LEGISLATIVE COUNCIL

Tuesday, 23 September 2014

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Regulations under the following Acts—
Development Act 1993—Urban Renewal
Urban Renewal Act 1995—Establishment of Precincts
Rules of Court—
District Court—District Court Act 1991—
Civil—
Amendment No. 28
Supplementary
Criminal
Fast Track
Fast Track Supplementary
Special Applications
Special Applications Supplementary

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago) on behalf of the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Regulations under the following Acts—
Harbors and Navigation Act 1993—
Registration
Restricted Areas
Rail Safety National Law (South Australia) Act 2012—Drug and Alcohol Testing.

Ministerial Statement

RENEWABLE ENERGY TARGET

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 lay on the table a ministerial statement by the Premier, the Hon. Jay Weatherill from the other place on building on South Australia's successful renewable energy strategy.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Question Time

GOVERNMENT BOARDS AND COMMITTEES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I rise to make a brief explanation before asking the Minister for the Status of Women a question about female representation on government boards.

Leave granted.

The Hon. D.W. RIDGWAY: The state Labor government, of which the minister opposite is the Leader of the Government in the Legislative Council, has set two targets in its State Strategic Plan: target 30, boards and committees: increase the number of women on all state government boards and committees to 50 per cent on average by 2014, and maintain it thereafter ensuring that 50 per cent of women are appointed on average each quarter; and target 31 was to increase the number of women chairing state government boards and committees to 50 per cent by 2014.

The minister may have heard her colleague this morning, the Minister for Tourism, and if she didn't I am sure she is aware of it, but he was talking on radio this morning about the abolition of the Tourism Commission Board that is to be replaced by an 'industry panel' and I think there is a range of new arrangements where these so-called 'industry panels' will be replacing the current boards. My question is: will these industry panels adhere to the same policy, that is, 50 per cent female representation for state government boards and committees, as exist at present?

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) (14:22): I thank the honourable member for his most important question. This government is very proud of the fact that it has the courage to stand up and set itself targets for government boards and committees. We did that, unlike the previous Liberal government which never set itself targets and which was never publicly accountable in the same way that we have been for our South Australia Strategic Plan targets.

We set ourselves a target of 50 per cent representation of women on boards and committees, and I am very pleased to say that at the last tally we were sitting on 48 per cent, so we had a slight increase again up to 48 per cent. Although, obviously, that is still not 50 per cent, we will still continue to strive to achieve 50 per cent on our government boards and committees. Nevertheless, I point out that we lead the nation in terms of having one of the highest representations of women on government boards and committees, and we have also done very well in relation to our chairs. We set a target for our chairs, and I believe that we are up to 40.12 per cent for chair positions and, again, we have been trending towards slow and steady increases in those numbers as well.

Of course, these were significant increases on the shameful figures that we inherited from the former Liberal government in terms of the representation on government boards and committees then. The numbers were quite shameful. This government was not afraid to step into that space and set itself targets. That target—

Members interjecting:

The Hon. G.E. GAGO: I have answered this question before but I am happy to—

Members interjecting:

The PRESIDENT: The minister is in the process of giving an answer to your very important question so let us show respect in allowing her to finish the answer.

The Hon. G.E. GAGO: They just don't like to hear our good news, Mr President. The government remains committed to that target, just as I reported in this place I think just last week. I made it quite clear that the government continues to remain committed to achieving 50 per cent representation of women on government boards and committees.

If they are not government boards and committees the government has very little control over prescribing targets for those boards and committees that are outside the government. However, clearly what this government is trying to achieve is to act as a role model for all sectors to show that

this 50 per cent can be achieved, and we use it to showcase what can be done and to encourage the private sector, including the NGO sector, to follow our lead and also commit to 50 per cent women representation on boards and committees. Certainly any other body or authority will be encouraged in the same way that this government encourages all sectors to follow our lead.

LEGENDS FOOTBALL LEAGUE

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Legends Football League.

Leave granted.

The Hon. J.M.A. LENSINK: The sexualisation of young women can have detrimental effects, as members of this chamber will know, including lack of self-confidence, negative body image, embarrassment, eating disorders, etc. Earlier this year it was announced that the Legends Football League Australia (formerly known as the Lingerie Football League) would be established in South Australia. During estimates the Minister for the Status of Women was asked some questions on this matter, including:

> …you would have heard that the Lingerie League is coming to Adelaide; in fact, they are currently recruiting young women from Adelaide. Have you or your department made any representations to this organisation, which proposes televising this…?

The minister responded that she was aware of the league and she said that it was 'quite disgraceful, and it lacks judgement and good taste'. In spite of this the minister admitted that neither she nor any of her officers had undertaken any action to prevent this league establishing itself in South Australia. She said:

> I think the best message is for people not to give them any further publicity and vote with their feet and simply not attend and support these sorts of events.

She was then reminded that the event was being held at the Hindmarsh Stadium, which is managed by the government's Entertainment Centre board, and she said that she would 'give it further thought'. My questions to the minister are:

1. Since 22 July, when she was asked this question, has she given the sexualisation of women in sport any more thought?

2. Has any action come out of this thought?

3. Has the minister raised this issue with her colleagues, in particular the Minister for Recreation and Sport?

4. Has she sought a briefing from the Entertainment Centre board?

5. Could she please explain how her advice to simply ignore this issue is setting a good example to South Australian young women?

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) (14:28): I thank the honourable member for her question. Indeed, the Legends Football League is of concern. I do not think that it shows good form at all, or good judgement in basing that competition here in this state—or anywhere else for that matter.

Most members, I am sure, would be aware that the Legends Football League is a women's gridiron football competition. It is based on an American concept and we have incorporated it here. It was founded as the Lingerie Football League and then rebranded, I think early on last year. There has been a lot of criticism around publicly regarding the uniform of these players, which quite obviously, I believe, sexualises and objectivises women.

These activities are not illegal, and they are impossible to ban. One has to question what level of regulation or legislative intervention into people's bad taste needs to occur. You cannot legislate for bad taste and bad judgement, in some respects. However, I have written to the chair of the Adelaide Entertainment Corporation, Mr Robert Ford, and I have also sent copies of that letter to the Minister for Tourism so that he is aware of my correspondence.

I drew to the attention of Mr Ford the government's strong commitment to addressing violence against women and the government's recognition of the importance of preventing violence before it occurs, and I noted how important it is that we work to seek to promote respectful relationships and to challenge the stereotyping of women. I have asked Mr Ford to consider those very important aspects and asked him to consider that when allowing teams to book activities in the stadium.

GENDER POLICY

The Hon. S.G. WADE (14:31): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on gender-related policy.

Leave granted.

The Hon. S.G. WADE: Gender Indicators Online is a collaborative initiative involving the Office for Women, which provides a range of gender indicators on the status of women in South Australia. The resource builds on the statistical profile of women in South Australia released in 2004. The website suggests that it was last updated in 2010. The most up-to-date information on domestic violence orders, for example, is from 2004. I ask the minister: given the importance of information in gender analysis and policy development, does the government intend to maintain this web resource and, if not, at what point does the government intend to archive it?

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) (14:32): I thank the member for his question, but I am a bit curious. For those who may not be aware, Gender Indicators, Australia presents a summary of gender-specific data in six domains, looking at economic security, education, health, work and family balance, safety and justice, and democracy, governance and citizenship.

The page was developed as a result of a working group established by the former commonwealth, state, territory and New Zealand ministers' conference on the status of women (the old MIMCO). I have advice here that the updated gender indicators page was released on 25 February 2014, with recent updates released on 26 August 2014. Both are available on the ABS website, so I refer the member to that website

The PRESIDENT: Supplementary, the Hon. Mr Wade.

GENDER POLICY

The Hon. S.G. WADE (14:33): Yes. If I can perhaps ask the minister to take the question on notice. If I can reference where I am looking, I am looking at the Office for Women's women's policy page, Gender Indicators Online and using the link from that page. I think that the minister is referring to a federal site. This is the state site. It may well be that we need to tie two pieces of string together.

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) (14:33): I am happy to look at that. If the honourable member is interested in the update information, I refer him to that ABS website. We are always refreshing our websites and links regularly.

STEM SKILLS

The Hon. T.T. NGO (14:34): I seek leave to make a brief explanation before asking the Minister for Science a question about science, technology, engineering and maths (STEM).

Leave granted.

The Hon. T.T. NGO: STEM subjects are important to the future of our society. They intermingle and diverge, working in parallel and partnership to touch every aspect of our daily life. My question is: can the minister advise the chamber on an exciting STEM initiative happening in Adelaide today?

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): Today approximately 240 students will converge on the Adelaide Arena to try to outsmart each other at the South Australian Science and Engineering Super Challenge event. This event aims to inspire students and encourage them to study science, technology, engineering and maths (STEM) subjects through to year 12.

During July, about 2,500 students in years 9 and 10 from 75 high schools participated in a series of events, from building an earthquake-proof home or a catapult that fires a ball through a hoop, to the pinnacle event, the bridge building competition. The winning participants from each round come together for today's 'super challenge'.

The students in today's super challenge are from eight different schools across South Australia, from as far away as Bordertown High School and Cummins Area School on the Eyre Peninsula to Mawson Lakes and Adelaide. The event challenge will have students using their own wits to build models out of everyday household items, as well as electric motors and electronic equipment, to solve the problem rather than relying on computers and the internet.

Through a $35,000 grant, the government is supporting events which heighten awareness of the importance of roles played by the science and engineering disciplines. The future prosperity of our state relies on growing advanced high-value industries such as clean tech and the minerals and resources sectors. The state government is committed to developing our workforce with skills to drive innovation and productivity by encouraging people to take up STEM qualifications.

All three South Australian universities strongly support the event, while the University of Newcastle provides equipment for, and supervision of, the event statewide. For the first time, South Australia has been awarded hosting rights for the national title, to be held at the Adelaide Arena on Wednesday 29 October 2014. The school that wins the South Australian Science and Engineering Super Challenge event will go on to represent the state in the national event.

GAMBLING ADVISORY COMMITTEE

The Hon. J.A. DARLEY (14:37): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, questions regarding the gambling advisory committee.

Leave granted.

The Hon. J.A. DARLEY: Last year during the debate on the Statutes Amendment Gambling Reform Bill, I moved amendments which were developed in consultation with SACOSS for the establishment of a gambling advisory committee. The amendments sought to do two things. The first was to create a gambling advisory committee to be made up of two representatives from the hotel and club industries and two representatives from the charitable and social welfare organisations. The committee would provide advice to the minister in relation to his or her functions as they relate to the Gamblers' Rehabilitation Fund.

Secondly, the amendments required the minister to appoint a gambling advisory officer to be chosen from one of the charitable or social welfare organisations. The gambling advisory officer would act as a conduit between the care sector and the minister. They would be able to provide consumer advocacy and offer advice based on feedback from NGOs and problem gamblers themselves. They would, in effect, fill the gap that currently exists in this area as a result of resourcing issues.

The aim of the amendments was to even up the playing field between NGOs and the pokies barons by enabling representatives from the charitable and social welfare organisations to provide advice to the minister in relation to the performance of his or her functions when it comes to gambling related matters. The amendments were agreed to with the support of the government. Yesterday, the Premier was quoted by the media as saying that the government wants to get rid of sludge and those boards and committees that are no longer relevant. My questions to the Premier are:

1. What has changed since September last year that made the gambling advisory committee irrelevant before it even got up and running?

2. Why has the government decided to pull the plug on this measure?

3. Who did the Premier consult with over this decision?

4. Will the Premier now reconsider the abolition of the committee and, if not, why not?

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) (14:39): I thank the member for his most important questions and will refer them to the appropriate minister in the other place and bring back a response.

PLUMBING INDUSTRY

The Hon. J.S. LEE (14:40): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers about the plumbing industry.

Leave granted.

The Hon. J.S. LEE: The Plumbing Industry Association has been receiving multiple complaints each week relating to undesirable actions by a handful of non-member plumbing companies. Reported in the PIA magazine for September-October 2014, the Plumbing Industry Association met with Consumer and Business Services in February this year and demanded that one of these companies be deregistered from undertaking plumbing work in South Australia.

Again, in June, PIA met with CBS raising their frustration about the actions of this company, the damage they are causing to the industry and the outrageous fees being charged, particularly to vulnerable consumers in the community. For example, in some instances, after plumbing work has been done gas leaks have been detected on properties, which not only pose a serious risk to a single household but also affect neighbouring properties. My questions to the minister are:

1. Can the minister explain why Consumer and Business Services took four months after the initial complaint being lodged by the Plumbing Industry Association to undertake an investigation of the reported company?

2. Will the minister meet with the Plumbing Industry Association to discuss proposed strategies to clean up the plumbing industry?

3. How will the minister restore consumer confidence in plumbers and ensure protection for members of the community?

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) (14:41): I thank the honourable member for her important questions. I saw, I think it was, a newspaper article highlighting poor workmanship, particularly relating to plumbing, and I think the honourable member might be referring to that.

