LEGISLATIVE COUNCIL

Tuesday, 11 November 2014

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

The PRESIDENT: We acknowledge this land that 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.

Bills

LOCAL GOVERNMENT (GOVERNANCE) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

COMMISSIONER FOR KANGAROO ISLAND BILL

Assent

His Excellency the Governor assented to the bill.

RETURN TO WORK BILL

Assent

His Excellency the Governor assented to the bill.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2013-14—
- Australian Energy Market Commission
- Construction Industry Training Board
- Department of Treasury and Finance
- Distribution Lessor Corporation
- Education Adelaide
- Essential Services Commission of South Australia
- General Lessor Corporation
- Local Government Finance Authority of South Australia
- Lotteries Commission of South Australia
- Motor Accident Commission
- South Australian Government Financing Authority
- State Procurement Board
- Superannuation Funds Management Corporation of South Australia (Funds SA)
- Transmission Lessor Corporation

Regulations under the following Acts—
- Criminal Law (Sentencing) Act 1988—Prescribed Unit
- Electricity Act 1996—Energy Efficiency
- Gas Act 1997—Energy Efficiency
- Mines and Works Inspection Act 1920—Certificates and Permits

By the Minister for Science and Information Economy (Hon. G.E. Gago)—

BioSA—Report, 2013-14

By the Minister for Business Services and Consumers (Hon. G.E. Gago)—

Reports, 2013-14—
Liquor and Gambling Commissioner
Financial Report of Club One (SA) Ltd
Regulations under the following Acts—
Liquor Licensing Act 1997—
Dry Areas—Beachport—Cadell—Coffin Bay
Evidence of Age

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

Regulations under the following Acts—
Heritage Places Act 1993—Revocation of Regulation
Motor Vehicles Act 1959—Accident Towing Roster Scheme
Natural Resources and Management Act 2004—Variation of Heading
Primary Industry Funding Schemes Act 1998—
Apiary Industry Fund
Deer Industry Fund
Adelaide Entertainments Corporation Performance Statement, 2014-15

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

South Australian Water Corporation Direction

Ministerial Statement

REMEMBRANCE DAY

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) (14:25): I would like to table the following ministerial statement by the Hon. Martin Hamilton-Smith on the pause for Remembrance Day.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

SKILLS FOR ALL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about Skills for All.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday, *The Advertiser* reported that the minister had finally conceded that a 40 per cent dropout rate from the Labor government-funded Skills for All program was unacceptable. The Labor government has finally begun an external review of the vocational training program, which incidentally has cost taxpayers some $568 million. Given the expense, South Australian taxpayers have a right to answers to the following questions:

1. Why has the contract for this external review gone to a national company with no South Australian office?

2. Did the contract for the review go to a formal tender and, if so, how many companies tendered?

3. What will the total cost of this review be?

4. Is the money that will be paid for this particular review coming out of the training budget, or is it additional money that the minister is spending?

5. What are the terms of reference for the review?

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) (14:31): I thank the honourable member for his most important question in relation to Skills for All. This has been a very highly significant achievement for this government. It was implemented prior to myself being minister; in fact, I think it was originally the Hon. Jack Snelling who introduced it.

We have seen Skills for All deliver unprecedented numbers of enrolments, we have seen an improvement in completion rates, and we have seen our VET system here in South Australia move from the most cost inefficient system in the nation—we were at the bottom of the rung—to now being the most cost efficient. So, VET has achieved significant outcomes. It has not been without its problems though, and we have had to make changes to Skills for All since its inception.

We have had to introduce banding and some capping because of the unprecedented take-up of these training provisions. This government, in Skills for All's inception, agreed that there would be a review. That review was postponed. In fact, I think the review was agreed to at 12 months of Skills for All, so the opposition member has got it wrong yet again—

The Hon. D.W. Ridgway: It's well overdue.

The Hon. G.E. GAGO: Wrong yet again. An evaluation was done and sent off to the commonwealth government, and that was done at around the 12-month mark, so there was at least some level of evaluation completed, and that is in the public arena. But, what we did commit to was a more comprehensive review. Because of the introduction of those changes, the government postponed the review. We were quite forthcoming in giving our reasons as to why the review needed to be postponed. There was no point conducting a review when the rules of the training provisions were being changed.

When I first became minister, I made it very clear that I was committed to conducting that review, and have put in place a process. We put that out for tender. It was a selective tender process, and it included only those organisations with comprehensive experience in this particular policy area. If I recall, there may have been seven, eight or nine people that were put forward. There were a number. I believe that there were some South Australians in that. I would need to double check, but I believe that there were.

Of course, this government is under constant scrutiny and pressure to make sure that we have an open tender process, and that where public money is being spent to ensure we get the best value for our taxpayer dollar that we possibly can, and that is what we did. The successful applicant was the preferred applicant. They offered the highest level of experience and expertise coming in at the best price. That is what this government is expected to do, and it was an open process. In terms of any further details, I will need to take those on notice and bring back a response.

In terms of VET completion rates, I have always been concerned in relation to the outcomes that training and education right across the board deliver, not just to South Australians, but Australians. It has been a policy area that I have always had a deep interest in. When asked about those features that contribute to completion rates, I outlined them at the time. Completion rates do not necessarily reflect a failure. Sometimes people pull out because they have actually achieved a job in the meantime and the job is more important to them than completing the qualification.

Also, some people enrol into qualifications but they have no intention of completing the qualification because they, in fact, do not want the qualification: they want a particular set of competencies or skill sets within that qualification and, once they have achieved those, they have achieved their goal and they leave. There are lots and lots of reasons why people do not complete, and I have indicated in this place and publicly that completion rates are not the only measure of success.

However, I have indicated quite clearly since I have had responsibility for training that our current completion rates are unacceptable, even though in the time that I have been minister we have actually improved our completion rates here in South Australia. Our completion rates have actually grown. South Australia is now above the national average in terms of completion rates, and I think we have around about the second highest level of completion rates in the nation, so we are right up there. We are certainly above the national average and trending on improving.

Since I have become minister we have set in place a number of initiatives to add incentives to drive improvements in completion rates, including looking at the supports that are provided for students and also ensuring that our training programs are better linked to industry needs and job outcomes. One of the things I announced just the other day was a new $2 million funding grant scheme that was directly linked to job outcomes, and they are the sort of drivers that I have assessed as needed in terms of a new direction.

It is a scheme where industry comes forward and identifies skill needs for real jobs that they have. They then approach us, we work with a panel of preferred training providers and, once a person has successfully achieved that training outcome, the employer has to guarantee that there is a job there for them. As I have said, we have done a lot in that space and we are improving, which is a pleasing trend. In relation to the specific terms of reference for the evaluation, I am happy to take that on notice and bring that level of detail back.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Ask a supplementary if you need to.

SKILLS FOR ALL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): In her answer, the minister said that people were selected because of their best skill set for the job. Is she now telling us that she does not know exactly what the job is that she asked them to do? She cannot tell us the terms of reference.

The Hon. I.K. HUNTER: Point of order.

The PRESIDENT: Point of order.

The Hon. I.K. HUNTER: This is in no way a supplementary question. The answer was given. It is incumbent upon the honourable member to listen to it, not to ask for it to be repeated.

The PRESIDENT: Does the honourable minister want to answer that question? It is up to you whether you want to answer 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) (14:40): I have answered the question.

SKILLS FOR ALL

The Hon. T.A. FRANKS (14:40): Supplementary arising from the original answer: the minister indicated that she had previously brought information to this place about the completion rates of Skills for All courses. On 3 June in this place, I asked her that question. She said she would bring back an answer. She has still not brought back an answer to my question: what are the numbers of students who have completed Skills for All courses?

