government has no vision for South Australia, offers no financial security for the future of the state and I believe that under the continued rule of state Labor we can have a genuine reason to be worried about the outlook for our children finding work, providing for their own families and having all the opportunities that we have all been lucky enough to have. With those few words, I support the bill.

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) (15:52): I believe there are no further second reading contributions to this bill. By way of concluding remarks, I would like to take this opportunity to say a few things. Firstly I would like to thank all honourable members for their second reading contributions and just state that this bill provides for government service delivery until the budget has been passed by the parliament and the Appropriation Bill 2014 receives assent. In the absence of special arrangements in the form of the Supply Act, there would be no parliamentary authority for expenditure between the start of the new financial year and the date on which the assent is given for the main Appropriation Bill.

In closing the debate, I want to emphasise some of the achievements of the government's economic management. Total South Australian exports have grown from \$9.1 billion in the 12 months to February 2002 to \$12.2 billion—a new record high—in the 12 months to March 2014. In trend terms, South Australia's retail turnover rose 0.3 per cent and was 4.9 per cent higher than a year ago. There has been a positive growth in nominal trend retail turnover in South Australia for the past 13 months. In value terms, trend nominal retail turnover is at its highest level on record at \$1,522 million.

Mineral exports continue to be the largest growing export sector in the state, rising from \$1 billion in the 12 months to February 2002 to \$4.4 billion in the 12 months to February 2014, up by 332 per cent. Commodities produced include iron ore, gold, copper, zinc, lead, uranium and heavy mineral sands. Mineral and petroleum exploration expenditure has also increased significantly, rising from \$74 million in the year to March 2002 to \$519 million in the year to December 2013—a 602 per cent increase—resulting in new discoveries.

An amount of \$12.3 billion (current prices) has been spent on private new capital expenditure to develop these new discoveries into production. South Australia's share of national mineral and petroleum exploration expenditure has also increased strongly, rising from 4.6 per cent in the year to March 2002 to 7.3 per cent in the year to December 2013.

Total employment in March 2014 is 16 per cent higher (109,200 jobs) than in March 2002 (trend data) and full-time employment has increased by 13 per cent (59,400) and part-time employment by 23 per cent (49,800) over that same time period.

In the year to December 2013, the number of overseas students studying in South Australia was 143 per cent higher than in 2002 and the state's share of the overseas student market has risen from 4 per cent to 5.1 per cent over the same period.

Real private new capital expenditure was 114 per cent higher in the 12 months to December 2013 than in the 12 months to March 2002 and in the year to the December quarter 2013 there was \$12.4 billion in new business investment, 100 per cent higher in real terms than in the 12 months prior to the Labor government coming into office (\$6.2 billion in 2001).

GSP per capita (which is a better measure of living standards than GSP) in South Australia has increased by 18 per cent since 2002, compared to growth nationally of 17 per cent. I thank honourable members who have contributed to the debate on this Supply Bill and look forward to it being dealt with expeditiously.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third 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) (15:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) (CHARACTER EVIDENCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 June 2014.)

The Hon. S.G. WADE (15:59): I rise to indicate that the opposition supports the Criminal Law (Sentencing) (Character Evidence) Amendment Bill 2014 and in doing so I note the fact that I do not have carriage of this bill for the Liberal Party overall. The position of shadow attorney-general is now with the member for Bragg in the other place, so I have been fortunate to assume the responsibility of being the shadow minister representing the shadow attorney-general in the other place.

As the honourable member is renowned, she blessed not only the House of Assembly but the whole parliament with a very comprehensive overview of the merits of this legislation but also, as she frequently needs to do, highlighted the tardiness of this government in progressing this issue. One of the leading decisions on which this legislation seeks to respond was in 2002, the case of *R v Liddy*.