The Hon. J.S. Lee: It was reported in the PIA magazine, September-October issue.

The Hon. G.E. GAGO: So it was not for building; it was just plumbing. I thank the honourable member for the questions around plumbing. We have an inspectorship, clear licensing regulation and quality control arrangements to ensure that the work of the trade industries meets particular standards and requirements, particularly safety standards. I was just confirming that the commissioner had, in fact, had meetings with the plumbing industry. My understanding is that they have already taken place. In relation to my office—

Members interjecting:

The PRESIDENT: If honourable members want to have a conversation, there is a thing called a passage out there. You can go out there and have your conversation, but you don't do it while the minister is talking and giving an answer to one of your questions.

The Hon. J.S.L. Dawkins: She was getting text messages while she was talking.

The PRESIDENT: It doesn't matter. There is a passage out there if you want to continue. The minister.

The Hon. G.E. GAGO: The commissioner has met with representatives from the industry, and they are pursuing those complaints. To the best of my knowledge, the plumbing industry has not written to me directly about their concerns and are dealing with it in the appropriate way.

In relation to the way the commission deals with complaints, they do a tremendous job, often in very difficult circumstances. Complaints can come in but, to be able to proceed to take action, a certain level of evidence needs to be made available and, often, these complaints are made with little or no evidence or substantiation. Obviously the commission has to deal with that when and where it occurs, but they do seek to expedite the investigation of all matters as quickly as they possibly can. Often, for a range of reasons, that can be very slow and cumbersome.

I am not sure of the details in this particular case, but I do know that CBS does attempt to expedite investigation into those matters where they can. They are often not completely straightforward and, as I said, particularly for those who are seeking prosecution or compensation, there is a certain level of evidence that needs to be provided to be able to pursue that sort of action.

DOMESTIC VIOLENCE

The Hon. G.A. KANDELAARS (14:45): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about domestic violence accommodation.

Leave granted.

The Hon. G.A. KANDELAARS: Sadly, from the age of 15 one in six women have experienced physical or sexual violence from a current or former partner, and 62 per cent of women who have experienced physical assault by a male perpetrator experienced the most recent incident in their home. Can the minister update the chamber on the new domestic violence crisis accommodation which has been launched in the western suburbs?

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 most important question. I was very pleased to be able to accompany the Premier, Jay Weatherill, to the launch of the new domestic violence accommodation in the western suburbs last Friday. The new western suburbs site of the Central Domestic Violence Service includes individual units with a capacity to house seven families. There is also a building on site where women can access visiting services such as police, health, children's services, mental health and Centrelink as well as legal support. This brand-new site offers individual crisis accommodation for stays of up to six weeks before women and their family move on to other types of transitional accommodation.

Rather than the traditional crisis shelters, which involve communal living, this western suburbs site utilises a new type of accommodation where individual services are clustered around a place where women are able to access support services. This style of accommodation is quite unique in South Australia, and other states have been modelling their services on those here. It allows women who are escaping domestic violence the privacy they need, but also gives them the ability to be close to other women in similar situations, helping to eliminate feelings of isolation. The land for the accommodation was provided by the state government, and the project received $3.1 million in federal funding for its construction. The Central Domestic Violence Service is jointly funded by the federal and state governments.

It was very rewarding to view this fabulous new accommodation. It is a lovely environment and I think it will certainly help those women and children who are in need of such services. It will be a safe haven for those experiencing domestic violence, where women can access the services they need to reset their life, where their children can play safely, and where they can feel supported.

I am pleased to belong to a government that has committed to actions and initiatives that target domestic violence at all levels. As Minister for the Status of Women, I obviously feel very strongly that domestic violence must be eliminated at its roots, and it is important that we change the stereotypes that foster gender inequity. Too many Australian women have been affected by domestic violence and we, as a government, are working very hard prevent this.

For now, it is encouraging to know that women affected by domestic violence have this lovely form of accommodation and a place where they can feel safe, and I am very happy to be here today sharing this with members in this chamber. I would also like to particularly congratulate the Central Domestic Violence Service; they do a wonderful job. They are all deeply committed and hardworking people and very passionate about what they do. I congratulate them on the support and services that they provide.

EDUCATION POLICIES

The Hon. D.G.E. HOOD (14:50): I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Child Development a question in relation to school policy documents.

Leave granted.

The Hon. D.G.E. HOOD: *The Advertiser* has reported that school principals are claiming they are struggling to comprehend or even access the hundreds of policies and guidelines that they are required to enforce in their schools. It was reported that the documents covering all aspects of the work they do at schools, including the department documents, have been culled from something like 1,600 to somewhere in the vicinity of 790 documents.

The South Australian Secondary Principals' Association President, Jan Peterson, said that the number of policies that the department had amassed was 'absurd' and he wants to see 'a cutback of red tape as opposed to proper accountability'. What is the role of the executives in relation to deciding upon and/or improving policies and guidelines and does the minister feel that there are simply too many in place, as does the Secondary Principals' Association? Secondly, what steps is the government taking to ensure that appropriate policies are easily accessible, user friendly, not over-cumbersome and simply not too many in number?

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) (14:51): I thank the member for his important questions. I will refer them to the relevant minister in another place and bring back a response.

The PRESIDENT: The honourable and gallant Mr McLachlan.

WOMEN IN LOCAL GOVERNMENT ELECTIONS

The Hon. A.L. McLACHLAN (14:51): Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding the percentage of women nominating to stand in local government elections.

Leave granted.

The Hon. A.L. McLACHLAN: South Australia's Strategic Plan No. 29 seeks to increase the percentage of women nominating to stand in local, state and federal government elections in South Australia to 50 per cent by 2014. A statistical summary of nomination details was recently published by the Local Government Association of South Australia in respect of the up-and-coming local government elections, which take place in November of this year.

The statistical summary reveals that the number of female nominees comprises only 28.56 per cent of total nominations. What is even more disturbing is that there has been a percentage increase of only about 0.15 per cent of females nominating to stand since the last local government election in 2010, at which time the number of female nominees comprised only 28.41 per cent. Will the minister provide an explanation as to why the proportion of women nominating to stand for local government elections since 2010 has only increased by a small margin and what, if any, initiatives the government has in mind to improve this?

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) (14:53): I thank the honourable member for his important question. Indeed, I think it is a very important question to be directing towards the local councils and their peak organisation, the LGA. This is one of those targets where, although the state government offers considerable energy and effort to assist and encourage women to nominate for local

government, the primary responsibility for that really does rest at the feet of local government. But certainly wherever I have an opportunity and wherever I go, I certainly encourage not only those people currently in local council to think about mentoring and encouraging women to nominate for local council and office but also women generally in the public to consider that. We continue those efforts.

It has been very slow, unlike in a previous question where, in relation to the representation of women on government boards and committees, a target over which we have much more control and input, we have reached a 48 per cent level of representation of women on government boards and committees. Organisations setting themselves specific targets for which they are publicly accountable is a very important way to achieve that sort of change needed to improve the representation of women in organisations here in South Australia. I would certainly be encouraging the LGA and other local councils to set targets for their elections.

WOMEN IN LOCAL GOVERNMENT ELECTIONS

The Hon. K.L. VINCENT (14:55): By way of a supplementary question, does the minister know of any women with disabilities nominating for council, and what is the government doing to decrease the significant barriers that people with disabilities in general can face to participating in government?

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) (14:55): Is the honourable member talking about the participation of women with disability in local government or in government generally?

The Hon. K.L. Vincent: Local government.

The Hon. G.E. GAGO: Again, that would be an ideal question to direct to the LGA and other local councillors. It is an independent level of government; it does not come under the direction of state government, and it is a question I would sincerely encourage the honourable member to take up directly with the LGA and other local councils. We all know the benefits of diversity and being more inclusive in the way we operate, particularly representations in organisations, and that goes across a whole range of demographic indicators, not just age and ethnicity but also disability. We know that increasing diversity is not only the right thing to do but the smart thing to do. Organisations provide better, more thoughtful and inclusive policy and decisions when they have better diversity of representation in their organisation.

WOMEN IN LOCAL GOVERNMENT ELECTIONS

The Hon. K.L. VINCENT (14:57): By way of supplementary question, does the minister know how many women with disabilities have nominated for councillor or mayoral positions in local government elections?

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) (14:57): No, I do not, but I would recommend that the honourable member write to the LGA and ask for that information.

UBER TRANSPORT BOOKING SERVICE

The Hon. M.C. PARNELL (14:57): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills, representing the Minister for Transport and Infrastructure, a question about Uber online transport booking services.

Leave granted.

The Hon. M.C. PARNELL: There is an interesting piece in *InDaily* today from David Washington, where he says:

> The State Government has started legal action against six drivers and five hire car operators who have been taking bookings from the taxi competitor Uber*, InDaily* can reveal. The 11 South Australian-based Uber partners have received legal 'please explain' letters from the Government's Accreditation and Licensing Centre for the taxi and hire car industry. A government spokesman told *InDaily* the drivers and operators had been asked to 'provide detailed

information ahead of referral to the Passenger Transport Standards Committee for investigation'. The spokesperson said the drivers and operators could then face penalties for breaches of the Passenger Transport Act.

In a feat of brilliant timing, this news has come to light the day after a federal review of competition has been released. This federal competition review recommends a loosening of restrictions in the taxi industry, which it claims are increasing costs for consumers. Again, from David Washington's article this morning:

A draft report by Ian Harper, who is undertaking the biggest review of competition policy in two decades, concluded that regulations limiting the number of taxi licences and preventing other services from competing with taxis had raised costs for consumers and hindered new transport services from emerging.

'States and territories should remove regulations that restrict competition in the taxi industry including from services that compete with taxis except where it would not be in the public interest,' the report said.

My questions of the minister are:

1. What steps has the government taken to formalise or regularise alternatives to taxi services in South Australia prior to launching the current investigations with a view to prosecution of Uber partners?

2. Does the minister accept the findings of the Australian competition review that current taxi regulations restrict competition to the disadvantage of consumers?

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) (15:00): I thank the honourable member for his most important questions and will refer them to the relevant minister in another place and bring back a response.

DISABILITY EMPLOYMENT

The Hon. R.I. LUCAS (15:00): I seek leave to make an explanation prior to directing a question to the leader on the subject of honesty, openness and transparency in answering questions in parliament.

Leave granted.

The Hon. R.I. LUCAS: I refer the minister to the State Strategic Plan Target T50 which is to increase by 10 per cent the number of people with a disability employed in South Australia by 2020. The detail of that particular target outlines a baseline of 2009 and outlines the government's target through to the period of 2020. In confidential briefing notes provided to the minister for answering questions in parliament on this particular issue and on other issues, I note that the minister has advised that for certain questions, including questions on this particular issue:

Notes for the minister's information only or any confidential information need to be on a separate page to the rest of the briefing. The information needs to be clearly marked confidential and highlighted. This ensures it will not be read out in parliament. Example below.

Clearly the minister's officers are concerned that, unless it is clearly labelled and advised on a separate page, she might mistakenly read out confidential information onto the record in parliament. This is information that needs to be kept secret.

The briefing notes to the minister in relation to answering questions on the number of people with disability employed in South Australia include the normal political spin and guff, which I won't go through, but in the section on confidential information, that is, the minister is not to read this out in the parliament because this is too confidential for us to know, the minister is advised that:

State Strategic Plan Target T50 to increase the number of people with disability employed in South Australia by 2020 appears to be difficult to reach.

My questions to the minister are:

1. Why is the minister adopting a policy of concealing the truth on government promises in relation to this particular area?

2. Will the minister now outline all the advice that she has received on this particular strategic plan target and on whether the government will keep its promise of increasing by 10 per cent the number of people with a disability employed in South Australia by the year 2020?

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) (15:03): I thank the member for his question and, indeed, this government is an open and honest and transparent government and we very much stand by that and we have a very good track record to support that. In relation to people with disability, we have set ourselves a strategic plan target to increase involvement by 10 per cent the number of people aged between 15 and 64 with a disability to be employed in South Australia by 2020.

That has been very difficult to remain on track with and it would appear that at the current rate we are unlikely to achieve it. Nevertheless, like all of our targets, we have the courage and transparency to at least set ourselves a target for which we are then publicly accountable—unlike the former Liberal government who never set themselves targets like we have, never stood accountable, never reported and were not transparent.

We have set ourselves these targets and, indeed, in relation to disability, it is a very challenging area. As to our progress to date, it would appear that we are unlikely to achieve it. However, that does not stop us from focusing energies and efforts to try to improve our performance in that space. As I indicated in my previous answer, in terms of issues around diversity, including people with disabilities is an important aspect of that. I think all of our organisations and institutions would be better places if we had improved diversity.

In relation to our efforts around disability, in particular Skills for All, reforms to the state's training system include learner support services for the most disadvantaged learners and some of those who are most disenfranchised, and that includes people with disabilities. These services include things like practical support services for learners with disability to help complete their qualifications and then to work with disability employment service providers to help provide pathways to help improve workplace participation.