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) (14:40): As I have indicated, the current VET completion

rates are sitting at around 37 per cent. As I have indicated, they have improved and, as I said, I have put in place a number of strategies to continue that trend.

Members interjecting:

The PRESIDENT: The Hon. Ms Lensink.

The Hon. R.I. Lucas: If 37 per cent is an improvement—

The PRESIDENT: Ms Lensink has the call.

MURRAY-DARLING BASIN

The Hon. J.M.A. LENSINK (14:41): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of the health of the Murray-Darling Basin system.

Leave granted.

The Hon. J.M.A. LENSINK: In October this year, the Murray-Darling Basin Authority provided $4 million to the South Australian government to ensure the Murray Mouth will stay open over the summer period. In May in this place, the minister advised that environmental flows and MDBA actions had prevented the need to dredge the Murray Mouth in 2013-14. I note that DEWNR's website states that 'water levels are continuing to be monitored and dredging may be reinstated—'

Members interjecting:

The PRESIDENT: Order! I hear voices from both sides of the chamber. The Hon. Ms Lensink, continue.

The Hon. J.M.A. LENSINK: DEWNR's website states that 'water levels are continuing to be monitored and dredging may be reinstated if there are significant changes in the channel profiles'. I understand the Murray Mouth has not required dredging since 2010. My questions are: does the minister continue to assert that the Murray-Darling Basin has been fixed and, if he does, how does he explain the need for dredging the Murray Mouth?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:42): I thank the honourable member for her most important question. I know she has an ongoing interest in this area, and I am very pleased that she gives me an opportunity now to put on the record my concerns about the federal government's commitment to the Murray-Darling Basin Agreement and how they seem to be backsliding every time they go out into the community on the promises made by a previous government.

Before I get there, let me say that I think we can all agree that an open and functioning Murray Mouth is essential to maintain water quality and a healthy ecosystem, not just for that area but for the Coorong and, of course, further upstream. The mouth, of course, is highly dynamic, with its function being controlled by the balance of River Murray flows over the barrages and the ingress of seawater from the Southern Ocean. Reduced flows over the barrages have two main adverse impacts: they increase salinity levels in the Coorong and they reduce the openness of the mouth.

A continuous flow of at least two gigalitres a day, I am advised, is required to assist in maintaining the Murray Mouth being kept open most of the time. Flows of this magnitude reduce the rate that sand is deposited into the mouth through tidal activity, wave energy and storms. It is important to note that, without unregulated flow of large volumes of environmental water, South Australia does not receive enough Entitlement Flow during January, February and March each year to maintain the minimum flow of two gigalitres.

Periods of low River Murray flow have presented management challenges in the past, requiring continuous dredging operations during the eight-year period from 2002 to 2010. Since 2002, Murray Mouth conditions have been routinely monitored by the authority, the Department of Environment, Water and Natural Resources and, of course, SA Water to quantify the extent of mouth openness and changes in sand build-up. The physical condition and openness of the mouth have deteriorated rapidly since early 2014, I have been advised. This deterioration commenced at the end

of a large unregulated flow event and of course was exacerbated by limited volumes of environmental water being available.

Full delivery of the Murray-Darling Basin Plan will result in increased volumes of environmental water being provided to South Australia for discharge over the barrages—that is full delivery. Modelling indicates that, under the 3,200 gigalitre water recovery scenario, the mouth should remain open 95 years out of 100. That is reliant on the federal government and other basin states delivering on the basin plan. Recent monitoring of the mouth's sand volume and bathometry—which is, of course, a measure of the depth of the mouth—confirms that the condition of the mouth is approaching that experienced in 2002 when it was decided to commence dredging.

A paper on the Murray Mouth management was considered at the basin officials committee meeting on 17 September 2014. The committee requested that the Department of Environment, Water and Natural Resources and the Murray-Darling Basin Authority progress planning and approvals to prepare for the possibility of dredging. I believe I am correct in saying that I asked the committee to do that at a previous minister's meeting somewhat earlier in the year.

At its meeting on 17 October 2014, the ministerial council approved a dredging program using funds to be drawn from existing Murray-Darling Basin Authority budgets. A Department of Environment, Water and Natural Resources-led multiagency steering committee, comprising representatives from the Murray-Darling Basin Authority, the Department of Environment, Water and Natural Resources and SA Water, continues to meet on a weekly basis, I am advised.

The DEWNR and other partners are working with the Murray-Darling Basin Authority to progress the necessary state and federal statutory approvals. They tell me that we should be in a position to be able to dredge as soon as, hopefully, December, if it's needed at that point in time.

The steering committee will be responsible for recommending the commencement of dredging to the respective agency and chief executives. The authority to approve the commencement of dredging lies with the chief executive of the Murray-Darling Basin Authority. Evaluation of recent monitoring confirms that, in the absence of a River Murray unregulated high-flow event—and, if it does occur, then we will be very happy not to have the need of dredging—it will be prudent to commence a dredging program, by the end of December of this year.

The important point to make is that this underlies the need for our state to be ever vigilant about the delivery of the Murray-Darling plan, and it's really important that the federal government not backslide on the commitment of providing the 450 gigalitres, or finding the SDL equivalents, to make sure we get the 3,200 gigalitres. It is not good enough to have representatives of the federal government touring through South Australia, putting their hands in the air and saying, 'I don't know where we are going to get the extra water from', when they are the ones who have said they will not buy water back for the system. That's the plan they took to the election.

They have stopped buying water. They say, 'We want to spend more money on engineering solutions', and that's great, but engineering solutions cost seven times as much as water buyback. The obvious solution is to continue buying back water for the ecological benefit of the system and for the Murray Mouth openness. The Liberal Party in Canberra are walking away from that at a million miles an hour.

The PRESIDENT: Supplementary, Ms Lensink.

MURRAY-DARLING BASIN

The Hon. J.M.A. LENSINK (14:48): When the minister said in the media in October that the water that's there for environmental purposes is being used elsewhere, what was he talking about?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:48): It was being used for other environmental programs upstream.

The Hon. D.W. Ridgway: Name them.

The Hon. I.K. HUNTER: Well, I can find out. They were used for, for example, flood plain management: putting water out onto flood plains in New South Wales and Victoria. That's what I meant. Do your own homework. You can find it as easily as I can.

PARLIAMENTARY CALENDAR

The Hon. S.G. WADE (14:48): I ask the Leader of the Government whether the government has decided to prorogue parliament. If so, when will parliament be prorogued and why is the parliament to be prorogued?

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) (14:48): The government is yet to make a final decision in relation to that. When it does, people will be informed then.

PARLIAMENTARY CALENDAR

The Hon. S.G. WADE (14:48): Considering that the government is about a third of this chamber and doesn't even hold a majority in the other place, will the government be consulting other parties on the timing of the prorogation?

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) (14:49): The government, as always—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The government, as always, considers all relevant matters in its deliberations.

PARLIAMENTARY CALENDAR

The Hon. M.C. PARNELL (14:49): A supplementary: when might the minister be releasing the sitting calendar for 2015?

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) (14:49): Yes, those announcements will be made shortly as well.

UNIVERSITY OF ADELAIDE

The PRESIDENT: The Hon. Mr Kandelaars.

The Hon. G.A. KANDELAARS (14:49): Thank you, Mr President.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, the Hon. Mr Kandelaars has the floor.

The Hon. G.A. KANDELAARS: I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about higher education.

Leave granted.