The honourable member also highlighted the tardiness of the government in actually giving credit where credit is due in the sense that the Attorney-General, in his second reading speech, made no acknowledgement of the seminal contribution of people outside the parliament to the development of this as a matter of public policy. Of course I am referring to Ms Nicole Stevens, a postgraduate researcher at the University of South Australia, and her supervisor as I understand it, Professor Freda Briggs, also of that university. Ms Stevens authored a study in relation to sentencing laws. She found that paedophiles were commonly allowed to use their community service and high standing within the community to win reduced sentences in South Australian courts. She referred to people in positions such as priests, court officials, youth workers, teachers and carers.

South Australian law already recognises the particular vulnerability of victims to people in authority in the sense that, for example, our consent laws provide a differentiated range of ages where a person is in a position of authority in relation to another person. Without naming him, I want to recognise the interest of a constituent of mine who contacted me to urge me to support this legislation because he was a victim of child sexual abuse by a person whose relationship to him at that time was a teacher.

He, like us all, would find it abhorrent that that person would benefit from being able to put good character evidence before the court when that position of teacher was actually one of the instruments by which that person accessed him and made him a victim. Ms Stevens called on South Australia to adopt a 2009 New South Wales law that only allows paedophiles to use examples of their past good behaviour as mitigation if they had not used that good character to put victims into an unsafe situation.

This issue was raised early this year and, simultaneously, both the Liberal Party and the Labor Party publicly committed to change the law, so our support today is a reiteration of what is already a public commitment. Having already indicated to the house that within the arrangements of the Liberal Party I am no longer the shadow attorney-general, I want to assure members of the South Australian community and beyond who are victims of crime or who are concerned for victims of crime that I have no intention of stepping back from my staunch advocacy for victims of crime.

I note that my new portfolio, for example, is host to the child protection services which is in fact the primary service to South Australian children who are the victims of crime. I am very proud of the fact that at the last election our party went to the election committing to provide child victims of crime a dedicated and comprehensive victim support service. At the moment the government only funds a victim support service for people over the age of 18 and we as a party felt that, in spite of the fiscally constrained environment in which we live, it was a high priority to make sure that we provide support to the most vulnerable victims amongst those people who are victims of crime. With those few words, I reiterate the opposition's support for this bill and look forward to its speedy passage.

The Hon. D.G.E. HOOD (16:04): I rise to indicate Family First's strong support for the proposed changes to the Criminal Law (Sentencing) Act as presented in this bill. I am sure members would acknowledge that our party has been a proponent for tougher sentencing for specific types of criminals and certainly supports any changes that can be made towards the appropriate sentencing of sex offenders in particular.

Under the current act, the court must have regard to the character, the age, the means and the physical and mental condition of the defendant during sentencing. This bill amends the current provision so that a sentencing court cannot have regard to the so-called good character—good character for sex offenders, that is—or lack of previous convictions for class 1 or class 2 offences where the court is satisfied that the defendant's alleged good character (that is perhaps a better way of putting it) or lack of previous convictions was of assistance to the defendant in the commission of the offence.

The government has provided cases to emphasis its reasoning for implementing this change and I think they are good examples. I would like to briefly discuss those cases as they are most certainly relevant to why Family First believes that these changes are appropriate and, indeed,

necessary. *Ryan v The Queen* involved a priest, a person who held a position of authority obviously and who would have been considered to be of good standing in normal circumstances within the community. However, he was convicted of 14 serious sexual offences against no less than 12 boys aged between six and 14 years. It is a widely-accepted fact that there is a low rate of conviction for sexual offences, despite the best efforts of prosecutors.

Given the nature of the offending, the ages at which people are abused, the resulting medical and emotional conditions, convoluted and often traumatic encounters with the legal system and the time lapse between the offending and the court hearing represent several intervening factors that victims face prior to the judgement of such matters. There is no doubt in my mind that these victims are vulnerable—extremely so—within the operation of our justice system. That is not to say that people within the system intentionally or inadvertently hinder access to justice; it is merely to say that vulnerable people within the justice system faced seemingly insurmountable difficulties at times in securing a conviction against their abuser.