I am advised that about one-third of students receiving these learner support services had a disability. Also, the South Australian government aims to try to be an exemplary employer for people with disabilities, and an innovative engagement support and employment model will be trialled in several public sector agencies. The positions in the public sector trainee pool will be made—

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: —exempt for people with intellectual—

The PRESIDENT: The Hon. Mr Lucas, you can ask your own question if you wish, but most of us want to hear the answer from the minister.

The Hon. G.E. GAGO: Also, South Australia's participation in equity programs helped to assist in engaging those with disability and those who have many challenges in being able to access paid workforce participation. There are a number of programs we have in place and activities that we are conducting to assist in improving those numbers. As I said, we remain very committed to being able to achieve our target of 10 per cent by 2020.

DISABILITY EMPLOYMENT

The Hon. K.L. VINCENT (15:07): I have a supplementary question. Given that the government has failed to meet its target at this time, when does it plan to meet it next? Can the minister elaborate on the reasons as to why the government failed to meet this target? Why has public sector employment of people with disabilities not only failed to meet its target but has actually gone backwards in recent times?

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 her question. I stress that the target is set for 2020 so we have not failed to achieve the target but, as I indicated, if we are tracking on the current rates of engagement then we are unlikely to achieve it. However, as I

have said, we have initiated a number of programs that we have put in place that will improve our performance in this area and we remain committed to achieving that target.

DISABILITY EMPLOYMENT

The Hon. R.I. LUCAS (15:08): I have a supplementary question. Will the minister bring back to this house all the advice she has received in relation to how the government is tracking on this particular target? Given that she has confirmed that the government is unlikely to achieve it, what are the current estimates her department has made in terms of the increase in the number of people with disability being employed on current rates by 2020?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:09): I thank the honourable member for his question. I have already outlined the information that I have in relation to how we are tracking. I have already put that on the public record and I have no further information to add at this point. In relation to the outcome, as I have indicated, we remain committed to achieving the 10 per cent target. I have indicated that we have put various programs and other actions in place to assist us to get back on track.

DISABILITY EMPLOYMENT

The Hon. K.L. VINCENT (15:09): I have a supplementary question. Can the minister clarify how close the government is to achieving that target?

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) (15:10): I think that the honourable member gave the figures just then. I am sorry that I don't have the exact figures, but I am happy to find the last report. I have indicated quite openly that we are not tracking well at this point in time. I am happy to bring the last figures back to this place. I have indicated quite openly that we are not tracking well. However, we have put a number of programs in place to help improve our performance and, as I have said, we remain committed to achieving our 10 per cent target.

DISABILITY EMPLOYMENT

The Hon. K.L. VINCENT (15:10): I have a further supplementary question. What organisations or individuals is the government working with to put in place strategies to help achieve that target?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:11): I have just given a response that outlines a special project that we have put in place in the Public Service to help improve uptake. I have already outlined the projects to which this government has committed to or is currently undertaking.

DISABILITY EMPLOYMENT

The Hon. K.L. VINCENT (15:11): Further to my supplementary, I may have misheard, but my parliamentary colleagues seem to agree with me that the minister did say that the government is running a special project but didn't actually outline exactly who was involved.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:11): Public servants. It is within the public sector, and it is a pilot that is currently being undertaken.

DISABILITY EMPLOYMENT

The Hon. K.L. VINCENT (15:12): I have a further supplementary question. Is it the case that the strategy does not currently involve specific disability organisations, such as People with Disability Australia or specialist disability employment services?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for

Business Services and Consumers) (15:12): I am not sure, but I am happy to check that out and bring back that information.

BIOSA TECHNOLOGY ACHIEVEMENT AWARD

The Hon. J.M. GAZZOLA (15:12): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about the recent BioSA technology achievement award.

Leave granted.

The Hon. J.M. GAZZOLA: I hear that the only father-and-son combination to win a Nobel Prize was William and Lawrence Bragg, who spent many years in Adelaide at the beginning of the 20th century and who undertook ground-breaking research into x-ray diffraction at the University of Adelaide. Can the minister inform the chamber about another recent father-and-son winner, who have continued on the same unique South Australian precedent?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:12): I thank the honourable member for his question. Indeed, the BioSA technology achievement award was announced earlier this month. The event was attended by interstate and overseas visitors who were also in Adelaide to attend the AusBio Tech Transfer Summit.

The BioSA awards recognise those in the community who have made an important contribution to the development of South Australia's technology industry. The award focuses on the commercial contributions recipients have made as well as recognising entrepreneurial talent, leadership, innovation and commercial success.

South Australia is well known for its technological advances in the world of reproductive health, and the 2014 BioSA award has been awarded to two really brilliant leaders in this field, Professor Colin Matthews and his son Mr Jonathan Matthews. Professor Matthews' contribution to reproductive technology is highly regarded and respected throughout the world. In addition, he assisted in setting up the legal framework for reproductive technology in South Australia and pioneered work in IVF, and he was a founding member of Repromed Pty Ltd, a university-owned, Adelaide-based IVF clinic.

Mr Jonathan Matthews is a business manager and executive director of the Pipette Company and a director of Reproductive Health Science Pty Ltd. He has been an integral part of growing both RHS, which has recently listed on the Australian Stock Exchange, and The Pipette Company, which over the last five years has experienced rapid growth in market share and exports. Both have used their talent, innovation, drive and expertise to not only develop medical services that help South Australian partners but to position our state as global leaders in health research.

Speaking to accept the award, Professor Matthews stated that each year now there are 1.74 to 1.8 million cycles of IVF performed across the world, so in total around 6 million babies have been born as a result of IVF; 6 million babies is astounding. With figures such as these, you can see why the South Australian state government places such importance on the emerging bioscience industry. Our commitment to the emerging bioscience industry is demonstrated by the announcement our Premier, Jay Weatherill, made a number of weeks ago when he announced three economic priorities that will directly inform the work of this government in science, innovation and health areas.

BioSA is also part of this really exciting story. Since 2001, BioSA has helped more than 75 companies set up in South Australia. The BioSA team is dedicated to providing high standard infrastructure, high level business advice and expertise, financial assistance, and marketing communication services to help support the growth of our thriving bioscience industry. The total number of bioscience companies now exceeds 100, and employers in the bioscience field have more than doubled and now are at around 1,700.

Across the South Australian government, a total of $170 million is provided to support research and development within this state. $8 million in new funding over four years has also been committed by the government to support investing in a science action plan. This plan provides

strategic direction and practical actions for government, universities and also industry to work together to build skills, research and commercialisation capabilities in South Australia. We will develop STEM skills in young people, attract experienced researchers and invest in commercialisation to create exports and jobs.

RENEWABLE ENERGY TARGET

The Hon. M.C. PARNELL (15:17): I seek leave to make a brief explanation before asking a question of the Leader of the Government in the Legislative Council, representing the Premier, on the matter of climate change.

Leave granted.

The Hon. M.C. PARNELL: The minister has just tabled today a ministerial statement made by the Premier on the subject of South Australia's targets for renewable energy, and we note in that statement that the target for the production of renewable energy in South Australia has been increased to 50 per cent by the year 2025 and that there is a target of $10 million worth of investment, both targets being conditional on the commonwealth government retaining its renewable energy target. My questions of the minister are:

1. How much state money is involved in the meeting of these targets, or is it more correct to say that all of the funds will be private sector funds?

2. Under section 5 of the Climate Change and Greenhouse Emissions Reduction Act 2007, the government can change the targets, as it has just done, but the act requires the minister to prepare and report on the matter and to table that report before both houses of parliament. My question is: when might we see that report?

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) (15:18): I thank the honourable member for his most important question and his ongoing interest in climate change. I will take those questions to the member in the other place and bring back a response. Just to remind our honourable members, the Hon. Ian Hunter is in fact representing South Australia at the climate change conference in New York right as we speak. We take these matters seriously and feel that it is important that we have representation there.

As honourable members know, we set a target for the state to achieve 33 per cent of electricity generated from renewable sources by 2020, and the figures from 2013-14 indicate that 31.5 per cent of energy produced in South Australia is currently from renewable sources. Updated numbers from the energy market operator are expected this month to show that we are well ahead of that. That is what we are anticipating, anyway.

As the Premier indicated today in his ministerial statement, we are not satisfied with simply resting on our past achievements and past glories. We are committed to continuing to provide real leadership in this area. That is why the Premier has announced today that we are increasing our target for the amount of our state's energy that is generated from renewable energies. It is now the goal of this government that we achieve 50 per cent of total energy to be generated by renewable sources by 2025, provided the federal renewable energy target remains in its current form. The Premier was very pleased to announce that commitment today.

GOVERNMENT BOARDS AND COMMITTEES

The Hon. T.J. STEPHENS (15:21): I seek leave to make a brief explanation before asking the Minister for the Status of Women questions about the abolition of government boards.

Leave granted.

The Hon. T.J. STEPHENS: The government recently announced the abolition of 105 boards, including the Equal Opportunity Tribunal, SAMEAC, the Women's Advisory Committee and the Voices of Women Board, which are all under the minister's purview. My questions to the minister are:

1. Why were these boards suddenly considered to be unnecessary or redundant after so many years?

2. Is the minister happy with the abolition of the equal opportunity board?

3. If so, how can she guarantee that women who have been discriminated against have adequate legal recourse?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:21): I thank the honourable member for his question. Indeed, the Equal Opportunity Commission and tribunal actually do not come under the Office for Women. They come under the Attorney-General's portfolio, so he has been in charge of that.

The honourable member, if he had read a bit more widely, would have seen quite clearly that the EO Commissioner's position remains in place and that the Equal Opportunity Tribunal is proposed to move into SACAT when it is up and running. I think the EO Tribunal is being considered in the second phase. My understanding is that pretty much the status quo will remain in place until our new Civil and Administrative Tribunal is ready to have those roles and functions conferred on it.

I can absolutely reassure honourable members that the role and function of the Equal Opportunity Commissioner and also the role of the Equal Opportunity Tribunal will remain in place and, even with the changes in relation to SACAT, the role and function and protections afforded to members of the public in relation to equal opportunity matters will still be available. They will be just administered from a different jurisdiction.

Personal Explanation

MARINE PARKS

The Hon. J.M.A. LENSINK (15:24): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.M.A. LENSINK: In the debate on the Marine Parks Bill in the House of Assembly on 18 September, minister Brock stated that Liberal members had not provided him with the economic evidence as to why we chose the 12 particular zones. The industry data was outlined in my speech in this place on 21 May. I provided the minister, together with minister Hamilton-Smith and the member for Goyder, with a briefing on 1 July, at which time minister Brock indicated that he had looked at my speech. I am advised that he also had several briefings with stakeholders, particularly from industry, from whom I got the data, which was repeated to him.

Bills

BUDGET MEASURES BILL 2014

Committee Stage

Members interjecting:

The CHAIR: Order! Go through the Chair, please.

The Hon. S.G. Wade: Is she allowed to attack him like that?

The CHAIR: I do not think it is a matter of one attacking the other. They have become involved in a debate which does not need to be undertaken. Minister.

The Hon. G.E. GAGO: Thank you for your direction, sir.

In committee.

Clause 1.

The Hon. G.E. GAGO: So that everyone is aware of how I intend to proceed, I have received some answers to questions asked by the Hon. Tammy Franks during her second reading

contribution, and I thought to use this time on clause 1 to read the answers to those questions onto the record. Then I intend to adjourn the debate for further consideration.

Regarding the question asked by the Hon. Tammy Franks as to why seek to subvert the High Court decision by retrospectively altering employees' longstanding entitlements to long service leave, I am advised that the High Court decision on 29 January 2012 was about the appointment basis of teachers. It did not deal with long service leave or other conditions of employment.

The High Court remitted the matter to the Industrial Relations Court for further consideration. There has been no subsequent hearing in the court. The effect of the High Court ruling is currently the subject matter of litigation before the Supreme Court, and it is inappropriate to discuss the details of matters that are subject to this litigation as to do so could possibly prejudice the state's position.

A question was asked regarding why differentiate between permanent and non-permanent teachers, as they are both classified as officers of teaching. I am advised that permanent schoolteachers, in practice, do not have access to a two-year rule. Any comparison between temporary schoolteachers and permanent schoolteachers in South Australia in practical terms is inappropriate.

This is because the nature of the employment of permanent schoolteachers is such that it does not come to an end in the ways contemplated by section 22 of the Education Act. In practice, no permanent teacher has received the benefit of the two-year rule, which would only apply if the government retrenched teachers. This has not happened in the life of the current act. The more appropriate comparison is with temporary public servants, and they do not have the benefit of a provision such as section 22.

In terms of a more detailed explanation, permanent teachers do not in practice receive access to the two-year rule. Section 22(2) of the act provides access to the two-year rule if service is interrupted otherwise than by resignation or dismissal. If a permanent teacher ends their employment by resignation, their long service leave accrued entitlement is then immediately paid out. If subsequent employment is gained, the long service leave commences anew. If a temporary teacher does not resign, their employment ends by virtue of the agreed end date of the contract, that is, otherwise than by resignation or dismissal.