The Hon. G.A. KANDELAARS: Adelaide University has a long history of being a leading higher education institution with a reputation for providing high quality learning outcomes. Can the minister inform the chamber about an important milestone for Adelaide University?

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) (14:50): Good question.

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister's response.

The Hon. G.E. GAGO: Mr President, 140 years ago the University of Adelaide Act was enacted, which paved the way for the arrival of Australia's third university, one of only four universities established before Federation. Today the University of Adelaide continues its tradition of illuminating

new knowledge and learning for all South Australians, and it has become a leader of social reform in this state—and, indeed, the nation. More than 160,000 students from more than 90 different countries have graduated from the University of Adelaide since the first graduate received his degree in 1879.

It has a long history of significant achievements. It was the first university in Australia and only the second in the world to admit women to academic courses in 1881, and in 1882 the university was the first in Australia to grant degrees in science. It has produced over 100 Rhodes scholars, including Australia's first Indigenous Rhodes scholar, Rebecca Richards, in 2010.

The university has been a pioneer in international education, enrolling its first international students under the Colombo Plan in the early 1950s, and it has five Nobel laureates amongst its alumni, including father and son William and Lawrence Bragg and Howard Florey. More recently, the university has established key industry partnerships and affiliations, including a research partnership with SAHMRI, which is supporting our state to be globally recognised as a leader in health research, ageing and related services and products.

Its Deep Exploration Technologies Cooperative Research Centre is also helping to unlock the full potential of South Australia's resources, energy and renewable assets by delivering more effective ways to drill, analyse and target deep mineral deposits. It also has a very strong record of attracting national competitive grants from the Australian Research Council and the National Health and Medical Research Council, and just this year the University of Adelaide took home four of the nine categories at the 2014 South Australian Science Excellence Awards, including Professor Anthony Thomas being awarded South Australian Scientist of the Year.

As reflected in the state's economic priorities, agriculture and wine are both major export sectors. Both these industries are key contributors to Australia's economy, and the university has been a driving force in those particular areas, along with others. The University of Adelaide's Waite campus was established in 1924, and since then it has grown its research capabilities across a range of sectors—agriculture, food and wine, for instance. A unique aspect of the Waite campus is the co-location of a number of non-university research institutions alongside the university's agricultural research lab. This has led to a rich network of research collaborations that are unrivalled in Australia and probably worldwide.

Collectively, the Waite partnership presents one of the largest groupings of agricultural-related researchers in the world. It has become Australia's most internationally recognised and respected agricultural research and teaching institute and is a global leader in the sciences of agriculture, food, wine and natural resources. It has been quite a significant 140-year history for the University of Adelaide, and I would like to congratulate the university on achieving this amazing milestone. The University of Adelaide is very much an icon in this state.

BODY IMAGE CAMPAIGN

The Hon. T.A. FRANKS (14:54): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on the subject of the government's body image campaign.

Leave granted.

The Hon. T.A. FRANKS: It was revealed in a previous question time that the minister was going to provide us with some information on the state government's election pledge to run a body image campaign with regard to young women and girls. In that response the minister indicated that this campaign would be based on an American campaign. It is my understanding that that American campaign in New York City had a budget of $300,000. The government of South Australia has committed $15,000. My question to the minister is: how does she expect a campaign that has been cut to 5 per cent of the original budget when implemented elsewhere will be effective in South Australia?

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): Again it is disappointing not to see honourable members acknowledging positive agendas from the state government around working on body

image—it is a positive initiative, and I have outlined very briefly what that initiative entails. The details have been worked up with workgroups, using young people, and I have spoken about that in this place.

I indicated that it was based on an American project. It is not the same project at all. I believe the project that the honourable member is possibly referring to is one for older children. I understand that it works on social media; I think it is Facebook or some application like that. We want to target groups of children younger than that, and that type of social media was deemed to be not appropriate for that age group so we have designed something that we believe is age-appropriate.

I have indicated that in terms of some details that I have taken on notice previously in this place—and I understand the Hon. Tammy Franks asked pretty much the same questions in the finance committee as well—a commitment was given to bring back a response, which I am pleased to do. But I am very proud to be part of a government that is prepared to get off its backside and work up projects in a very difficult budget climate, and yet we are still able to roll out new initiatives at a wide range of different levels. We have the body image campaign and we have a repeat offenders database that we are putting in place. We have a wide range of initiatives that we are rolling out, and I think this government should be congratulated on such an aggressive agenda to combat violence against women and children.

BODY IMAGE CAMPAIGN

The Hon. T.A. FRANKS (14:58): Supplementary: how does the minister propose this campaign will target girls—I believe she said previously seven to 12 years of age—on social media when social media platforms typically ban children under 12 from accessing them?

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) (14:58): That is exactly the point I was making, Mr President. The project that I believe—and the honourable member did not give a lot of detail—the one I presume—

The Hon. T.A. Franks: It's your project.

The Hon. G.E. GAGO: No, the one you are talking about in America. The one she is referring to is a project that is suitable for older children. As the honourable member pointed out and as I said in my answer, that is not appropriate, so we are trying to target a younger group. The sort of project that she referred to in relation to the American model is targeted at an older group. It is inappropriate for younger children to be accessing that type of social media.

We are looking at a younger group. We are looking at young people coming together, with some guidance and assistance, to search out those sorts of projects that are likely to resonate with them to communicate messages for that age-specific group about positive body image, relying not on concepts of beauty and being skinny and dieting and suchlike, but the beauty within, people's capabilities, their generosity of spirit, the value of friendships, and those sorts of things.

In terms of the specifics, in terms of what it might look like, it could be, for instance, a game, an app, that it is appropriate for very young children. The reason we are bringing young people together in workshops to think through and develop those sorts of ideas is to ensure that we have activities that will be relevant and will resonate for that particular group.

BODY IMAGE CAMPAIGN

The Hon. S.G. WADE (15:00): By way of supplementary question, in answer to a question I asked on the same program, the minister indicated that the evidence base the government was relying on was the American project. That being the case, what is the evidence base for the government transitioning that project from one age group to another?

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): The honourable member asked a series of questions and I agreed to take those on notice and to bring back a response. He is virtually asking the same questions again. I have already indicated previously that I do not have that level of detail. I am happy

to take it on notice and will bring back a response. The Hon. Tammy Franks asked almost the same questions in the finance committee, and it was taken on notice and agreement given to bring back a response.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:01): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation about the ongoing governance issues on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: The minister will recall that I asked him a question about the status of the APY General Manager on 16 October. In the minister's answer he alluded to the inappropriateness with which Mr Deans had been removed. He also stated that he would seek the views of the APY Executive and review of the APY Lands Rights Act of 1998. A number of APY elders have made representations to me requesting action from the minister and the appointment of an administrator on the basis of malfeasance. My questions to the minister are:

1. Has the minister acted on the statements he made to this place on 16 October?

2. Will the minister now appoint an administrator for the APY lands as per the act?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:02): I thank the honourable member for his most important question and his continuing interest in these important topics. I need to correct his opening statement slightly. He paraphrased me, I think is probably the kindest way of putting it; he is not quite the devil that the Hon. Mr Wade is when he gets up and uses his tricksy lawyer-speak to verbal me. But in this case he made some comment about what I said last time, and I take issue with him about that. If you check the *Hansard*, I did not in fact say those things. It is very important that we are absolutely precise in what we say on this matter.