In the case of *Ryan v The Queen*, Ryan was sentenced to serve 16 years' imprisonment, with a term of imprisonment for previous offences being served concurrently. He appealed against his 16-year sentence to the High Court. The High Court was unable to make a unanimous decision about the use of character evidence in connection with his offending and this certainly signals the gravity of the question we now face in regard to this bill.

However, regardless of the gravity in making this decision, when looking objectively at Ryan's case we see that these 14 serious offences were conducted over a 20-year period. Additionally, we have facts about 39 other alleged offences as well as 20 previous offences for which he had actually been convicted. It is incredible to think that an argument of previous good character could be made in light of these significant offences and the time frame in which these offences allegedly occurred. In fact, I think it is disgraceful that anyone would use the so-called good character argument in order to reduce or mitigate the sentence in some way. Somebody who has a record such as that I do not believe qualifies as good character in any way, shape or form.

The *Crown v Liddy* also presented a situation where a magistrate, who was also in a position of influence obviously and a position of trust by virtue of his employment as well as his voluntary service in the community, sought to rely on evidence of previous good character again. Again, the court was undecided as to the appropriate use of character evidence in this particular case.

Family First's view is that preventing offenders from relying on this as a mitigating factor in sentencing is in the best interests of the victims who must always come first in these circumstances. As mentioned, victims face a vast range of challenges in securing justice, as I have just outlined. We believe that once an offender has been found guilty they should not have a reduced sentence based on perceived or alleged or claimed good character and that sentencing should be determined by the facts of the case and the facts of the case only. In the case of 20 years of convictions, I think that speaks for itself.

I note there are still significant sentencing considerations on which a judge may rely and this change only rules out the argument of so-called previous good character or lack of conviction in instances where the offender used this to further their offending. We therefore believe that this change provides a suitable balance between appropriate judicial treatment of offenders and victims' rights.

This move is an important step in our criminal law reform. Family First would welcome some open discussion about potentially increasing these provisions to other areas of criminal law. What about not restricting it to just these types of offences, for example? Why would we deem a bank robber who has had previous convictions or 20 years of convictions in some of these cases as being of previous good character, yet that is the sort of rubbish our courts hear.

I have previously spoken of a disturbing case whereby an offender pointed a 10-inch knife in the face of a female service station attendant very late at night—and I have brought this case up in this chamber before. The offender escaped with approximately \$500 and immediately attempted to spend that money on the pokies at a local club nearby. In sentencing this case where the attendant's life was clearly in danger, the judge considered his history of allegedly poor mental health and problems with addiction—so he was told—and gave a suspended sentence upon entering into a \$500 good behaviour bond for three years, which, coincidentally, was the amount of money he stole.

Furthermore, and I think this extraordinary, the judge in sentencing in this case also noted amongst other things that prior to the hold-up, this offender had 'a fight with his girlfriend'. I fail to see how that is relevant in sentencing considerations and I go so far as to suggest it actually begins to remove any sense of personal responsibility for his actions from the offender rather than implement a situation where the offender might take responsibility for what he did in this case.

I might venture that all of us men have had fights with our girlfriends previously, or wives—as they may be these days—and for the women in the chamber, with their boyfriends or husbands, or whatever it may be, but that does not mean we go out and put a knife to someone's throat. It is inexcusable and they should be dealt with as such. I would suggest that there are certainly many cases such as this one that warrant further inquiry and debate to ensure that sentencing considerations are appropriate and fair to all involved. It simply cannot go on any longer—victims deserve better, and this bill is a step in the right direction. Family First is pleased to support its passage as we believe the changes are reasonable, logical, and indeed, necessary. We welcome any further debate on sentencing considerations as I have earlier suggested.

The Hon. J.A. DARLEY (16:11): I rise very briefly to speak on the Criminal Law (Sentencing) (Character Evidence) Amendment Bill 2014. The bill deals with two issues: the first is the issue of good character in sentencing for child sex offences, and the second rectifies an error in section 20AAC of the Criminal Law (Sentencing) Act 1988.