For the two-year rule to apply to permanent teachers, they would need to be retrenched or made redundant, that is otherwise than by resignation or dismissal. That has not happened since the inception of the act, since December 1962. Retrenchment did appear in the Great Depression, and this is referred to in the second reading speech of 1972. The practical application of the act means that temporary teachers are currently in a more advantageous position than permanent teachers. A two-year rule would increase that advantage.

Question 3: why equate these members of the teaching force with other public sector employees? I am advised that the amendment aims to bring the long service leave entitlements of temporary teachers into line with other Public Service employees, such as nurses and public servants. Preschool teachers have the same long service leave entitlements as public servants. They do not have access to a two-year rule.

SA teachers in schools are under the Education Act and preschool teachers are under the Children's Services Act. School teachers would have access to an allowable interruption of up to two years while preschool teachers have access to the public sector standard of an allowable interruption of three months. A temporary relieving teacher may work in a school one day and then in a preschool the next. They would receive the same pay under the same enterprise agreement but would be subject to different long service leave provisions.

Interstate teachers receive the equivalent or less of the public sector standard. They do not have access to an allowable break in service of two years. For example, temporary teachers in New South Wales, the largest employer of teachers, receive an allowable break in service of two months plus vacation. No private school teacher receives an allowable break in service of two years. A temporary relieving teacher may work in a public school one day and in a private school the next but would be subject to different long service leave provisions.

Private school teachers receive an allowable break of two months with no recognition of vacations. Temporary teachers work in a similar manner to casual nurses and other casual employees—that is, they undertake relief work as required—yet temporary teachers would receive an allowable interruption in service of up to two years while temporary nurses receive access up to three months.

Enactment of the proposed legislation would leave temporary teachers in a better position than the public sector standard of three months. This is because the department will continue to apply its policy of three months plus vacation periods, which is more advantageous than the public sector standard. The policy is in recognition of the unique nature of a working school year. School teachers work side by side with School Services Officers and Aboriginal education workers who have access to the public sector standard of three months. All are under the same enterprise agreement.

A further question was: what of those current employees whose long service leave entitlements would be reduced and possibly removed by this retrospective legislation? I am advised that the two-year rule has not been applied under successive governments. No teacher will receive a reduction in the long service leave and retention leave entitlements as stated on their payslip. No approved period of leave would be reduced. Temporary teachers have received the benefit of the three-month rule and, from 2003, the improved benefit of the three months plus vacation rule. In practical terms, the legislation confirms best practice.

The fifth question was: what information does the government have about the numbers of those particular teachers and other demographic data? I am advised that DECD annual report 2013 at page 159 states that under the Education Act, male employees are 5,638 (25 per cent) and female employees 17,651 (75 per cent); and under the Children's Services Act, male employees are 2 per cent and female employees 1,890 (98 per cent). The percentage of females under the Education Act is the same as that for public servants and much less than that for Children's Services Act.

As the Public Sector Act and the Children's Services Act are subject to a three-month rule, it can be concluded that the female temporary teachers under the Education Act currently receive the better long service provision of the three-month plus vacation rule. In fact, temporary female teachers under the Education Act also currently receive a better arrangement than female non-teachers, for example, school services officers, under the Education Act. Female teachers under the Education Act receive a better long service leave rule than female teachers under the Children's Services Act.

Progress reported; committee to sit again.

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 September 2014.)

The Hon. A.L. McLACHLAN (15:36): I rise to speak to the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill. I inform the chamber that the Liberal Party will support the second reading of the bill and its passing in this place. I bring to honourable members' attention the comments on this bill articulating the Liberal Party position by the Deputy Leader of the Opposition, the member for Bragg, as well as those of the member for Hartley in the other place. The bill before honourable members seeks to amend the Criminal Law (Sentencing) Act to limit the occasions when a sentence of imprisonment is able to be suspended.

In essence, the bill means that a judicial officer will no longer have the discretion to fully suspend a sentence of imprisonment of two years or more for offences involving serious violence. The bill is specifically aimed at sections 13 and 23 of the Criminal Law Consolidation Act, these being the offences of manslaughter and causing serious harm in circumstances where a sentence of two years or more is imposed for such offending.

In essence, if a court finds someone guilty of causing serious harm and they are sentenced to two years imprisonment, the court will no longer be able to fully suspend that sentence of imprisonment. In this example it would still be open to the court to partially suspend the sentence. However, the defendant would have to spend at least one fifth of the non-parole period in custody.

The chamber should be aware that the amendments contained in the bill have not found favour with the Law Society of South Australia nor with the South Australian Bar Association. I declare that I am a long-standing member of the Law Society. Both bodies have consistently opposed mandatory sentencing on the base that it restricts judicial discretion and independence, which in turn undermines the rule of law. It is also submitted that there is little evidence that such an approach is an effective deterrent and may lead, in certain circumstances, to unfair outcomes.

The approach of these bodies is mirrored by similar bodies in other states. Such opposition to mandatory sentencing should cause all of us in this chamber to pause and reflect. The sentencing of an offender is inherently challenging by its very nature. Our judges must balance a number of sentencing principles, having regard to retribution, rehabilitation, public safety and deterrence. Our community places great trust in our judiciary to take into account all the circumstances of the particular matter, as well as the community standards where appropriate.

There are many Western nations that have passed mandatory sentencing legislation which curtails judicial discretion. Generally it is in response to perceived public demand for more severe sentencing and the need for parliaments and governments to satiate the calls by vocal interest groups demanding greater retribution and deterrence in sentencing.

This bill has its genesis in the Labor Party's policy ahead of the last election. In a press release issued by the Labor Party in the lead-up to the 2014 state election, the Premier stated that if re-elected the Labor government would introduce laws to ensure that all convicted violent offenders would spend time in gaol. He said that new mandatory imprisonment laws would mean that the days of fully suspended sentences for serious violence would be over and that convicted offenders will serve prison time.

At the time I recall there was some public criticism directed at our sentencing system, particularly in cases where time in prison has been avoided by way of suspended sentence. I welcome the comments by the Attorney-General in the other place, who has indicated that it is his intention, if I interpret his comments correctly, to have a more fulsome and holistic review of sentencing in this state. I encourage him to pursue this endeavour. The Liberal Party, likewise, acknowledges community concern relating to suspended sentencing and at the election promised to undertake a broad review of suspended sentencing.

There is a growing school of thought that mandatory sentencing is not effective in reducing crime. There are studies which suggest that the threat of imprisonment only generates a small general deterrent effect and, further, that the public perceptions of the prevalence of crime and the reality are often very distinct. Indeed, there was one survey conducted of jurors regarding the sentence that they would impose on an offender. More than half indicated that they would have imposed a lesser penalty than the trial judge.

All of us in this chamber who seek to understand the voice of the community should always remain cautious that we are only hearing some of the many voices on these important issues. South Australians are entitled to want to reside in a community where they feel safe. They should have confidence in their parliament that it will do all that it can to explore measures that will underpin these community expectations. The punishment of crime is important and necessary to ensure a safe and functional community.

It may be that the way forward is paved with greater investment into research regarding the effects of mandatory sentencing coupled with increased community education, communication of sentencing principles and decisions as well as the encouragement of responsible media reporting. I find this pathway more appealing than the one which may ultimately lead to the ever increasing temptation to strip more and more discretion from our judicial officers. They are, after all, appointed not only for their legal knowledge and integrity but also for their wisdom and experience.

The bill before us does not seek to interfere with the court's right to set the sentence length or determine the portion of the sentence that is to be served in custody. There appears to be only a small number of defendants who will be impacted by these amendments. I note the questions raised in relation to this bill by the Hon. Mr Hood. I, too, ask the government for the anticipated number of matters likely to be affected by these amendments and the associated costs.

In all such debates we should not overlook the need to rehabilitate those of our community whom we punish, in particular those we incarcerate. This was the point well made by the member for Hartley in the other place. In my early days in the law as a defence counsel, I formed the view that rehabilitation is an essential part of ensuring community safety. There is little point to imprisoning offenders only to release them back into the community with little or no hope of integration. In my experience this only leads to greater risk of further offending.

In any such debate on these difficult matters, we should never overlook the importance of mercy. There must always be a place for mercy if the circumstances of a particular case are such that a level of leniency can be justified. This is especially so when it will lead to the reform of the individual. The flexibility of our courts to show mercy where warranted is diminished with mandatory sentencing. Societies are judged not just by their strength and discipline but also their ability to demonstrate compassion and mercy where appropriate.

I will conclude with the words of the great poet and playwright, through his character Portia:

> The quality of mercy is not strain'd,
>
> It droppeth as the general rain from the heaven
>
> Upon the place beneath…

The Liberal Party supports the second reading of the bill.

The Hon. T.T. NGO (15:43): I also rise to speak in support of the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill. As the Hon. Mr McLachlan just outlined, the state government's commitment prior to the state election was that if re-elected it would move to amend the law so that violent offenders who receive a sentence of imprisonment of two years or more would not be able to receive a fully suspended sentence. This bill achieves that aim.

It is important that we move as a legislature in a non-partisan manner to ensure that the law is in step with public expectation. This is what we are elected to do. Critically, the public expects violent offenders who receive a sentence of imprisonment of two years or more see real gaol time. This bill imposes a form of mandatory sentencing that would be appreciated by law-abiding members of our community.

I have been told of a case study, a real-life version of events, which shows just how stark is this need for change. A defendant was found guilty by a jury of causing serious harm with intent to cause serious harm. The maximum penalty for this offence is imprisonment for 20 years. The defendant was drinking with the victim and the victim's partner. The defendant returned with them to their hotel room. The defendant's advances on the victim's partner were rejected and a fight took place between the victim and the defendant. The defendant bit the victim's nose, removing a portion of it. The victim needed cosmetic surgery to repair the injury.

The defendant had eight previous court appearances and had been convicted of two drug offences, a larceny offence and driving offences. The defendant was sentenced to three years with a nonparole period of 18 months. The defendant, however, was only required to spend 18 days in custody and the remainder of the sentence was suspended upon the defendant entering a good behaviour bond of $1,000 for three years. The defendant was also required to be under the supervision of a Community Corrections Officer for 18 months.

This is the type of incident with which the general public is fed up. A message needs to be sent to violent offenders and the community that violent crimes will not be tolerated and that offenders will be sent to prison. The government has a solid track record on issues of law and order, and I am proud to support this second reading.

The Hon. M.C. PARNELL (15:47): The Greens are opposing this bill as we have always opposed what we see as improper interference in judicial sentencing discretion by the executive or by the parliament. It will be no surprise that the Law Society as well has opposed this bill. It has written to members in the strongest possible terms saying that this is bad law. To quote from the society's submission, it states:

> The Society has consistently opposed mandatory sentencing. We have yet to see any evidence that mandatory sentencing makes communities safer or deters crime. Instead, it results in increased rates of incarceration

in a discriminatory, unfair and unreasoned manner and is a poor use of taxpayers' money. Significantly, mandatory sentencing inevitably leads to unfair and unjust outcomes. Those include a disproportionately unfair impact on indigenous people, young people and those with a mental disability.

I had hoped that my second term in parliament would be full of law-making of a different kind to that of my first eight years. Members will recall that the Hon. Kevin Foley famously wanted to 'rack 'em, pack 'em and stack 'em', and saw great electoral advantage in having a tough-on-crime approach.

That is not the approach that the Greens take. That is not to say that violent criminals do not in very many—in fact, even in most cases—deserve gaol time. The question is whether the parliament is better placed than the judges to make the decision about whether a sentence of incarceration should be fully served or whether it should be fully or party suspended.

The fact of the matter is that we do not sit in court, we do not see the perpetrator, her or his demeanour, we do not hear the witnesses, we do not hear the background story. We know diddly-squat about the facts of the case, and to me that says that we are poorly placed to be trying to direct judges as to how they should sentence.

The appropriate balance between the three arms of government is that the executive puts up legislation, it is debated by the legislature, we debate what we believe are maximum penalties, and we then leave it to the judiciary to apply the law and to apply sentencing criteria and maximum penalties to the facts of each individual case—and it is exactly that approach that this bill seeks to undermine.

I also note, from the Hon. Andrew McLachlan's contribution, that the Attorney-General has said that he is keen to have a review of sentencing. If that is the case, the question then is: why on earth are we debating this now? The Attorney's got form in calling for reviews and then completely ignoring the fact that he has done so and then proceeds to make fundamental changes, either through legislation or through delegated legislation.

The Hon. S.G. Wade: Planning.