As I previously advised, I understand that at the meeting of 15 October this year the APY Executive resolved to terminate the employment of the general manager, Mr Bruce Deans. On 16 October I wrote to the APY chairperson requesting written reasons regarding the termination of Mr Deans, and their views on the review of the act, by 23 October. I received this response on 22 October, and I can add now that on Friday 31 October I met with the APY interim general manager and APY's legal representatives on a range of issues, including the recent termination of the general manager. At this point there is not much more that I can say on the topic, but for those people who are trying to encourage me towards a course of action, I would encourage them to go and read the act and see what actions are open to the minister in this regard.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:04): By way of supplementary question, from the minister's answer, is he saying that he does not have the power to appoint an administrator, given the chaotic state of the APY management?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:04): That is not what I said, again. I just simply invite the honourable member to read the act and consider the conditions under which an appointment of an administrator might be made.

SNOWTOWN WIND FARM

The Hon. T.T. NGO (15:04): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the recent opening of stage 2 of the Snowtown wind farm?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:04): I thank the honourable member for his most excellent question. I think many of us know (and most of us in this chamber know) that the future, in terms of energy for this country, and the

world, really, sits with renewable energy. If there were still doubts about this they should now well and truly be dispelled after the release of the United Nations Intergovernmental Panel on Climate Change Synthesis Report, released in early November.

This report is recognised as the most comprehensive and robust assessment ever produced and has brought together findings from climate working groups from around the world. The message is quite unequivocal: with greenhouse gas emissions at an 800,000-year high, and carbon emissions rising to record levels, governments must act now to reverse the impacts of climate change. That includes doing everything in our power to move to renewable energies.

In light of this, it was even timelier to join the Premier and minister Brock, and many government and business representatives, on Sunday 2 November for the official opening of stage 2 of Snowtown's wind farm. It was a great opportunity to celebrate the transformation of a regional community that has fully embraced this new industry, and this stage 2 development has more than tripled the capacity of the Snowtown wind farm and represents an additional investment of $450 million, I am told. It involves 90 new Siemens turbines that will increase the Snowtown wind farm capacity from 99 megawatts to 369. That equates to 1,350 gigawatt hours per year—enough to power 230,000 homes.

This makes the Snowtown wind farm our state's largest wind farm, covering an area exceeding 30 kilometres, and South Australia leads the nation, of course, when it comes to renewable energy. We generate around 1,473 megawatts, or roughly 43 per cent of the nation's installed capacity. We are national leaders in the take-up of domestic rooftop solar photovoltaic, with 565 megawatts installed capacity, I am advised. We have achieved this position because we are not being put off by the federal government's attitude towards renewables. We are not afraid to set ourselves ambitious targets—aspirational targets—and to strive towards them.

We have put in place the most supportive regulatory frameworks for renewable energy development in this country. We have also put in place innovative legislation—the first of its type in Australia—that is designed to expedite access (as honourable members well remember) to pastoral land for solar energy projects. And all this sends a very strong message to industry that South Australia is a competitive place to invest and a competitive place to do business.

This strategy has clearly paid off for us, attracting $5.5 billion in capital investment in renewable energy, with around 40 per cent of that directed towards the regional areas of our state. It is these regional communities, such as Snowtown, that are now reaping the rewards. The Snowtown wind farm has completely transformed the local community. It has directly supported more than 350 jobs since 2008, I am advised, and it was clear that during the official opening of stage 2 the community had embraced this project with open arms.

The opening celebration was a family and community event that included stalls displaying the local produce, activities for young and old, and a children's art competition. There is no doubt that the wind farm has become very much a landmark for the Snowtown community and the Mid North.

Credit must go to the developer, Trustpower, for the way it has engaged with the local community. Throughout all stages of the project, Trustpower has involved the local community in its decision-making and demonstrated a high regard for both the local environment and Aboriginal heritage, and I would like to take this opportunity to thank Trustpower for this very innovative approach to community engagement. Trustpower has adopted a similar approach to its proposed $700 million Palmer wind farm project north-west of Mannum that is expected to create 250 to 300 construction jobs and 12 to 15 ongoing operational and maintenance jobs.

The Palmer project, as well as the $1.5 billion Ceres wind farm proposed for the Yorke Peninsula, and eight other wind farm projects in the pipeline for our state, could all, of course, be jeopardised unless the Australian Renewable Energy Target (RET) scheme is maintained. It is imperative that the federal government maintains the RET, and I urge all South Australians and all members of parliament to stand up and fight for this. It is necessary for the health of our communities and environment; it is necessary for the health of our economy and those regional communities that rely on the environment. As Ban Ki-moon, the UN Secretary-General, said at the release of the recent IPCC report:

The reality of climate change is undeniable, and cannot be simply wished away by politicians who lack the courage to confront the scientific evidence.

The state government has that courage. The Snowtown community has shown that it has that courage and so has Trustpower and its investors. What I would like to know is whether the state Liberal Party also has that courage, and will they stand with us against the federal government and support the RET being maintained?

SNOWTOWN WIND FARM

The Hon. J.A. DARLEY (15:10): Supplementary, Mr President.

The PRESIDENT: Supplementary.

The Hon. J.A. DARLEY: Can the minister advise whether the latest development in Snowtown comprises the very latest Siemens gearless and, therefore, noiseless turbines?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:10): I think I can recall from what was said in the opening speeches that yes it does.

SOLAR FEED-IN TARIFF

The Hon. R.L. BROKENSHIRE (15:10): I seek leave to make a brief explanation before asking the Minister for Sustainability Environment and Conservation a question about solar feed-in tariff prices.

Leave granted.

The Hon. R.L. BROKENSHIRE: Solar electricity is something no longer in the realm of science fiction or something for the wealthy but an alternative energy source taken up by many South Australians concerned about our climate and looking for a way to beat escalating electricity prices. In 2011 there was a rush by South Australians to get solar panels before the federal Labor government dropped the rebate on the purchase price, and they were hoping at the same time to take advantage of the state government inducement which offered a 'buy now and your rebate goes up by another 10¢ to 54¢' deal.

For those who missed the 1 October deadline, the feed-in rate was set to fall dramatically. At the time the solar industry was concerned about the rate drop as falling feed-in rates in New South Wales had a devastating impact on the industry. At the end of last year the government ended the transitional feed-in tariff part of the South Australian feed-in scheme, leaving only the retailer feed-in contribution for people with solar panels.

On 22 October, an ad was run in *The Advertiser* announcing that the retailer solar feed-in tariff for 2015 could drop from the current rate of around 6¢ to 5.3¢ per kilowatt hour. Understandably some of the people who were induced to jump aboard the solar panel train during its peak times are not as happy these days. My questions to the minister are:

1. Can the minister tell me what impact the falling price of the feed-in tariff has had on the solar industry since it headed south about three years ago?

2. Can the minister tell me if the number of installations of solar panels has nose-dived since the closure of the state's transitional feed-in tariff scheme 12 months ago?

3. Finally, I understand submissions closed today for people wanting to comment on the proposed new feed-in retailer rate. I ask the minister: will he undertake to inform the parliament this year on the number of complaints made once that information has been collated?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the honourable member for his very important question on renewable energy, and I know he is a very strong supporter of renewables, particularly solar and wind power. I guess one of the parts of the answer for him is in fact—

The Hon. R.L. Brokenshire: I'm very green.

The Hon. I.K. HUNTER: Indeed he is; an unusual shade of green but nonetheless very, very green. Part of the answer was that South Australia, despite everything he said in his introductory remarks, still leads the nation in photovoltaic rooftop installations. One in five rooftops, it is estimated and I am advised, has solar panels on its roof of some sort. So despite everything he has said, we still are leaders in rooftop solar installation and there is a real desire on behalf of residents in South Australia to actually engage with renewables.