In relation to the first issue, the bill seeks to make it clear through legislation that the good character or lack of previous convictions of an offender cannot be considered a mitigating factor in cases where that factor assisted the offender in the commission of the offence. Whilst it appears that our courts have not been able to come to a unanimous position on whether or not previous good character ought to be a mitigating factor, I find myself agreeing with the sentiments expressed by His Honour Justice Gray in *R v Liddy* (2002), that is, 'It does the law no credit to say that, even where the offender used his good name as the means by which to commit his crimes, that fact is mitigating.'

I agree that there ought to be special rules for child sexual offences, and, as such, support this very sensible measure. I am mindful of the fact that it has taken so long to address this issue but I am nevertheless pleased that common sense has finally prevailed. As I understand it, there ought to be no reason for concern in relation to the second aspect of this bill which merely corrects an error in the Criminal Law (Sentencing) Act regarding suspended sentences and firearm offences. That being the case, I am happy to indicate my support for the bill.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:13): I thank honourable members for their contributions and their indications of support for the bill and look forward to its speedy passage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. D.G.E. HOOD: Just a question for the minister: I wonder if the minister would like to comment on a remark from the judiciary during sentencing—and I will not specify an individual judge—that the fight with the girlfriend should be considered as mitigating circumstances in determining the sentence for that individual, which I think is appalling.

The Hon. I.K. HUNTER: I tend to refrain from making remarks on judges' sentencing comments, particularly when I am not aware of a particular situation or the case being judged, so I will not take up that invitation of the Hon. Mr Hood.

Clause passed.

Remaining clauses (2 to 5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CHILD SEX OFFENDERS REGISTRATION (CONTROL ORDERS AND OTHER MEASURES)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 17 June 2014.)

The Hon. D.G.E. HOOD (16:16): I rise briefly to indicate Family First support for the proposed changes to the Child Sex Offenders Registration Act. It has been noted many times in this chamber that child sex offenders are the most notoriously difficult offenders to rehabilitate, which is clearly shown by the extraordinarily high rate of recidivism. Accordingly, Family First believes that placing restrictions on the conduct of registerable offenders is both a sensible and logical approach to providing further protection for our children.

The new control orders create what has been described as a more flexible approach to tailoring restrictions to be placed on individual reportable offenders. I was particularly pleased to learn that offenders who currently do not have reporting requirements can still be subject to control orders should a magistrate have sufficient reason to be concerned about their conduct. That is where the use of judicial discretion is appropriate and useful.

As it has been explained to me, where an offender has a history of grooming children over the internet, for example, the control order could be made to prevent the offender from having access to particular social media sites, Snapchat, for example, or more broadly not being able to access the internet. Members will probably recall that I introduced a bill years ago which served a similar purpose: it passed this place and is now on the statute book.

Similarly, where offenders meet their victims at community events, at schools or public places, an order can be made to limit or prevent the offender from frequenting these places—common sense and entirely appropriate. We certainly hope that in limiting the contact registerable offenders have with children through the tailoring of each order to the specific offending behaviour of the individual, these measures will prevent further harm to children. This seems like a common-sense approach, which Family First strongly supports.

I was disappointed to learn, however, that whilst there are provisions that currently allow orders to be made to prevent child sex offenders from accessing the internet—indeed, one was a bill that I introduced to this place and was passed by the parliament—they appear to be applied infrequently. The laws are there in some cases, but do not appear to be being used. Family First certainly hopes that these proposed changes go some way to remedying this situation and providing a safer online experience for minors in particular.

Obviously, with any measure such as this there is a requirement to reach a balance that supports victims and protects children but does not place cumbersome requirements on the legal system and those who access it. It has been put to me—and I accept it—that, whilst a magistrate decides these orders on the balance of probabilities, the conditions by which a magistrate determines the appropriateness of control orders are significant enough that this power will not be taken lightly, and that is appropriate.