The Hon. M.C. PARNELL: The Hon. Stephen Wade is onto me already, and he interjects, 'Planning'. Planning is an excellent example. Having commissioned an expert panel on planning reform, the government then proceeded to fundamentally change the composition of responsibility for planning, through delegated legislation, and it looks to me as if the bill before us is in a similar vein. Yes, let's have a review of sentencing, but that means that we should not be considering bills like this now.The other aspect I want to raise briefly is that there are alternatives to the ongoing, and increasing, incarceration of wrongdoers. To go back to the Law Society's submission, they say:

The Society notes that figures show South Australia's prisons are beyond capacity. South Australia's nine gaols have been absorbing a steady rise in prisoners but now exceed the Correctional Services Department's approved capacity. The Society questions how the Government plans to accommodate the extra prisoners that will result from this Bill. Increasing the capacity of our prisons is expensive and will require additional taxpayer resources. The community is not always better served by incarcerating people.

That reminds me of two things. First of all, it reminds me of the very famous Monty Python sketch from many years ago, where it was declared that the way to reduce the crime rate was to reduce the number of offences—which always struck me as a very odd approach.

The other thing it reminds me of is that those bleeding heart liberals in Texas decided some time ago that they were on this downward spiral of incarceration and upward spiral of expenditure and that they could not afford to keep bigger and bigger gaols to incarcerate their citizens. So they adopted what has become known as the justice reinvestment approach: that the money that would have been spent on gaols they started spending on community programs, on turning lives around before they ended up in the criminal system and, as a result, not only did they end up with less crime and less incarceration but also they saved a bucket load of money by having to build fewer gaols.

That is an approach that people have been talking about for a long time, but there seems to be a failure of will at the highest level. In fact, one of the Thinkers in Residence who was brought out here some time ago, Justice Peggy Hora, reminded us that the people we send to gaol are coming back to us at some stage. They could come back to us better—unlikely because rehabilitation is pretty well non-existent—or they are going to come back to us worse, and we do need to seriously think about how we go about punishing wrongdoers. Again, it is not to say that the perpetrators of

these violent crimes do not often deserve gaol time, but that is not a decision for this parliament to make.

The Greens' position is consistent. I am not going to make a long speech about it; I have done that in the past. The Law Society is right, the Bar Association is right. These are bad laws, they should not be on our statute books, and the Greens will be opposing this bill.

The Hon. G.A. KANDELAARS (15:54): I rise to support the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill 2014. It was a government promise in the 2014 election that serious violent offenders who receive a head sentence of greater than two years would not be able to receive a fully suspended sentence. I stand to support this bill and to assist the government to deliver this election promise.

This bill requires serious violent offenders to spend some time in prison by means of a partially suspended sentence. The two offences that are captured by this bill are manslaughter and cause serious harm, two very serious offences indeed. There is a clear community concern that serious violent offenders, who often cause their victims lifelong injuries, were walking away without spending any time in prison.

The community and the government have no time for violent thugs. By way of example, I am informed that one particular case involved an offender who while intoxicated punched a victim with a closed fist. The victim fell to the ground and the offender continued to assault the victim, inflicting head injuries and a number of facial fractures. This assault left the victim effectively blind in one eye. The offender, following a plea of guilty, was sentenced to two years and three months in prison, with a non-parole period of one year and two months, fully suspended.

I, for one, am not comfortable with the idea that an intoxicated thug acting violently who inflicted life-changing injuries on a victim can walk away without spending any time in prison. Under this legislation, the offender would have spent just under three months in prison. This sentence would serve at least, one hopes, to wake up the offender. They need to get their life in order and refrain from such violent behaviour. The government will continue to fight against serious violent offenders, and I am proud to support this bill.

The Hon. J.A. DARLEY (15:57): I rise very briefly to speak on the Criminal Law (Sentencing) (Suspended Sentences) Amendment Bill. As members would know, the bill amends the Criminal Law Sentencing Act to ensure that serious violent offenders sentenced to a term of imprisonment of longer than two years actually spend time in gaol. The bill defines a serious violent offender as a person who is convicted of manslaughter or causing serious harm. The objectives of the bill are achieved by removing the court's capacity to fully suspend the sentence of imprisonment of any serious violent offender. In instances where the court finds good reason to suspend a sentence that exceeds two years, the court can only impose a partial suspension.

I read with some interest the comments made on this bill by the shadow attorney-general and member for Bragg in the other place. I must say, I was somewhat surprised to learn that, based on the information provided by the government to the opposition, this bill will in fact apply to very few offenders. I understand that, according to government figures, between 2009 and 2012 a total of 42 offenders were found guilty of serious harm or manslaughter. Of those, 23 had a sentence of more than two years suspended, so over a three-year period half of those offenders were let off with a suspended sentence.

I accept completely that in many, if not all, instances the families and friends of the victims of these offenders consider the imposition of a suspended sentence as completely inadequate and a slap in the face in terms of any sense of justice. I am sure we are also all familiar with the notion that violent offenders are all too often getting away with a slap on the wrist, which only serves to further fuel the frustration and angst of victims. In this context, the bill makes perfect sense.

However, if the information provided to the opposition by the government is correct—and I have not received any information firsthand—then the effect of the bill will in fact be very minimal, especially because it applies only to a small group of offenders. The government may, in line with its election policy, be trying to sell this bill as a tough-on-crime approach towards violent thugs, but the reality is somewhat different.

I also have to agree with the member for Bragg that, unless we ensure that offenders are reintegrated into the community with the ability to understand the ramifications of their actions and the suffering that they have inflicted on their victims and with the necessary skills to manage their behaviour in the future, then all we are doing is placing people back in a situation which will inevitably result in a repeat of the same behaviour.

I commend the member for Bragg for raising these very important arguments and areas of reform that I think we all need to be focusing on. Whilst there is often some angst about introducing bills with mandatory sentences for criminal offences, this bill is very limited in its scope. I am willing to consider supporting it on that basis. With that, I support the second reading of the bill.

The Hon. K.L. VINCENT (16:00): I will speak just briefly today on behalf of Dignity for Disability on this particular bill to indicate that we cannot support the second reading of it, but I would like to say thank you to Will Evans from the Attorney-General's office for arranging the briefing that my office received on this particular bill. As with other bills that seek to compel the courts or judges to sentence in a certain way, I oppose mandatory sentencing. We are again consistent in this belief.

I have concerns with legislation that seems to be only a knee-jerk response to community expectation rather than sound research and support from legal bodies such as the Law Society. Instead, in this situation, this bill is not based on interstate or overseas evidence or reform that would suggest that we will be able to deter people from violent offending, nor that they will be rehabilitated by spending 20 per cent (or one fifth) of their non-parole period in custody.

As far as I am aware, there is no evidence to suggest that this will reduce recidivism or help people to rehabilitate. This seems to be a random number picked out of the air, and we need to be very careful about basing our legislation on such evidence. Dignity for Disability is concerned as to how this bill will impact on, say, a female offender who responds violently to a person perpetrating domestic violence against them, just as one example.

Dignity for Disability is further concerned as to how this measure may impact on offenders or alleged offenders with an intellectual disability, who face enough challenges in the justice system as it is. I have mentioned those challenges multiple times in this place so I will not go into them at this time. As has been mentioned previously, we are also very concerned as to how this legislation might affect members of Indigenous and Aboriginal communities.

We have seen this knee-jerk reaction just recently with the government introducing Koda's law, as it was colloquially known, a bill seeking to protect one particular police dog in a way in which police dogs were already covered by existing law under the Animal Welfare Act. We are again very cautious about this knee-jerk reaction. We certainly appreciate that there is a certain community expectation in that area, but we believe that the way to meet that expectation is through sound consultation and proven research, not through a knee-jerk reaction such as this, so I will not support the bill at this time.

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) (16:03): I thank honourable members for their second reading contributions, and I just want to make a few comments before proceeding to the committee stage. I have received some advice in relation to information asked for by the Hon. Kelly Vincent during the briefing session.

I am advised that from 2009 to 2012 there were 24 offenders who received a head sentence of over two years that was fully suspended for the relevant offences of manslaughter and cause serious harm. We were able to assess sentencing remarks for 21 of those individuals. The gender breakdown of offenders was 16 males and five females. Of these, two were convicted of manslaughter, both of whom were women. In both cases, sentencing remarks indicated that domestic violence was a consideration in the sentencing.

It was of major concern that women who are victims of domestic violence could potentially be affected by the reform; however, it must be noted that the judge retains the discretion to determine the length of the sentence and the parole period, and that the limitation of fully suspending a sentence of imprisonment will only be triggered if a sentence of imprisonment is two years or more. I imagine

that in those cases, where judges saw fit, given the circumstances, the head sentence given would be less than two years.

If the judge elects to impose a sentence of two years or more, the judge then retains the discretion to set an appropriate non-parole period. The judge then also retains discretion to determine whether good reasons exist to suspend the sentence of imprisonment. If the judge finds good reason to suspend the sentence of imprisonment, the offender is then required to serve 20 per cent of the parole period in prison.

Further, of the individuals, four were Indigenous and 17 were non-Indigenous. Of those offenders, one Indigenous person was convicted of manslaughter and one non-Indigenous person was convicted of manslaughter. We will attempt to deal with any other issues during the committee stage.

In relation to some of the concerns raised by the Hon. Andrew McLachlan as well as the Hon. Mark Parnell, who spoke about the Law Society's claim that this reform represents mandatory sentencing, the government wants it put on record that this bill does not implement a policy of mandatory sentencing. That is quite incorrect. The court retains discretion in sentencing. This reform will result in some offenders serving time who might otherwise have got out of prison and into our community on a fully suspended sentence. These are perpetrators of violent offences; these are the persons we want to spend, and believe should spend, some time in prison. With those concluding remarks, I look forward this being dealt with expeditiously through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.L. VINCENT: I have just a few questions. Can the minister confirm where that particular 20 per cent gaol term came from, and whether the minister is aware of any research, interstate or internationally, that indicates that that particular gaol period is effective in preventing reoffending?

The Hon. G.E. GAGO: I thank the honourable member for her question. There was no research conducted; it would be hard to imagine what sort of research would be appropriate. It was a judgement call of what was considered to be fair and reasonable and what would provide a reasonable balance. One-fifth was considered to be a fair and reasonable place to set that limit.

The Hon. K.L. VINCENT: When the minister says it is a judgement call, with whom did the government collaborate on that judgement call?

The Hon. G.E. GAGO: I am advised that it is a decision of the Attorney-General, who obviously has input from the Attorney-General's Department, a department full of legal officers, including senior legal officers, who are very much up-to-date with contemporary industry standards and provisions. It was input from that department.

The Hon. K.L. VINCENT: I am sorry, I am just trying to get this straight. The government received feedback from senior legal officers within the department and that particular 20 per cent figure was based on their personal expertise; is that right?

The Hon. G.E. GAGO: Yes. As I outlined, it was really senior legal officers working with the Attorney-General.

The Hon. K.L. VINCENT: The minister referred in her previous answer to the 20 per cent being something like an industry standard. I am a little confused. I personally do not see prisons as an industry. Can the minister elaborate on what she means by 'industry standards'?

The Hon. G.E. GAGO: I was referring to senior legal officers who obviously have a great deal of expertise in working in the area of legal reform and keep abreast of things like recent research on a whole range of matters, including things like sentencing.

The Hon. K.L. VINCENT: I am sorry, I am a bit confused that the minister is saying that this was based on recent research, yet previously she was unable to provide any direction as to what research this particular decision was based on. Since there is no existing equivalent standard used elsewhere, according to the minister's previous answer, how can this be a standard that we are using here?

The Hon. G.E. GAGO: No, that is not what I said. The honourable member has misunderstood. The honourable member asked me to explain what I meant by 'industry' and I explained that it is senior people working in the area of legal reform who keep of breast of relevant matters, such as recent research in a whole range of areas, including sentencing. I indicated in a previous answer that there was no specific research involved in establishing a 20 per cent specific standard; I have already put that clearly on the record and indicated that these other matters were of a general nature.

The Hon. K.L. VINCENT: So, did the government consult with organisations such as OARS or community transitions organisations, the Law Society? There were no community organisations involved in this process, is that correct, but simply legal services within the department?

The Hon. G.E. GAGO: I take it that the honourable member is still referring to consultation in respect of the 20 per cent?

The Hon. K.L. VINCENT: Yes.

The Hon. G.E. GAGO: I have already put on the record quite clearly that it was a matter of judgment of the Attorney-General and his department. There was no consultation outside that directly.

The Hon. K.L. VINCENT: I am trying to ascertain where this information came from. I understand that it came from legal advisers within the department, but surely they must be basing it on something and the minister does not seem to have been able to provide me with exactly where that has come from.

The Hon. G.E. GAGO: I have answered the question quite clearly. I know the honourable member is frustrated that there is not a level of detail beyond this, but I have indicated quite clearly that the 20 per cent was based on a judgement of the Attorney-General, advised by his senior officers. I cannot be more clear than that. The honourable member might not like that, but that is how it was done and it was believed that, through their judgment, it was a fair and reasonable figure to arrive at.