That is why it is so important that we actually come back to this renewable energy target, because it comprises two parts. Part of that target is for small scale renewable energy, which encourages the use of rooftop solar. If the federal government backslides again on that renewable energy target, and they use all sorts of language that, 'Well, we want a real 20 per cent', what that actually is, is a 40 per cent reduction on the current target.

We cannot afford to let the federal Liberal government off the hook on renewables. It is vitally important for business sustainability and business investment into the future that they know they can rely on the economic level that the federal government maintains for renewable energy and that the federal government must keep it in place.

SOLAR FEED-IN TARIFF

The Hon. R.L. BROKENSHIRE (15:14): Supplementary, sir. I appreciate the minister is there to an extent, but I would not mind an answer to at least one of my questions. He can take the other two on notice, but the one I ask for an answer to is: with the submissions being closed today for people wanting to comment on the proposed new feed-in retailer rate, will the minister agree to inform the parliament of the number of complaints once the information has been tallied?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I can only say that that is not my portfolio responsibility, and I will refer that supplementary question to the Minister for Mineral Resources and Energy, the Treasurer in the other place

SOLAR FEED-IN TARIFF

The Hon. M.C. PARNELL (15:15): Supplementary: will the minister be attending the Save Solar meeting on Wednesday, 19 November, at the old AAMI football park stadium?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I don't know what is in my diary for tomorrow, so I can hardly say about that. It is my habit in this place, sir, not to comment on my diary dates in answers to questions unless I wish to—

Members interjecting:

The Hon. I.K. HUNTER: —in which case, I will give the Hon. Mr Ridgway advanced notice and he can ask me a question.

The Hon. D.W. Ridgway: You still wouldn't give me an answer.

The Hon. I.K. HUNTER: No, that's true.

SKILLS DEVELOPMENT

The Hon. J.S. LEE (15:15): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about South Australia's skills development.

Leave granted.

The Hon. J.S. LEE: The Civil Contractors Federation (SA Branch) expressed their disappointment in their media release on 8 October that the state government awarded the $10.5 million construction of the Penola bypass to a firm based in Victoria. Acting chief executive of the federation, Mrs Marie Paterson, said:

> …it is difficult to believe that at a time when the state economy is in trouble, unemployment is on the rise and we have a seriously depressed local civil construction industry, that the government would send South Australian taxpayers' money over the border.

Along with this devastating news of South Australia losing another infrastructure contract interstate, our state is also losing qualified young people in their 20s to cities interstate, as they look for better career and lifestyle opportunities elsewhere. My questions to the minister are:

1. With South Australia losing infrastructure contracts to interstate companies, can the minister explain how the government is going to retain and improve the necessary skill sets required by our industries?

2. Knowing that South Australia is losing its best and brightest people interstate, what measures will the government introduce to bring back the young and capable workforce?

3. What assurance can the minister provide to local construction companies that they can continue to be competitive and be able to keep their business operating in South Australia?

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) (15:17): I thank the honourable member for her most important questions. It is most important, during this time of fairly tight fiscal constraint, that we continue our energies and efforts to ensure that we drive the South Australian economy in a way to create jobs, to encourage business growth and also new investment, and to continue to create jobs.

We have announced a number of initiatives to help grow jobs. We have invested $60 million in our jobs plan to stimulate our economy and to encourage investment and growth in business and also building a skilled workforce. We have also invested $63 million over three years in skills training and $44 million in initiatives for the resources and energy sector. We have invested $10 million in the Regional Jobs Accelerator Fund and $10 billion towards productive infrastructure.

I will just repeat that: we have committed $10 billion towards productive infrastructure—things like roads, rail, etc.—to help boost our economy, and it is anticipated that will grow around 4,700 jobs. We have also got a jobs plan aimed at securing our state's manufacturing sector and helping to diversify our economy. I know that all honourable members in this place are concerned about the future of Holden and our automotive manufacturing sector, so we have committed to:

- accelerate the transformation of our manufacturing sector into advanced manufacturing through the support of clusters, as well as funding for collaboration and innovation;
- accelerate the significant infrastructure projects to create jobs during that transition and to lift productivity;
- the creation of our new Jobs Accelerator Fund (around about $20 million) to drive growth in our key industry areas;
- initiatives to help retain displaced automotive workers to secure new jobs in emerging sectors;
- helping the transition of automotive supply businesses into new markets; and
- supporting northern suburbs' communities to help generate activities and jobs.

We have done a lot to help support business. We are a government and a state that are now open for business. We have developed detailed plans for jobs and supported this through a raft of other measures that grow business.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: We support business growth with investment through a range of initiatives: payroll tax concessions, reforming WorkCover (that is estimated to save $180 million to businesses), building a skilled workforce, supporting skilled migration, and providing more help for businesses to win government work through initiatives such as Tender Ready, in collaboration with Business SA.

Members interjecting:

The Hon. G.E. GAGO: I will go on to talk about new business growth in just a minute. The Small Business Round Table has been established to provide greater collaboration and communication between state government and the small business community. It will assist to fix up unnecessary barriers to business growth. We have also developed a new sector development coordinator role for the Chief Executive of Premier and Cabinet to assist projects that have been lodged that are valued over $3 million to move speedily through the bureaucracy, and we have also established a new simpler regulator unit to work with industries to remove and improve regulations.

I know that members opposite me like to dwell on the negatives in this state, but there have been a range of new investments and new jobs growth. We can look at SA Power Networks and its signalled intention to spend $2.49 billion in upgrading infrastructure, creating around 300 jobs. DP Energy Australia plans to build up to 59 wind turbines and rows of photovoltaic solar panels. They are looking at 450 jobs during construction and 20 full-time jobs when operational. There are a number of new stores at the Colonnades Shopping Centre, including Harris Scarfe.

Kimberly-Clark is investing $20 million in its Millicent plant, so there have been a range of initiatives in the regions as well. Bunnings, Redarc, the airport development, D'VineRipe, Condor Energy, Nyrstar, Sundrop Farms—the list is extensive and these are businesses, as I said, that are encouraged. Our jobs growth strategy encourages new business and attracts business investment. This government is working with businesses to help them grow and prosper.

WATER AND SEWERAGE CHARGES

The Hon. J.A. DARLEY (15:24): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions about sewerage rating.

Leave granted.

The Hon. J.A. DARLEY: Earlier this year, the Minister for Water and the River Murray indicated that he would welcome ideas on, or alternatives to, the sewerage rate charging system. Can the minister advise what alternatives to the current property-based rating system, if any, have been received, how many are being considered and what are they?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:24): I thank the honourable member for his most important question. My answer is no, but I will have to come back to him with that information.

BIOFUEL TECHNOLOGY

The Hon. K.J. MAHER (15:24): My question is to the Minister for Science and Information Economy. Can the minister inform the chamber of any initiatives that are underway in South Australia to address potential problems with fuel shortages?

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) (15:25): I thank the honourable member for his most important question. As the honourable member has suggested, liquid fuel demand in Australia is forecast to grow strongly from the 51 gigalitres used in 2010 to about 67 gigalitres in 2030, with jet fuel consumption forecast to double in that period. The production of liquid fuels from algae and other sustainable sources is a potential alternative to fossil fuels. The challenge in the years ahead will be to reduce the costs of producing these biofuels so that they are commercially competitive with fossil fuels.

On Friday 31 October, our Minister for Regional Development (Hon. Geoff Brock) opened an algae biofuel demonstration plant for Whyalla for Muradel Pty Ltd. Muradel, a company dedicated to developing marine algae as a feedstock for commercial biofuels, originated from a joint research project undertaken between the University of Adelaide, Murdoch University in WA and SQC Pty Ltd. Muradel already enjoys a lead in the commercialisation of algae biofuels. At its plant in Western Australia, it achieved the best production rates in the world of oil from algae grown in open saline ponds. It has access to technology that dramatically reduces biofuel production costs.