Currently, the act requires a registrable offender who stays overnight, or who resides in a house with a child, to inform a parent or guardian of this fact and the reasons that they are now currently regarded as a registrable offender. The bill tweaks this provision to require an offender to speak with both parents or guardians—and that is a really important difference—about the matter prior to staying in the house with a child. One might think that that is common sense, but the law does not currently require that.

The offender is also required to report this contact with police, who also follow up with the parents, which seems to be the most appropriate response in this matter. I think this is a very important step, and one that again just really does seem to be common sense. I think it was surprising to members of the public that that was not what the law has been until this point, but it will be rectified and I believe substantially improved.

A further improvement is requiring a serious offender (that is, a person who has been judicially proclaimed as a serious registrable offender or a registrable repeat offender) to inform any available responsible adult that they are a serious registerable offender and the circumstances causing them to be classified as a serious registrable offender. Just simply disclosing the reasons for them to be in that category is, again, common sense, and really should have been done years ago, but we are pleased to see it is happening.

This bill continues to clarify points, such as that a registrable offender cannot work as a taxi or hire car driver and publication issues surrounding missing registrable offenders which balance the public interest with victims' rights—again, another common-sense step in the right direction. Family First supports any efforts that are made to advance child protection, and accordingly welcomes these most sensible changes to our current legislation. I look forward to them passing and, most importantly, look forward to them being enforced by our courts.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) 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) (16:21): I move:

That this bill be now read a second time.

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

Leave granted.

The prosecution of the activities of outlaw motor-cycle gangs and their members is a high priority for government. Outlaw motor-cycle gangs and their members are notoriously involved in drug trafficking. The Government is pledged to attack them with all means at its disposal.

Labor's 2010 Serious Crime election policy stated that 'This proposal will amend the *Criminal Assets Confiscation Act* ... to target persistent or high level drug offenders to provide for total confiscation of the property of a 'Declared Drug Trafficker'. The policy details were:

New powers will be given to the Director of Public Prosecutions to allow criminal drug dealers who commit three prescribed offences within a span of 10 years to be 'declared a drug trafficker.

Under this proposal, which targets high level and major drug trafficking offenders, all of a convicted offender's property can be confiscated, whether or not it is established as unlawfully acquired and whether or not there is any level of proof about any property at all. Property and assets could also be restrained pending prosecution of matters before the court.

The legislation will attack repeat drug offenders. The offences that will attract the declaration if committed 3 or more times within a span of 10 years include:

- Trafficking in controlled drugs;
- Manufacture of controlled drugs for sale;
- Sale of controlled precursor for the purpose of manufacture;
- Cultivation of controlled plants for sale;
- Sale of controlled plants; and
- Any offence involving children and school zones.

The Bill, with an exception based on legal advice, fulfilling this election pledge was introduced into Parliament on 18 May 2011. It was passed by the House of Assembly on 28 July 2011. Once in the Legislative Council, though, the opposition, with the support of a majority of the cross-benchers, effectively defeated all of the operative parts of the policy by amendments to the Bill. At the end of 2011, Parliament was prorogued.

The Bill was re-introduced on 14 February 2012. The same thing happened in the Legislative Council. The usual procedures were followed where the Houses disagree, and it appeared that the Bill was destined to go to deadlock conference.

At that point, the Bill was split into two parts—the first, a Bill containing the operative provisions of the policy as described above, the second, a Bill containing a group of unrelated miscellaneous amendments to the principal Act that were uncontroversial. The latter passed without controversy.

The prescribed drug offenders Bill was introduced into the House of Assembly on 16 October 2012, and passed that day. It reached the Legislative Council on 18 October 2012. And there it sat. On 18 October 2013, the opposition moved that the second reading be deferred for six months. That effectively killed the Bill, since six months took it past the election and another prorogation.

The Labor Election Policies for 2014 included a pledge to pursue this initiative and bankrupt the Mr Bigs of the drug trade.