The Hon. K.L. VINCENT: I will try one more time. I find it difficult to believe that with this judgement, albeit coming from, I am sure, very knowledgeable people, no information was provided to the department as to how those officers had reached that judgement. I find that extraordinary.

Clause passed.

Remaining clauses (2 to 6) and title passed.

Bill reported 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) (16:18): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 17
Noes..... 2
Majority..... 15

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Finnigan, B.V.	Gago, G.E. (teller)	Gazzola, J.M.
Hood, D.G.E.	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
McLachlan, A.L.	Ngo, T.T.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Parnell, M.C.	Vincent, K.L. (teller)

Third reading thus carried.

SURVEILLANCE DEVICES BILL

Committee Stage

In committee.

Clause 1.

The Hon. G.E. GAGO: I want to make a few general comments regarding clause 1 in relation to some of the second reading contributions. This bill came about by a long process of consideration and consultation. The Legislative Review Committee considered the issues addressed by it at length the last time the government attempted to legislate in this area. Compromises were sought regarding aspects of the original legislation, and the government has reacted to the concerns of the media by moving amendments specifically designed to exempt them from the provisions regarding prepublication approval and making it clear that only private activity is within the scope of the bill.

However, some in the community have simplistically called for a splitting of the bill, and the opposition has unfortunately rushed to oblige. If this bill is passed in the form suggested by the Hon. Stephen Wade, then the government believes such a bill will bring quite perverse outcomes. For instance, a person may feel free to install a camera on their roof that records children playing in their neighbour's backyard, but SA Police would need to apply for a warrant to film a suspected drug lab. Another example: having obtained that material they could feel free to publish it. SA Police, on the other hand, would need to apply for a court order first to distribute material obtained under a warrant.

A jealous boyfriend, for instance, could install software to read text messages or emails from his partner's phone. SA Police, on the other hand, would need to apply for a warrant to read a bikie gang member's message. A blogger could install a GPS tracking device on the car of every member of this place in order to write a piece on the work habits of MPs; however, SA Police would need to apply for a warrant to track a suspected organised crime leader.

A certain degree of mischief-making is something we have obviously come to expect from various members, particularly opposite us; however, it is quite simply irresponsible for those people who purport to be an alternative government in this state to abrogate the responsibility incumbent on all of us to pass laws for the betterment of society. If the Hon. Stephen Wade's amendment bill is successful, we believe it would create a perverse nonsense outcome whereby the general public would have more powers than SA Police. In fact, private investigators would have more powers than police. I think members need to think very carefully about how they deal with these matters.

The Hon. R.L. BROKENSHIRE: Given that the opposition just got an absolute whacking from the government over their irresponsibility and so on and so forth, I am interested in knowing which public servant wrote that, because I do not think that came from the minister; the minister was only the messenger. I will just put on the public record that that is an interesting angle for a public servant to be perceiving any member of parliament or any alternative government at all. If that was

written by a public servant that is a disgrace, an absolute disgrace. Can the minister confirm whether that was written by a public servant or whether it was written by one of the government advisers?

The Hon. G.E. GAGO: The opinion that I have put on the record is that of the government. The government is outraged at the perverse consequences that the Hon. Stephen Wade's bill will result in and, as I have said, what it will result in is to give the general public more powers than those given to SA Police. SAPOL would have more powers if they commissioned private investigators.

The Hon. S.G. WADE: Point of order, Mr Chairman. In relation to the *Notice Paper*, I wondered whether my bill on listening devices had been brought on for debate or whether we are debating the government's surveillance devices bill.

The CHAIR: The minister is making comments as far as I can see. The minister.

The Hon. G.E. GAGO: At this point, I table some statistics that were requested by the Hon. Stephen Wade and the Hon. Tammy Franks on Office of Crime Statistics and Research in relation to listening and surveillance devices. They are tables, and they are quite comprehensive and too difficult to read into *Hansard*.

The Hon. R.L. BROKENSHIRE: I have a question for the minister based on her comments under clause 1. Family First has enormous empathy for the situation regarding the police, and I want to put that on the record. However, when it comes to organisations such as Animals Australia, the RSPCA and other organisations which deliberately target agriculture because they have an agenda which is not in the national or, indeed, international interests, this bill would go a long way toward stopping some of that, and for that I empathise with the government. The concern for us is around not giving Animals Australia the right to trespass and to come on to your property to take footage and often to manipulate that footage, or to send drones over farms or intensive animal husbandry facilities, and I know that this bill would go a long way in stopping that.

The deliberating point for Family First is to do with what has always been generally accepted throughout the community as a responsible situation when it comes to media, which sometimes do some surveillance with respect to putting things on the public record or for media reporting. I know that the Attorney-General, on behalf of the government, has been trying to work through an option. Can the minister advise the committee, in a straightforward way, before we get to clause 3 whether, within the overall context of clause 1, the amendment the government is putting up is supported by the media?

The Hon. G.E. GAGO: I am advised that if the honourable member looks at the government amendments Nos 4, 5 and 6, they are designed to exempt the media from requiring judicial approval to publish. However, in spite of that concession, the media still do not overall support the bill.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [EmpHESkills-1]—

Page 6, after line 17 [Clause 3(1)]—After the definition of *principal party* insert:

> *private activity* means any activity carried on in circumstances that may reasonably be taken to indicate that at least 1 party to the activity desires it to be observed only by the other parties to the activity, but does not include an activity carried on in circumstances in which all parties to the activity ought reasonably to expect that it may be observed by a person who is not a party to the activity;

This amendment inserts a definition into the definitions section. The definition is the definition of the concept of 'private activity'. The purpose of the definition is the elaboration of the concept to insert it into the provisions that are producing controversy that regulate and prohibit certain uses of optical surveillance devices.

The amendments, in combination, are designed to make it clear that the prohibitions on the use of optical surveillance devices are designed to protect people's privacy, that is to say to prohibit the use of optical surveillance devices to intrude on the activity of private citizens when it is

reasonably clear that at least one party to the activities desires it to be private, that is unobserved by the public at large.

The definition resembles closely the definition of 'private conversation' already in the bill that performs a similar function in relation to the regulation of listening devices. It is hard to know what could be fairer than this policy. People should be free from visual surveillance when it is clear, and it is reasonably clear, that their activities are meant to be, or are intended to be, private.

The Hon. S.G. WADE: The minister might reflect on whether this reflects a reasonableness test. I read it that it does not. It is not whether a person might reasonably in those circumstances expect that the activity be private, but that it may reasonably be taken that the person desires. It is not, if you like, a Clapham omnibus situation. I just want to clarify whether the government does see it as a reasonable person test.

The Hon. G.E. GAGO: I refer the member to the words 'circumstances that may reasonably be taken to indicate at least one party'.

The Hon. S.G. WADE: If you want to quote excerpts, let's go on and read that 'at least 1 party to the activity desires it to be observed'. Desire is not, if you like, a reasonableness test, and the test of a reasonable man does not require you to be in there. Looking from the outside, even abstracted by time, you could make a judgement. This seems to be suggesting that someone has to do something within the activity to indicate a desire.

The Hon. G.E. GAGO: Yes, I understand where the honourable member is coming from, but in relation to 'that may reasonably be taken' I think what you are getting at is who is to be taken. It would be the hypothetical observer.

The Hon. S.G. WADE: I am not sure if we have connected, but let me move on to the second part of that definition. The Hon. Tammy Franks and the Attorney-General, in another place, were particularly keen about royalty, and I notice the Attorney-General's appearance at Elizabeth. Thinking about royalty, royalty in the modern world can expect that wherever they go and whatever they do the paparazzi will be there. I just wonder what the impact of the second half of that definition might be. It says 'private activity':

> …does not include an activity carried on in circumstances in which all parties to the activity ought reasonably to expect that it may be observed by a person who is not a party to the activity.

I do not follow the media enough to know the exact circumstances in which the Duchess of Cambridge was filmed which was the subject of the conversation between the Hon. Tammy Franks and the Attorney-General, but I appreciate it is a matter of degree. Certainly, inside Buckingham Palace there would be an expectation that they would not be observed, but in any place outside a royal residence I would have thought they would have felt quite vulnerable to paparazzi and that it is reasonable for them to expect that they may be observed and, therefore, celebrities of any ilk, royal or otherwise, might not have protection under the bill.

The Hon. G.E. GAGO: The honourable member is quite right: it is a matter of degrees and there are elements of judgement in that. For instance, you would expect that the royal family attending a public event in the public arena would be filmed. However, it would probably be reasonable to expect that the royal family on a private holiday should not be filmed. An example that has just been given to me is the wedding of Michael Douglas and, between us, we can't remember for the life of us who he married.

The Hon. J.M.A. LENSINK: Catherine Zeta-Jones.

The Hon. G.E. GAGO: Thank you. They sold their wedding rights to a magazine but *OK!* magazine hired a helicopter and flew overhead and took photographs of the wedding. That would be an example, clearly, of an invasion of privacy. He prosecuted *OK!* and won, apparently.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5.

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

Amendment No 2 [EmpHESkills–1]—

Page 11, line 11 [Clause 5(1)]—Delete 'an activity' and substitute: 'a private activity'

Amendment No 3 [EmpHESkills–1]—

Page 11, line 23 [Clause 5(2)]—Delete 'an activity' and substitute: 'a private activity'

These are consequential.

Amendments carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9.

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

Amendment No 4 [EmpHESkills–1]—

Page 15, after line 4 [Clause 9(1)]—After paragraph (e) insert:

(ea) to a media organisation; or

Amendment No 5 [EmpHESkills–1]—

Page 15, lines 12 and 13 [Clause 9(2)]—Delete 'except in accordance with an order of a judge under this Division.' and substitute:

except—

(a) to a media organisation; or

(b) where the person is a media organisation and the use, communication or publishing of the material by that media organisation is in the public interest; or

(c) in accordance with an order of a judge under this Division.

Amendment No 6 [EmpHESkills–1]—

Page 15, after line 36—After subclause (4) insert:

(5) In this section—

media organisation means—

(a) an organisation that engages in broadcasting or datacasting pursuant to a licence under the *Broadcasting Services Act 1992* of the Commonwealth or that is otherwise authorised under a law of the Commonwealth to engage in broadcasting; or

(b) an organisation that is a constituent body of the Australian Press Council or is authorised under a law of the Commonwealth to engage in publishing.

This is an amendment to clause 9 which deals with the regulation of the dissemination of information that has been gained by the use of a listening device or an optical surveillance device in reliance on the protection of the lawful interest of a person or the public interest. I cannot emphasise enough that this clause is the direct result of the exact adoption of the recommendations of the Legislative Review Committee that reported and recommended, as the committee will know, after extensive consultation with affected interests.

The effect of this amendment, which was not recommended by the Legislative Review Committee, is that the media, as defined, is, with some others, to be exempted from the requirement to seek judicial approval for the dissemination of that information. They take on the risk of unlawfulness. The media has demanded this exemption. Their allies in the opposition and on the crossbenches have agreed with them, and that is fine. The government has acceded to their request in the interests of getting some reform in this area of law.

The CHAIR: There are three amendments, minister. Do you want to put them all?

The Hon. G.E. GAGO: They are consequential, all three.

The Hon. R.L. BROKENSHIRE: I want to place on the public record the fact that the government has not come to see us about these amendments. That is probably to its detriment,

because we actually do agree with a lot of this bill. This was a pivotal part of the amendments that I understood the government was going to put in, that would allegedly fix the anomalies with respect to the media and reporting in the public interest.

I appreciate the honesty of the minister in her answer, and the frankness and honesty of the adviser to the minister in the minister giving that answer, in as much as while this is an attempt by the government to make an amendment that may appease the media the minister, in her honesty in this place, tells us that the media is not appeased. Based on democratic processes that have been in existence with respect to the media for decades, unfortunately we will not be able to support this as appeasing the media. Therefore, from our point of view, it is to the detriment of the bill before the committee due of the fact that the government has not been able to appease the media.

Amendments carried; clause as amended passed.

Remaining clauses (10 to 39), schedule and title passed.

Bill reported with 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) (16:48): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes.....5
Noes 12
Majority 7

AYES

Finnigan, B.V.	Gago, G.E. (teller)	Kandelaars, G.A.
Maher, K.J.	Ngo, T.T.	

NOES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lensink, J.M.A.	Lucas, R.I.
McLachlan, A.L.	Parnell, M.C.	Ridgway, D.W.
Stephens, T.J.	Vincent, K.L.	Wade, S.G. (teller)

PAIRS

Gazzola, J.M.	Franks, T.A.	Hunter, I.K.
Lee, J.S.		

Third reading thus negatived.

PARLIAMENTARY COMMITTEES (ELECTORAL LAWS AND PRACTICES COMMITTEE) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. R.L. BROKENSHIRE: I would like to speak briefly on clause 1, and I thank my colleagues in the Legislative Council for their concurrence. This is a simple bill which established a non-partisan parliamentary standing committee, which can inquire into and report on matters relating

to electoral laws and practices. It consists of eight committee members in total, four members of each house consisting of one Labor, one Liberal and at least one member that does not belong to Labor or Liberal, and a minister of the crown is able to be appointed.