Now, I am pleased to say, Muradel has established a demonstration plant in Whyalla, which is Australia's first integrated demonstration plant to sustainably convert algae into green crude. The Whyalla plant is a first step towards a 1,000 hectare commercial plant with the potential to produce 80 million litres of crude oil a year. The 1,000 hectare plant would create at least 100 new skilled and operational jobs in the Whyalla region. Whyalla is ideally suited to microalgae production and green manufacturing, offering a stable, sunny and warm climate, flat, readily available non-arable land, abundant seawater and established transport infrastructure.

BioSA—South Australia's bioscience business accelerator—has been involved in ongoing support of the project through three different grants. The initial grant of $50,000 was made to biofuels company, AusAgave, to look at the potential of the agave plant (as opposed to algae) as a biomass source for the production of green crude at the Muradel operation. AusAgave has been granted a further $100,000 by the South Australian government through BioSA (approved by the board in April 2014 and likely to be paid in February 2015) to partially fund the establishment of the first plantations of agave at the Muradel site.

This will upscale production and incorporate agave as a biomass source into the Muradel plant so that they have a viable second source of biomass after algae. This is likely to be needed during winter when the rate of algae growth slows. The final grant, which was provided in June 2014 direct to Muradel to the value of $150,000, will partially fund the analysis of the green crude produced by Muradel. This will include not only chemical analysis but also engine trials.

BioSA has provided business development expertise to this project, and former BioSA employee Dr Andrew Milligan is now working for the company in a business development role. It's noteworthy that Regional Development Australia, the Whyalla city council, the Australian Renewable Energy Agency and the University of Adelaide have also provided significant financial and in-kind support for this project. The Muradel project contains many of the elements that are critical to how we transform this state's economy: highly innovative, a renewable energy source and a great mix of public and private sector cooperation in regional SA. I look forward to watching the progress of these activities with great interest.

POLICE SUICIDE PREVENTION TRAINING

The Hon. J.S.L. DAWKINS (15:30): I seek leave to give a brief explanation before asking the Minister for Employment, Higher Education and Skills, representing the Minister for Police, questions regarding suicide prevention training for the South Australian police force.

Leave granted.

The Hon. J.S.L. DAWKINS: The Hunter Institute of Mental Health is a leading national organisation dedicated to reducing mental illness and suicide and improving wellbeing for all Australians. For more than 20 years, the institute has been delivering evidence-based mental health and suicide prevention programs from its base in Newcastle, New South Wales, which I was able to visit late last year. The institute has a program known as Mindframe which, along with the guidelines for media reporting on suicide, also includes specific training and guidelines for police.

The publication known as 'Mental illness and suicide in the media: a Mindframe resource for police' provides practical advice for police to support their interactions with the media when discussing events in cases which have involved issues of mental illness and suicide. The resource was developed following consultations with police services in each state and territory. The project itself aims to build the capacity of police to promote sensitive and appropriate reporting of situations involving mental illness or suicide. My questions to the minister are:

1. Has SAPOL adopted the Mindframe for police guidelines and training for its officers, particularly those performing front-line duties?

2. What, if any, suicide and self-harm prevention training does SAPOL currently provide to its front-line officers?

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) (15:32): I thank the honourable member for his most

important questions and will refer them to the Minister for Police in another place and bring back a response.

LAW SOCIETY INDIGENOUS SUPPORT PROGRAMS

The Hon. J.M. GAZZOLA (15:32): A question to the Minister for Aboriginal Affairs and Reconciliation: will the minister update the chamber on efforts to advance reconciliation within South Australia's legal sector?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:32): I thank the honourable member for his most important question. I have said on many occasions I think in this place that we are, as a government, and as a chamber that forms parliament, very serious about Closing the Gap and truly committed to reconciliation. If that's the case, and I think we are, we all have a part to play in that. Every citizen, every government agency, organisation, business and community group has a role to play in that. That's why I am pleased to see an organisation like the Law Society of South Australia take up this responsibility in such a serious manner.

The Law Society has been extremely proactive in its efforts to increase the understanding of issues faced by Aboriginal people within the legal system. The society, for example, established an Aboriginal issues committee in 1997 to examine issues of law that affect Aboriginal people, and has recently been vocal in its support for constitutional recognition of Australia's first nations. In addition, the Law Society has played an important role in the establishment of a successful mentoring program to encourage more Aboriginal people to work in the legal profession.

This government has been working with the Law Society since the inception of the program in 2008 when Premier Weatherill from the other place, then minister for Aboriginal affairs, provided support. More recently, the state government through TAFE SA has partnered with the Law Society to provide Certificate IV in Legal Services in a specialised format for Aboriginal students.

I understand this course currently has students in Port Augusta, Port Pirie, Murray Bridge, Berri and Adelaide. It provides a direct pathway to an undergraduate law degree at the University of Adelaide or into other work opportunities in the legal fields. This is very important because, when there are more Aboriginal people involved in the law, we will have a better understanding of and access to justice for Aboriginal people, and people whom Aboriginal people can look up to and have as role models and behaviour models.

In more recent times, the Law Society has established a reconciliation action committee. On Tuesday, the Law Society launched its reconciliation action plan. These plans are commonly referred to as RAPs. RAPs are real plans. They set out clear steps that an organisation or group can undertake to further the goal of reconciliation. They are designed to make us reflect on, answer and act upon a set of fundamental questions, including, for example:

- How do we make sure reconciliation is everybody's business, not just Aboriginals' business?
- How can we combat racism in the workplace and in the community, and what role do we have to play in that?
- How do we support a cultural shift that leads to real behavioural change?
- How do we ensure that the RAP process is not merely a 'ticking the box' exercise?

As the President of the Law Society, Mr Morry Bailes, has said, 'Having a Reconciliation Action Plan is not mere symbolism. We hope this plan has a real effect and improves the circumstances of Aboriginal and Torres Strait Islander peoples.' I would like to congratulate the Law Society for its RAP, and for its ongoing commitment to closing the gap with Aboriginal people in our state.

Auditor General's Report

AUDITOR-GENERAL'S 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) (15:35): I move:

That standing orders be so far suspended as to enable the report of the Auditor-General for the year ended 30 June 2014 to be referred to a committee of the whole and for ministers to be examined on matters contained in the report for a period of one hour.

Motion carried.

In committee.

The Hon. J.M.A. LENSINK: Starting on page 1943 of Volume 5, in relation to SA Water Corporation and the Adelaide Services Alliance contract, which was entered into on 1 July 2011, can the minister outline what functions were transferred back to SA Water? I understand there was the call centre, and I am wondering what other functions might have been transferred.

The Hon. I.K. HUNTER: My advice is that the operational control centre, the asset management functions and the delivery of capital programs in the metropolitan area are now managed directly by SA Water, not through the alliance contract process.

The Hon. J.M.A. LENSINK: Can the minister advise how many KPIs Allwater has to report on, and whether this is under the alliance management committee or some other governance structure?

The Hon. I.K. HUNTER: I can advise that under the Alliance framework these KPIs are set out, they incorporate such things as attendance time, restoration times, water quality and environmental licence compliance, those sorts of issues. In terms of the total number of KPIs, we do not have that before us but we can come back with that information.