The general opposition to this proposal in South Australia seems to be based on the idea that this is a new and unprincipled proposition that is unparalleled in the known universe. In fact, it is enacted and operating in a more drastic form (for some time) in Western Australia, the Northern Territory and Queensland. Arguably, a combination of provisions in New South Wales has similar effect. This is not a re-invention of the wheel.

The Liberal Opposition repeatedly opposed the introduction of this measure in part, so it said, because of doubts over its constitutional validity. It is true that, by majority, the Northern Territory Court of Criminal Appeal ruled against the validity of that jurisdiction's scheme: *Emmerson v DPP* (2013) 225 A Crim R 409. But that doubt is now gone. In April 2014, the High Court delivered judgment on an appeal from that decision and in *Attorney-General (NT) v Emmerson* [2014] HCA 13, a majority of 6/1 held the Act and scheme valid. There is no longer that excuse for opposing this policy.

The idea that all of the property of certain drug traffickers (known as prescribed drug offenders) should be confiscated, whether or not it has any link to crime at all and whether or not legitimately earned or acquired, originated in the Western Australian *Criminal Property Forfeiture Act 2000*. If a person is taken to be a declared drug trafficker under either s 32A(1) of their *Drugs Misuse Act* or is declared under s 159(2) of the Confiscation Act, then, effectively, all of their property is confiscated without any exercise of discretion at all, whether or not it is lawfully acquired and whether or not there is any level of proof about any property at all.

The Bill reflects the Western Australian scheme, with minor modifications.

The two prescribed situations are a convicted drug trafficker of a certain kind and an absconding accused. The first category is the most general.

An absconding accused aside, there are two situations catered for. The first is the repeat offender. The second is the major offender (whether repeat or not).

- (a) The repeat offender is caught if he is convicted on a third (or more) offence for nominated offences within a period of 10 years.
- (b) The major offender is caught if he or she is convicted of a commercial drug offence. A commercial drug offence is one of certain extremely serious offences in the *Controlled Substances Act 1984*, or any of the serious drug offences that involves a commercial amount of the controlled drug.

The extremely serious offences nominated are: trafficking, manufacture for sale, selling or possession with intent to sell a large commercial quantity or a commercial quantity of controlled substances or controlled plants and cultivation of a large commercial quantity or a commercial quantity of controlled plants.

As a sidenote, the Northern Territory *Criminal Property Forfeiture Act* contains very similar provisions, obviously modelled on the Western Australian Act. However, the Northern Territory Act contains only the repeat offender version of the first category and the second category (death and absconding). It does not contain what is described above as the major offender category. The Queensland *Criminal Proceeds Confiscation Act 2002* contains a scheme that is similar in intent but different in complicated ways as to details.

Under the legislation in Western Australia and the Northern Territory, all of the declared drug trafficker's assets are subject to forfeiture. This would include such things as baby clothes, washing machines, garden hoses, children's toys—the lot.

In order to ameliorate the harshness of the scheme and possible forfeiture to the Crown of goods and chattels that are worthless, encumbrances or otherwise not worth the trouble, the Bill states that the prescribed trafficker forfeit everything except what a bankrupt would be allowed to keep. These are to be found in r 6.03 of the *Commonwealth Bankruptcy Regulations 1996*. The lists are extensive, but the general principle is stated in this way: section 116(1) of the Act does not extend to household property (including recreational and sports equipment) that is reasonably necessary for the domestic use of the bankrupt's household, having regard to current social standards.

The Queensland *Criminal Proceeds Confiscation Act 2002* adopts the same principle.

High Level or Major Traffickers

Whether or not a person can be presumed to be, in common usage, a high level or major trafficker will depend largely, but not wholly, on the amount of the drug with which he or she is associated. The table below illustrates various amounts for the more commonly prosecuted controlled substances. The S.A. amounts were prescribed as a result of a national consultative process fixing amounts and methods of calculation. The nationally agreed amounts were settled on the basis of research across Australia on the actual activities of the illicit drug markets informed by police expertise.