I do have some problems with putting a minister of the Crown on the committee. I have never liked having ministers on standing committees. I have always felt with the Aboriginal Lands Standing Committee that it was not in the best interests of our Aboriginal community in Australia that a minister was chairing that committee, so I have a question mark over that and would like the government to answer at some point in committee why it wants to leave open an option for having a minister of the Crown on the committee. As far as the functions of the electoral committee go they are:

- to inquire into, consider and report on:
- the conduct of parliamentary elections and referendums in South Australia;
- the administration and operation of, and practices associated with, the *Electoral Act 1985*, and any other law relating to electoral matters;
- any other matter referred to the Committee by the Minister responsible for the administration of the *Electoral Act 1985*, and
- to perform other functions assigned to the committee under this or any other act by resolution of either the House of Assembly or the Legislative Council.

They are quite admirable functions, and in one way you could say that we should have had a committee like this up and running way back when we actually changed the act. A former leader, now sadly passed away, a very committed South Australian and leader of the opposition, the Hon. Dale Baker, someone I had the privilege of working with for several years as a colleague, did everything he possibly could to get an Electoral Act that was fair and democratic whereby, where 50 plus 1 per cent of the people voted for one particular party, two-party preferred, then they would form government.

We now see that we are debating clause 1 of this bill, not because the government wanted this to happen but because (and I stand to be corrected and the shadow attorney-general may confirm this) of an agreement signed by now minister Geoff Brock as one of the conditions he wanted (and the shadow Attorney-General confirms that I am correct), so it was not the government that wanted this.

It was part of an arrangement with the government to form government, but I understood that that focus was to be more on things like so-called truth in advertising, brochures and dodgy how-to-vote cards, where this government actually had minister Bignell's partner actually dress up in a Family First T-shirt and move around at least two booths in Mawson impersonating a Family First volunteer and handing out dodgy how-to-vote cards.

From that point of view, those things should never happen. It is a disgrace. Minister Bignell should have apologised at the time but he is too arrogant to do that and he has his reward now for supporting the Premier. But that does not mean that we should not have that sort of assessment within the committee so that it never happens again.

What worries me with this, and I understand the Opposition is advocating this in another form, is that we should have an absolutely independent inquiry and this bill at this point in time does not allow that, and therefore there is a question mark over whether we can actually finally vote for this bill. I also put on the public record that the majority of the Legislative Council supported a select committee into the last election which we have commenced and are now working through, and I would want the government to make some commitment that they are going to seriously consider any recommendations that might come out of that committee as well.

It is not a one way street; it is actually a two-way street, and it is time that we had everything open and transparent when it comes to assessing, well before the next election, just how you are going to get what the South Australian community wants; that is, if they vote for an absolute majority, that is 50 plus one per cent of them, the absolute majority vote for a new government, then that should occur.

So with those remarks, on the general issue of whether or not we have an ongoing parliamentary standing committee, we do not have a problem with that. We would support that in

principle, but we would want answers from the government as to what it is going to do about an absolutely independent inquiry, as called for by the Leader of the Opposition, with fair reason for calling that way. I would also like an answer from the government on its commitment to carefully look at the recommendations, and implement those where possible, from the select committee that is looking into the 2014 election.

The PRESIDENT: Are there any further contributions?

The Hon. S.G. WADE: Unless the government wants to respond to Mr Brokenshire's remarks, I was intending to reiterate the Opposition's view that this bill should not progress until the House of Assembly has had the chance to consider the Commission of Inquiry on Electoral Reform bill. I respect the fact that the Hon. Mr Brokenshire asked for undertakings from the government, and the government may well have a view on how best to progress the two bills where, as I indicated in my second reading speech, I would be keen for a dialogue to progress both matters.

The PRESIDENT: It is my understanding that we are reporting progress.

The Hon. G.E. GAGO: The government has no intention of progressing the committee stage at this stage. We received a request the Hon. Robert Brokenshire to put a point of view on record at this stage. We agreed to that request. We have no intention of proceeding any further.

Progress reported; committee to sit again.

STATUTES AMENDMENT (SACAT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 September 2014.)

The Hon. J.A. DARLEY (17:04): I rise to speak briefly on the Statutes Amendment (SACAT) Bill. Last year I supported the government's South Australian Civil and Administrative Tribunal Bill, which was the first step aimed at streamlining some of our tribunal and court processes by establishing a one-stop shop for a range of administrative, civil and disciplinary proceedings. Specifically, the bill's purpose was to establish the structure, membership, constitution and other associated matters required to facilitate the establishment of the civil and administrative tribunal.

The bill was said to constitute a significant reform in the field of administrative law in South Australia, the beginnings of which trace back to 1984 when the South Australian Law Reform Committee recommended the establishment of a general appeals tribunal to streamline and simplify the review of administrative decisions in this state. This was a very positive step, especially given that South Australia is now one of the last jurisdictions to address its ad hoc tribunal system.

The current bill deals with the next stage of the establishment of the tribunal; namely, the conferral of jurisdiction upon the tribunal. It is proposed that this also be dealt with in two separate steps. The first will be to transfer the work of the Residential Tenancies Tribunal, the Guardianship Board and the Housing Appeal Panel, as well as appeals presently going from those bodies to the District Court.

The second step will be to transfer the work of the Public Sector Grievance Review Commission, appeals to the Administrative and Disciplinary Division of the District Court under the Freedom of Information Act 1991, and the appeals to the Magistrates Court under the First Home and Housing Construction Grants Act 2000.

The original time frame for the tribunal to become operational has obviously been pushed out and will also depend on the outcome of the debate on the current bill. I understand that with respect to the transfer of matters under stage I, the government's intention is that it will commence operation shortly after this bill is passed, subject to being passed without any substantial amendments. In relation to the second stage, I understand that the government intends that this will commence early next year.

I will say at the outset that I am extremely supportive of the decision to add land and valuation disputes that are currently heard by the Supreme Court to the new tribunal, and I commend both the

government and the opposition for deciding in favour of this. I have long advocated for those matters to be transferred to a different jurisdiction, particularly because of the cost-prohibitive nature of the current scheme where even if you win you lose because of the costs involved with proceeding through the Supreme Court process. This is certainly a very welcome development.

That said, the transferral of the Guardianship Board and, by extension, matters concerning mental capacity and mental health, appear to have resulted in some warranted angst. Those concerns have already been canvassed by some of my colleagues and, in particular, the Hon. Mark Parnell, and my position is that I share the concerns that have been raised. I can appreciate that the Attorney is somewhat frustrated at the suggestion that it is not going to be all smooth sailing with the passage of this bill because from his point of view there has been a considerable amount of consultation.

However, we cannot ignore the fact that there are now several peak stakeholder groups who are telling us that they were not involved in that process and that they are extremely concerned about the proposal to shift the Guardianship Board into the new tribunal, especially given the proposed time frame for the shifts. We have also received written confirmation from the Royal Australian and New Zealand College of Psychiatrists confirming its concerns and urging us in this place to oppose what it regards as a retrograde step that is likely to lead to degradation of the quality of service currently given to vulnerable members of our community.

I know the government has said that it has taken considerable steps to ensure that the new tribunal dealing with guardianship matters are not overly disrupted by the new system. However, these are not the concerns that we can overlook and, like the Hon. Mark Parnell and the Hon. Tammy Franks, I have not been convinced that the Guardianship Board should be moved across at this point in time, or at least not until the issues that have been raised are addressed.

As we all know, the Guardianship Board deals with some of our most vulnerable members of the community. It deals with very emotive issues concerning a person's wellbeing, and it is extremely important that the therapeutic jurisdiction of the Guardianship Board is not replaced with an overly legalistic and process-driven one. On that basis, I support postponing further debate on the bill until these concerns are adequately addressed. How we proceed from there will obviously depend on the outcome of those discussions.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:10): I thank honourable members for their second reading contributions, and I take this opportunity to address some of the matters raised during the second reading debate. The debate thus far has made it very clear that there remains ongoing concern about the conferral of the Guardianship Board jurisdiction upon SACAT. The concerns of members regarding the conferral of the Guardianship Board jurisdiction are many and varied, and I take this opportunity to address some of those issues and to assure members that some of these concerns are unfounded.

First and foremost, it has been made clear to the government by members that they believe that there was insufficient consultation with the mental health community at large. The government maintains the view that considerable consultation has occurred with the agencies affected, such as SA Health, the Office of the Chief Psychiatrist and the Guardianship Board, to name just a few. It has also been public knowledge since the original SACAT legislation was introduced over a year ago that the Guardianship Board would be one of the first bodies to be assumed by SACAT. The Attorney-General discussed this on radio, as did the president of the Law Society at the time.

In any event, the government proposes to not progress the bill at this time and will take the opportunity to consult with relevant organisations about the conferral of the Guardianship Board jurisdiction, as proposed in this bill, and to seek their support when this bill is further considered in the October sittings.

It is opportune now to address some of what we believe are misconceptions regarding the conferral of the Guardianship Board jurisdiction upon SACAT. Section 8 of the South Australian Civil and Administrative Tribunal Act 2013 sets out the objectives of SACAT. Aside from the expected

objectives for the establishment of a civil tribunal, such as independence, procedural fairness, transparency and accountability, section 8 goes much further than this.

I remind members that section 8 of the South Australian Civil and Administrative Tribunal Act 2013 requires SACAT to be accessible and responsive to parties, especially those with special needs. SACAT must ensure that applications are resolved as quickly as possible, while achieving a just outcome.

SACAT is required to resolve disputes through high-quality processes and the use of mediation and alternative dispute resolution procedures, where appropriate. It must also use straightforward language and procedures and act with as little formality and technicality as possible. It must also be flexible and adjust its procedures to best fit the circumstances of a particular case or jurisdiction. I am advised that the President of SACAT, Justice Parker, along with the team assisting in establishing SACAT, remain absolutely committed to meeting each of the statutory objectives set out in section 8 of the SACAT act.

The practices and procedures of SACAT, when it commences operation, will very closely resemble those that have been followed by the various tribunals and boards whose functions are to be transferred to SACAT. However, after appropriate consultation with key interest groups, improvements will be made progressively as SACAT continues operations. On that basis, it has been a deliberate policy decision, in drafting this bill and future bills that confer jurisdiction upon SACAT, to not engage in any legislative reforms but to retain the status quo wherever possible and simply to confer the jurisdiction upon SACAT.

The first step in maintaining continuity between SACAT and existing tribunals and boards has been the division of the work of SACAT into three streams, which is intended to preserve the present broad division of activities. If the bill before parliament so allows, the community stream will comprise the work currently performed by the Guardianship Board together with that of the EO tribunal, with further jurisdictions to be conferred in the future.

Like all other procedures concerned with the administration of SACAT, the use of lists will not inhibit flexibility, but quite the contrary. For example, and where appropriate, mental health and guardianship issues concerning the same person might be heard concurrently or consecutively by SACAT. Moreover, it is possible that applications involving the work of different streams might be dealt with together where advantageous and provided that any necessary confidentiality can be maintained.

With respect to accessibility, the SACAT implementation team is developing a comprehensive but simple to use website and a user-friendly online application form so as to greatly simplify and broaden access. Those who do not have access to the internet or who are unable, for whatever reason, to manage that online application, will be welcome to contact SACAT by telephone, whereupon applications will be completed on their behalf.

The online form has been designed to accommodate all future jurisdictions proposed to be conferred to effectively future-proof this measure as much as possible. SACAT will also maintain the level of service currently provided by boards and tribunals to regional South Australia, including the APY lands, and consideration is currently underway to expand the current visiting program. Arrangements have already been finalised to make greater use of audiovisual links so as to facilitate access by persons living outside the metropolitan region of Adelaide.

I also note that the president of SACAT, Justice Parker, has also expressed a willingness to the Attorney-General to conduct mental health reviews at institutions in appropriate cases, to minimise the impact on patients and staff attending such a hearing, with the associated need to travel and to be in attendance personally.

Finally, I wish to address the misconception that no other jurisdiction has conferred both the guardianship and mental health original review jurisdictions on their respective tribunal. This is incorrect, I am advised. The ACT Civil and Administrative Tribunal (ACAT), established under the ACT Civil and Administrative Tribunal Act 2008, makes original and review decisions under the ACT Mental Health (Treatment and Care) Act 1994.

This aside, the reason why this bill proposes to confer both the original and the review jurisdictions of the Guardianship Board is because, unlike the other states in Australia, the mental health and guardianship jurisdictions were merged many years ago and since that merger we have not had a separate mental health tribunal. This is not the case with other jurisdictions.

Over the course of the next three weeks, I urge all members to consider my comments in reply and to support the measures in this bill. I specifically ask members to reconsider their objections to the conferral of the Guardianship Board upon SACAT, which the government considers fundamental to the work undertaken by SACAT, once operational.

Bill read a second time.