The Hon. J.M.A. LENSINK: On pages 1944 and 1945, in relation to audit observations of the AMC, there are some comments about other matters noted at the time of the Auditor-General's review of the external audit reports: validity and accuracy of invoices were not available for 2013-14. There is also a comment about the independence of officers, which had also been reported on in the consultant's analysis. Can the minister expand further on those comments and advise whether actions have been taken to address those concerns?

The Hon. I.K. HUNTER: In relation to the first part of the question, when the audit was conducted, the external audit reports used to gain assurance on the validity and accuracy of invoices were not available for 2013-14. SA Water can now confirm that the external audits on the validity and accuracy of invoices have now been completed, with no material adjustments being required as a result of the audit. In terms of the independence of officers, all officers employed in the Alliance but employed by SA Water now have to report directly to the SA Water general manager, I am advised.

The Hon. J.M.A. LENSINK: Page 1946, the Adelaide Desalination Plant, refers to the renewable energy contract being in draft format and the energy contracts coming into use in December 2013. I understand those contracts are for 20 years. Can the minister advise how much additional expense will be incurred as a result of the renewable energy contracts, over what otherwise would have been the case?

The Hon. I.K. HUNTER: I cannot advise the chamber as that information is commercial-in-confidence.

The Hon. J.M.A. LENSINK: I refer to page 1952, Other income:

Miscellaneous income decreased by $11 million…including a settlement…with United Water.

Is the minister able to break down the $11 million into its components?

The Hon. I.K. HUNTER: I do not have that breakdown, but my advice is that the vast majority of that $11 million relates to the water issue, which is of the order of $10 million, so nearly all of it.

The Hon. J.M.A. LENSINK: On the next page it states, 'Other expenses increased by $4 million mainly due to' and it refers to an increase in electricity expenses for usage for the operating of the desalination plant. Can the minister advise what quantum additional energy was utilised to create that expense?

The Hon. I.K. HUNTER: The Hon. Michelle Lensink is a very good trier, but I am advised that by giving that information there is a possibility you would work out commercial-in-confidence details about the price of our electricity contract, so I have to say to her that I decline.

The Hon. J.M.A. LENSINK: I refer to page 1955. There are a few different references to revaluations, which I understand have been the subject of a consultancy. There is a dot point that says, 'Revaluation of infrastructure, plant and equipment by $348 million upwards'. It states that it is based on an 'independent valuation or director's valuation'. Can the minister expand on what the director's valuation actually means?

The Hon. I.K. HUNTER: My advice is that this relates to the depreciation allowance for all assets of SA Water. My understanding is that where there is no formal accounting standard methodology in place for the valuation, directors are free to make their own evaluation of the assets. My understanding is also that this is very rarely used, and my advice is that we cannot ever recall it being used.

The Hon. J.M.A. LENSINK: On a similar issue, on the RAB on page 1962, the Auditor says:

> Given the difference in the RAB and financial statement asset values, last year SA Water investigated, with the assistance of DTF and an accounting firm, whether the establishment of the RAB was an indication that the asset values adopted for financial reporting were impaired (ie overvalued).

Can the minister advise which accounting firm that was? Was it Aquenta? Further, it states that the asset value was determined as being within a reasonable range. Can he a little more specific about that detail?

The Hon. I.K. HUNTER: In terms of the regulatory asset base, I thank the honourable member for her question, because it allows me to put on the record some comments in relation to this. Quite a bit of information has been bandied about recently in the media about the RAB. One of the incorrect statements has been about the regulatory asset base and its valuation.

As I said before in this place, the RAB is a construct. It was always anticipated that SA Water's RAB would move in line with movements in the weighted-average cost of capital which has dropped to historically low levels. I am advised the RAB is still well below its book value. Changes in water prices are not the same as changes in average revenue because of the specific nature of SA Water's price structures and customer base.

Water prices for the last financial year, 2012-13, have decreased by 6.4 per cent after we appointed ESCOSA as the independent regulator. As the chamber knows, we have limited price increases for the immediate future to CPI. ESCOSA now determines the maximum amount of revenue that SA Water can collect, and this ensures transparency in the setting of water prices. There was some comment about the asset base being within normal practices.

The Hon. J.M.A. Lensink: Within a reasonable range.

The Hon. I.K. HUNTER: Okay. Nonetheless, with the assistance of the Department of Treasury and Finance and a chartered accounting firm, which I am advised was PricewaterhouseCoopers, SA Water has investigated whether the difference in values was an indication that the financial statement asset values were impaired or overvalued. These investigations concluded that the financial statement asset values were materially within the range of market values, and I think I can recall that the asset replacement value (or whatever PricewaterhouseCoopers called that value) was something in the order of $13.8 billion and their regulatory asset base was set at something like $11.3 billion, or something of that order.

The Hon. J.M.A. LENSINK: Is the PricewaterhouseCoopers report publicly available?

The Hon. I.K. HUNTER: No, because of commercial in-confidence information that was required for them to do that work.

The Hon. J.M.A. LENSINK: I now refer to page 1959—Ministerial direction. It says that the minister considered it appropriate to direct SA Water to, among other things, 'purchase renewable energy or renewable energy certificates for the purpose of operating the…desalination plant'. Why was that not covered by the terms of the contract? Am I missing something?

The Hon. I.K. HUNTER: The directions—which I think I tabled today—provide certain things. I think there were five areas: to provide certain services; purchase renewable energy certificates (as the honourable member outlined); maintain statewide water pricing; contribute to water planning charges; and also to reimburse for fees that are passed on to SA Water by the Valuer-General in terms of a roll. The services are of the order of emergency management and government radio network services, etc.

In terms of the direction, I understand the electricity contract rests with SA Water, not the desalination plant, and SA Water provides the electricity for the ADP to operate. It was done in such a way so that ESCOSA would take into consideration the cost of the business and put that as part of its consideration as part of the asset base and the calculation of the revenue that SA Water actually gets from the business.

The Hon. J.M.A. LENSINK: My last question is with regard to SA Water. I do not know whether other honourable members have any questions, so it appears this may be the last one for SA Water and the north-south interconnector pipeline. Can the minister advise what volumes have been used to transfer and whether they are north to south or south to north etc?

The Hon. I.K. HUNTER: I am advised that the system works from south to north. The system has been used almost continuously, I understand, since it was brought into operation and essentially it takes treated water. It may store it in the treated water tanks overnight but, effectively, it goes straight into the system and straight into customers' taps. It has been in continuous use, as I said. In terms of the volume, we do not have that with us, but we think that we can come to a very close approximation of that for the honourable member and I will bring that back to the chamber.

The Hon. J.A. DARLEY: Referring to page 41 of the Audit Overview, what impact is the government's transfer of general government net debt of $2.7 billion to SA Water going to have on SA Water customers, and can SA Water customers expect their water and sewer accounts to increase as a result of this gearing change?

The Hon. I.K. HUNTER: The answer to the honourable member's first question is none; and to the second question is no.

The CHAIR: We might move on to DEWNR if everybody is happy.

The Hon. J.M.A. LENSINK: This is Volume 2 of the agency reports, page 593, looking at revenue. There are quite a number of debtors in relation to water licensing and levies, which it looks like the department has taken action on, but, of the original $5.5 million, can the minister provide an outline of whether they were weighted towards particular regions that were not paying their levies in higher amounts or a particular source? Is there some more detail that can be provided on that?

The Hon. I.K. HUNTER: I cannot give the honourable member that information because we simply do not keep that information in any sort of form that would be available to us or her; that is the answer to that question. What we do have, though, are the top 200 debts that we are actively managing. Again, they are not broken down by region; they are broken down by the value of the debts, and so rather than doing a regional analysis we actually go through a value process.