<i>Drug</i>	<i>SA Trafficking Amount</i>	<i>SA Commercial Amount</i>	<i>SA Large Commercial Amount</i>
<i>Amphetamine</i>	2 gms (mixed)	0.5 kgs (mixed)	1 kg (mixed)
<i>Cannabis</i>	250 gms (mixed)	2.5 kgs (mixed)	12.5 kgs (mixed)
<i>Cannabis Resin</i>	25 gms (mixed)	2 kgs (mixed)	10 kgs (mixed)
<i>Heroin</i>	2 gms (mixed)	0.2 kgs (mixed)	1 kg (mixed)
<i>Cannabis Plants</i>	10 plants	100 plants	500 plants

Repeat Offenders

The legislation also attacks repeat offenders. The key to this category is settling the offences to which it applies—that is, what offences will attract the declaration if committed 3 or more times within a span of 10 years. It is suggested that the offences to which it should apply are any serious drug offences that are indictable. These are those offences listed in that part of the *Controlled Substances Act 1984* under the headings 'Commercial offences' and 'Offences involving children and school zones'.

The Fund

The proceeds from the existing criminal assets confiscation scheme must be paid into the Victims of Crime Fund (after the costs of administering the scheme are deducted). It is proposed that funds raised by the application of this initiative be devoted to another fund, to be called the Justice Resources Fund. This Fund will be devoted to the provision of moneys for courts infrastructure, equipment and services, the provision of moneys for justice programs and facilities for dealing with drug and alcohol related crime and for the provision of funding for justice reform initiatives. Disbursements will not overlap with those made from or eligible for moneys from the existing Victims of Crime Fund.

Other Aspects of the Scheme

The Western Australian scheme has been modified so that a court has a discretion to ameliorate the harsh and inflexible application of this scheme if the offender has effectively co-operated with a law enforcement agency relating directly to the investigation or occurrence or possible occurrence of a serious and organised crime offence. For these purposes, a serious and organised crime offence is defined in a way that mirrors the definition in the *Australian Crime Commission (South Australia) Act 2004*. Every encouragement should be given to serious criminals to inform on their co-offenders and any criminal organisations to which they belong or are party.

As is the case with the WA and NT legislation, a person is a prescribed drug offender where there is sufficient evidence to conclude that a person would have been liable to be a prescribed drug offender and the person either absconds or dies.

The Bill also adopts the Northern Territory innovation that the time period of 10 years in relation to the repeat offender does not run if and while the offender is imprisoned.

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 *Criminal Assets Confiscation Act 2005*

4—Amendment of long title

This clause amends the long title of the principal Act to reflect the changes made by this measure.

5—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to include, or to consequentially amend, definitions of terms used in respect of the amendments made by this measure.

6—Insertion of section 6A

This clause inserts new section 6A into the principal Act. It sets out what is a prescribed drug offender, namely a person who is convicted of a commercial drug offence after the commencement of the proposed section, or who is convicted of another serious drug offence and has at least 2 other convictions for prescribed drug offences, those offences and the conviction offence all being committed on separate occasions within a period of 10 years. However, the 10 year period does not include any time spent in government custody. The proposed section makes procedural provision in respect of the convictions able to be used in determining whether a person is a prescribed drug offender. The proposed section also defines key terms used in respect of prescribed drug offenders, including setting out what are commercial and prescribed drug offences.

7—Amendment of section 10—Application of Act

This clause makes a consequential amendment to section 10 of the principal Act.

8—Amendment of section 24—Restraining orders

This clause inserts new subsection (5a) into section 24 of the principal Act, which prevents a court from specifying protected property (the definition of which is inserted by this measure) in a restraining order unless there are reasonable grounds to suspect that the property is the proceeds of, or is an instrument of, a serious offence.