COMMISSIONER FOR KANGAROO ISLAND 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) (17:21): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia's Strategic Plan says:

> Goal: We are known world-wide as a great place to live and visit.
>
> Target 4: Tourism industry
>
> Increase visitor expenditure in South Australia's total tourism industry to $8 billion and on Kangaroo Island to $180 million by 2020.
>
> Target 40: Food industry
>
> Grow the contribution made by the South Australian food industry to $20 billion by 2020.
>
> *Vision—Skilled and Sustainable Workforce: We value the contribution our regions make to our economic prosperity, home to agriculture, forestry and fishing industries as well as an expanding mining industry. These industries together contributed $6 billion to our economy in 2009-10. We want our regional communities to thrive through sustained growth while reaping the economic and social benefits of their hard work*.

The seventh area of Government strategic priorities is: *Clean green food as our competitive edge*.

These statements have obvious relevance to the development of Kangaroo Island.

Kangaroo Island's international tourist recognition ranks with Barrier Reef, Uluru and the Sydney Opera House. The Economic Development Board recognises the opportunity this presents for South Australia. Additionally, building the Kangaroo Island brand on the back of the significant tourist recognition will help build the Island's emerging reputation as a premium agricultural producer. The Board also reviewed the significant economic and social sustainability issues facing Kangaroo Island in consultation with business and the local community. The Board examined issues including infrastructure pressures around electrical power capacity, distribution and reliability, waste, roads and the airport, as well as the costs of gaining access to Kangaroo Island for tourism and agriculture. This led to the *Paradise Girt by Sea* report that was based on the results of consultation and made recommendations on future strategies and directions for sustainable economic and social development for Kangaroo Island. The report proposed a co-ordinated and strategic response based around two headline targets:

(1) to double tourist income within a decade; and

(2) to double farm-gate income within a decade.

The Government announced a suite of measures from existing resources on 24 and 25 July 2011 totalling $18 million that focussed on key infrastructure improvements to harness the full potential of Kangaroo Island.

These included:

- $8 million over four years to improve key roads

- $5 million towards the development of a trail for a five day walk expected to generate 52 jobs
- $1.7 million for stage 2 of the Seal Bay boardwalk upgrade
- $1.2 million from the Regional Development Infrastructure Fund to Kangaroo Island Sealink, to help with the construction of a new passenger terminal at Penneshaw.

In addition, following a recommendation in the Report, the Kangaroo Island Futures Authority was established. In November 2011, the first meeting of the Kangaroo Island Futures Authority Advisory Board was held. The establishment of this Board was approved by Cabinet and was done on the recommendation of the Economic Development Board. The board reports to the Deputy Premier and is chaired by Raymond Spencer, Chair of the Economic Development Board.

Many State Government Departments and bodies deliver services to Kangaroo Island. They include Regional Development, Tourism, Local Government Relations, Environment and Natural Resources, Education and Further Education, Fisheries and Primary Industry, Native Vegetation, SA Water, Transport and National Parks.

The delivery of State Government services suffers from three interrelated major problems from a Kangaroo Island perspective:

(1) There is a lack of critical mass in any of these agencies that can be devoted to Kangaroo Island issues; and

(2) The delivery of services tends to be Adelaide or mainland focused; and

(3) There is a lack of any one or more networks joining up services with a Kangaroo Island focus.

The situation is exacerbated by the fact that there is a small population (c 4,000) meaning that local government struggles financially to deliver the necessary services, and there is tenuous critical infrastructure provision, notably electricity and sea transport.

The preferred solution to focus Government to better deliver for Kangaroo Island is the creation of a single Kangaroo Island authority that sits above the various State Government bodies responsible for service delivery and is not answerable to them, but rather to a Minister (however titled) responsible for Kangaroo Island. This authority will not replace local government but rather sit alongside it. The proposed authority is not an entire alternative governance model—local government must continue to function as a local democratic institution and as a recipient and administrator of Commonwealth Government grants.

There are many examples of governance and other legislated models that have been deployed in an attempt to achieve co-ordinated and timely delivery of government services, including to a particular region. They range from funding agreement schemes to management plans implemented by local and regional boards, precinct-specific statutory corporations to undertake and co-ordinate development work to statutory authorities with responsibilities and powers to develop regional plans for the delivery of services and monitor and drive the implementation of those plans. Several models have been considered to better support Kangaroo Island. The model of a statutory co-ordinating authority was considered most suitable to help achieve our goals and support Kangaroo Island.

The chosen vehicle is a Commissioner for Kangaroo Island. The Commissioner will be a statutory officer responsible for co-ordinating and using existing public servants and programs in existing Departments but with a regionalisation of policy formation and service delivery in accordance with a set of statutory functions. The Commissioner will have the power to establish local advisory boards as he or she sees fit. A principal function of the Commissioner will be to assist in any way with improving the local economy of Kangaroo Island, be it in the marketing of products, the development of the tourism economy or in any other way.

The Commissioner's principal administrative responsibility will be to develop management plans dealing with the delivery of Government projects and services to Kangaroo Island. These management plans must be the subject of detailed consultation with affected Departments, must accord with the legislated set of statutory functions, will be informed by local input, perhaps by local advisory boards (for which provision is made), and will be instruments approved by the Governor in Council and published in the Government Gazette. The Commissioner will be required to consult with the relevant Government departmental heads and the Minister will be responsible for solving any impasse. The Commissioner will also be required to set out strategies for consulting and engaging with any person or body (governmental or not) whose co-operation is required for the effective implementation of the proposals. At nominated commencement, these management plans will bind Government, but they will not have the status of Regulations, nor will they be disallowable.

The statutory principles that govern the functioning of the Commissioner will be:

(a) to improve the management, co-ordination and delivery of infrastructure and services provided by government agencies on Kangaroo Island; and

(b) to assist with improving the local economy on Kangaroo Island by, for example, assisting with the marketing of the Island or products from the Island and helping to create employment and other opportunities from tourism or other industry development programs on the Island; and

(c) to prepare, and keep under review, management plans and consistently with the functions of the Commissioner; and

(d) any other functions conferred on the Commissioner by or under this or any other Act or by the Minister.

To achieve these functions, the Commissioner will have the following powers and obligations (expressed in general terms):

(1) the power to require provision of information and assistance from relevant government agencies in a specified manner and within a specified timeframe;

(2) the obligation to report regularly to the Minister on the delivery of government services and progress towards achieving specified targets in accordance with gazetted management plans;

(3) the obligation to seek the views of affected Ministers, affected local advisory boards and affected local government authorities on draft management plans;

(4) the power to report the failure to provide requested information or assistance, and any unreasonable or unjustifiable failure to act consistently with a management plan in force, to the Minister responsible for the Act and, ultimately, the Premier, with the option of presenting copies of the report to the Parliament. This extends to the actions of any person or body, whether a government body or not, whose actions have frustrated or otherwise affected the implementation of a management plan.

The Commissioner will be obliged to make an annual report to Parliament.

Honourable Members may wish to note that the Bill was amended in another place, largely to mandate consultation with the Kangaroo Island Council on a variety of matters. These and other amendments were made at the request of the Kangaroo Island Council, which has passed a motion thoroughly and unanimously supporting the Bill as amended. It may also be noted by Honourable Members that a requirement of review by the ERD Committee of the Parliament has been added out of an abundance of caution.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure. In particular, a *State authority* is defined as—

(a) a person who holds an office established by an Act; or

(b) an administrative unit; or

(c) a council; or

(d) a regional development assessment panel or a council development assessment panel; or

(e) any incorporated or unincorporated body—

(i) established for a public purpose by an Act; or

(ii) established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations); or

(iii) established or subject to control or direction by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a council (whether or not established by or under an Act or an enactment); or

(f) a person or body declared by the regulations to be an authority to which this Act applies,

(but doesn't include a body or entity excluded by the regulations).

4—Interaction with other Acts

This clause provides that the measure applies in addition to other Acts and doesn't derogate from them.

5—Act binds Crown

The measure binds the Crown.

Part 2—Commissioner for Kangaroo Island

6—Appointment of Commissioner

This clause provides for the appointment of the Commissioner.

7—Terms and conditions of appointment

This clause provides 5 year terms of appointment for the Commissioner and sets out the other terms and conditions of the appointment.

8—Functions of Commissioner

The functions of the Commissioner are—

- to improve the management, co-ordination and delivery of infrastructure and services provided by State agencies on Kangaroo Island;
- to provide appropriate assistance to residents and businesses on Kangaroo Island in dealing with government agencies (with a view to ensuring co-ordinated delivery of infrastructure and services to such residents and businesses);
- to assist with improving the local economy on Kangaroo Island;
- to prepare, and keep under review, management plans in accordance with the provisions of Part 4 (and consistently with the functions of the Commissioner referred to in paragraphs • and •);
- any other functions conferred on the Commissioner by or under this or any other Act or by the Minister.

9—Provision of information

This clause gives the Commissioner power to require information relevant to the performance of the Commissioner's functions from State authorities and imposes certain obligations on State authorities in relation to contracts of a prescribed kind.

10—Ministerial direction

The Minister may issue directions to the Commissioner (but the direction must then be included in the annual report of the Commissioner).

11—Appointment of acting Commissioner

The Minister may appoint an acting Commissioner.

12—Honesty and accountability

The Commissioner and any acting Commissioner are to be senior officials for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

13—Staff

This clause provides for staff for the Commissioner (by agreement with a Minister).

14—Delegation

This clause provides a delegation power for the Commissioner.

Part 3—Local advisory boards

15—Establishment of local advisory boards

The Commissioner may establish local advisory boards and must consult with a local advisory board in relation to each management plan or proposed management plan.

16—Functions of local advisory board

A local advisory board's function is to provide advice to the Commissioner on any matter referred by the Commissioner (in particular, management plans).

Part 4—Management plans

17—Preparation of management plans and amendments

The Commissioner is to prepare, and keep under review, management plans setting out—

(a) the proposals of the Commissioner in relation to the provision of infrastructure, the effective delivery of services and other matters relating to Kangaroo Island; and

(b) the priorities that the Commissioner recommends be pursued in order to implement the proposals; and

(c) strategies for consulting and engaging with persons or bodies whose co-operation is required for the effective implementation of the proposals.

This clause sets out the procedure for the preparation and variation of management plans by the Commissioner (including approval and consultation requirements in relation to proposed plans).

18—Effect of management plans

If a management plan is approved by the Governor, a State authority must endeavour, as far as practicable, to act consistently with the management plan. If the Commissioner is reasonably satisfied that a government agency has failed to act consistently, or to co-operate, with a management plan or that the actions of any other person or body have frustrated proposals included in a management plan or are otherwise likely to affect the implementation of a management plan, it may be reported to the Minister, the Premier and to Parliament.

Part 5—Miscellaneous

19—Annual report

The Commissioner must provide an annual report to the Minister, who must table the report in Parliament.

20—Review by ERD Committee

The ERD Committee must inquire into and report on the operation of the Act after 2 years and then every 4 years after that.

21—Regulations

This clause provides a regulation making power and requires consultation with the Kangaroo Island Council and the Commissioner in relation to any proposed regulations.

Debate adjourned on motion of Hon. A.L. McLachlan.

AUSTRALIAN CRIME COMMISSION (SOUTH AUSTRALIA) (EXAMINATIONS) 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) (17:22): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Australian Crime Commission (South Australia) Act 2004*. It will remove an amendment to the Act that was consequential upon the enactment of the *Independent Commissioner Against Corruption Act 2012* on 20 December 2012.

The examination provisions in Schedule 2 of the ICAC Act were adopted from the examination provisions in the ACC Act. Section 18(6) of the ACC Act and clause 3(6) of Schedule 2 of the ICAC Act are identical save for the additional words in clause 3(6) that allow the examiner to ask a witness questions about any investigation. An amendment was made to section 18(6) to give the same power to an examiner under the ACC Act. However, the amendment is not compatible with the co-operative scheme and to give effect to the amendment would require further changes to the ACC Act that were not contemplated. The ACC has requested that the amendment be removed so that the Act is consistent with the Commonwealth and States' Acts. As there was never any intention to affect the national scheme, the amendment should be deleted so that consistency with the Commonwealth and States' Acts is maintained.

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 *Australian Crime Commission (South Australia) Act 2004*

4—Amendment of section 18—Conduct of examination

This clause removes the words that were inserted as a related amendment by the *Independent Commissioner Against Corruption Act 2012*.

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

At 17:23 the council adjourned until Wednesday 24 September 2014 at 14:15.

Answers to Questions

TERTIARY EDUCATION AND TRAINING

In reply to **the Hon. A.L. McLACHLAN** (19 June 2014).

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): I have been advised:

The 2012 South Australia's Strategic Plan Progress Report reported an increase to 16.2 per cent (by 2011), and 18 per cent (by 2012). This is 1.0 percentage point above the '17 per cent by 2016' called for in Target 93. This means that South Australia exceeded the target four years ahead of schedule.