9—Amendment of section 34—Court may exclude property from restraining order

This clause amends section 34 of the principal Act by inserting new subparagraph (ia), adding to the list of matters a court must be satisfied of before it may exclude property from a restraining order. The subparagraph is divided into parts dealing with where the suspect has, and has not, been convicted of the serious offence to which the restraining order relates.

The first such matter is that the court can only exclude property where the suspect has not, or would not, become a prescribed drug offender on conviction of the serious offence. Alternatively, the property may be excluded if the court is satisfied it is not owned by, nor under the effective control of, the suspect in the circumstances spelt out in the provision (even if the suspect is, or will be upon conviction of the relevant offence, a prescribed drug offender).

The power to correct an error in respect of the inclusion of the relevant property when making the restraining order is given to the court because the property restrained in respect of prescribed drug offenders is not necessarily proceeds nor an instrument of crime.

10—Amendment of section 47—Forfeiture orders

This clause amends section 47(1)(a) of the principal Act to include the fact that a person is a prescribed drug offender as a ground for the making of a forfeiture order under that section (provided that the relevant property was owned by or subject to the effective control of the person on the conviction day for the conviction offence).

11—Amendment of section 57—Relieving certain dependants from hardship

This clause makes a consequential amendment due to the amendment of section 47(1)(a) by this measure.

12—Amendment of section 58—Making exclusion orders before forfeiture order is made

This clause amends section 58 of the principal Act to provide that property sought to be excluded from a forfeiture order must not, in the case of a forfeiture order to which section 47(1)(a)(ii) applies (ie a prescribed drug offender order), at the relevant time be owned by, or under the effective control of, the prescribed drug offender (unless it is protected property of the person).

13—Amendment of section 59—Making exclusion orders after forfeiture

This clause amends section 59, consistently with clause 15, to provide that property sought to be excluded from a forfeiture order must not, in the case of a forfeiture order to which section 47(1)(a)(ii) applies (ie a prescribed drug offender order), at the relevant time be owned by, or under the effective control of, the prescribed drug offender (unless it is protected property of the person).

14—Insertion of section 59A

This clause inserts new section 59A into the principal Act. That section allows a person to apply for property to be excluded from a restraining order because the person has cooperated with a law enforcement authority in relation to a serious and organised crime offence, be it one that has occurred or may occur in future.

The mechanisms and procedures in relation to an order excluding the property are similar to other such provisions in the principal Act.

15—Amendment of section 62A—No exclusion or compensation where forfeiture taken into account in sentencing

This clause makes a consequential amendment to section 62A.

16—Amendment of section 76—Excluding property from forfeiture under this Division

This clause amends section 76 to prevent exclusion of property owned by or under the effective control of a prescribed drug offender (other than protected property).

17—Insertion of section 76AA

This clause inserts a provision similar to the provision in clause 14 allowing for exclusion from forfeiture based on cooperation with a law enforcement agency.

18—Amendment of section 76A—No exclusion where forfeiture taken into account in sentencing

This clause makes a consequential amendment.

19—Substitution of section 203

This clause amends the structure of section 203 of the principal Act to reflect the changes made by this measure.

20—Amendment of heading

This clause is consequential.

21—Amendment of section 209—Credits to Victims of Crime Fund

This clause is consequential.

22—Insertion of section 209A

This clause provides for the establishment of the Justice Resources Fund, to be administered by the Attorney-General, and for the proceeds of confiscated assets of prescribed drug offenders to be paid into the fund.

23—Amendment of section 224—Effect of confiscation scheme on sentencing

This clause amends section 224 to provide that a sentencing court must not have regard to any forfeiture or pecuniary penalty order that might result from the conviction if it results in the defendant becoming a serious drug offender (within the meaning of this measure) and the property to which the forfeiture or order relates was owned by, or subject to the effective control of, the defendant on the conviction day for the relevant offence.

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

At 16:22 the council adjourned until Tuesday 1 July 2014 at 14:15.