The Hon. J.M.A. LENSINK: On the same topic, there is a reference to a project that would see this external debt collection agency, which is to be completed in the second quarter of 2014-15. Can the minister confirm whether that time frame is still accurate?

The Hon. I.K. HUNTER: I am advised that the process is on track. The final stage is to take that to the presiding members and get their approval and that should happen speedily.

The Hon. J.M.A. LENSINK: Page 615, employees; there has been quite a jump in the number of employees who are earning over $138,000—particularly in the over $400,000 per annum bracket, about 15, I think, on my figures. Can the minister, who might need to take this on notice, provide the actual titles for each of those positions?

The Hon. I.K. HUNTER: The information that I have at hand relates to two of the highest paid positions. It is important to understand, of course, that that figure is not the salary; it is the entire package for a targeted voluntary separation payment. It incorporates effectively a full year of salary plus paid leave, and the TVSP component of that would be roughly slightly more than half.

So, the total remuneration for one—I do not have the title, but I have the position level, which is a PO503—was $471,399. As I said, that includes more than half of it in terms of TVSP payment. The other component was a full year's salary of the order of, in this situation, $100,000 plus paid-out leave. The second position is the same—PO503. It was for $468,320, and it was essentially the same sort of breakdown.

The Hon. J.M.A. LENSINK: Would the others all be executive level?

The Hon. I.K. HUNTER: No, not necessarily. Again, one must remember that those are a compound of a year's salary, for example in this case, and their paid leave, which will vary from person to person. That blows the figure up well above into what you might think is executive range, but the majority of them, I am advised, are not. Looking very briefly at a range of figures I have got, it looks like around a third is salary levels and the rest is a TVSP package, which takes it up well over, for example, $200,000 and higher.

The Hon. M.C. PARNELL: I refer to the same table, which is why I am interposing here. In 2003, the biggest package that did not involve a TVSP was in the band $381,500-$391,499, and I am just guessing it is probably the CEO. This year, there are actually 15 people who are in a higher band; all of them have double asterisks next to that band, and the legend says:

> ** This remuneration band includes an employee who received a TVSP payment.

My question is: are any of those 15 people basically staff other than those who received separation packages? In other words, are there any regular ongoing staff in that 15 people below the band $391,500? I can explain it again.

The Hon. I.K. HUNTER: Well, the second part of the question, when you repeated it, was not quite the same as the first part. My advice is, however, the answer to the question we think you are asking is no.

The Hon. M.C. PARNELL: So, clearly the main difference between the last two years has been these voluntary separation packages. The Auditor-General notes that the number of employees who received a package in this period was 172, compared to 48 in the previous year. My question is: are there any separation packages that were offered during that last financial year that are yet to be acted on? I am trying to get a sneak preview of what that number might look like in the current financial year. Were there any redundancies that were partway through and are yet to be completed?

The Hon. I.K. HUNTER: My advice, Mr Chairman, is that, whilst that might relate to the financial year which we are examining, it does not bear part of the process for the Auditor-General's examination and I cannot comment.

The Hon. J.A. DARLEY: I refer to Volume 2, page 591, and I quote:

> Over a number of years, Audit has commented on the accounting treatment of Crown land and the completeness and accuracy of Crown land base information…[T]he Independent Auditor's Report to the financial report again qualifies the completeness and valuation of Crown land included in the Statement of Administered Financial Position.

My questions are: why has the department not finalised an appropriate valuation methodology for all crown land and, secondly, has the Valuer-General been approached for advice and, if not, why not?

The Hon. I.K. HUNTER: As in prior years, DEWNR's administered items schedule has received a qualified audit opinion. In respect of crown lands, as the department has not yet been able to formulate a suitable and cost-effective methodology for determining a reliable measurement of the value of unallotted crown land, DEWNR has advised the Auditor-General that the removal of the audit qualification in respect of crown lands is essentially a two-step process. Firstly, DEWNR needs to identify crown land holdings in a comprehensive manner. Secondly, DEWNR then needs to establish the valuation methodology of the holdings.

In May 2014 the chief executive approved a formal communication to state government agencies requesting a copy of their records relating to crown land under the care, control and management of their respective ministers. Responses have since been received, I am advised, from all agencies and will largely influence DEWNR's intended approach to identifying crown land holdings in a comprehensive manner and subsequent resolution of this ongoing qualification. However, it is foreshadowed that such a project will be long-term and will require significant resourcing if the end result is to be achieved successfully and, given the situation we face in terms of our budget, we will need to manage that as best as we can.

The Hon. J.A. DARLEY: My second question was: has the Valuer-General been asked for advice and, if not, why not?

The Hon. I.K. HUNTER: That does not really relate to the Auditor-General's report, and I cannot give any answer to that question at this point in time.

The Hon. M.C. PARNELL: One relatively small amount in the finances on page 614 is the payment that was made for people sitting on boards and committees, and it has dropped from $505,000 down to $340,000. My question is: why has it dropped? Is it because you are paying fewer people to sit on boards and committees? Did the boards and committees sit less often or is there some other reason?

The Hon. I.K. HUNTER: My advice is that the Department of Environment, Water and Natural Resources paid sitting fees, including super, payroll tax and salary sacrifice amounts of $225,000 to 20 boards and committees during 2013-14. This is down from $265,000 during 2012-13 and is represented by a reduction of paid members by 17 people. A total of $218,000 was paid to the board members of DEWNR's administered entities during 2013. This amount excludes the natural resources management boards.

The Hon. M.C. PARNELL: I thank the minister for his answer, and it actually leads on to a question which means I may have misunderstood the figures on page 614. Where it says 'Board and committee fees', it is under the heading of 'Employee benefits expenses', so are they sitting fees that are paid to existing public servants to sit on boards and committees?

The Hon. I.K. HUNTER: No, the sitting public servants are not eligible for board sitting fees. Let me qualify that: in some special circumstances leave of the minister may be granted, but it usually involves very special circumstances.

The Hon. M.C. PARNELL: My question therefore is: $340,000 was spent on board and committee fees and it is under the heading of 'Employee benefits expenses', so what else would that money have been used for if not paying extra sitting fees to existing public servants?

The Hon. I.K. HUNTER: Was that page 614?

The Hon. M.C. PARNELL: Yes, 614, down the bottom.

The Hon. I.K. HUNTER: Just so that we do not give any incorrect information, I will need to take that on notice. It may just be an accounting mechanism, but we will find that out.

The Hon. D.W. RIDGWAY: In relation to Skills for All, I have a range of questions here that the shadow minister for higher education and employment has provided to me. I refer to Volume 2, page 714 and the heading 'Lack of formal policies and procedures'. The Auditor has noted numerous ongoing policy and procedural deficiencies with the delivery of the Skills for All program. The question is: do you find it acceptable that your department has distributed hundreds of millions of taxpayers' dollars to RTOs and TAFE without having any documented policies and procedures for calculating the training subsidies to training providers?

The Hon. G.E. GAGO: It should be noted that Skills for All system controls are in place, but need to be refined. Whilst documentation on processes exists, there is a need to improve the development of formal policies and procedures. DSD has advised the Auditor-General that existing documentation and work instructions will be converted to formal policies and procedures and communicated to relevant staff, I have been advised.

I have also been advised that a project will be established to formally document, communicate and keep up-to-date policies, procedures and management reports that describe how

payment hours applicable to each unit of competency are determined and approved, the variables that comprise the subsidy rates and any changes to these variables.

The Hon. D.W. RIDGWAY: My understanding of the minister's answer is that the procedures have been changed in line with the Auditor's advice. Has that been a change from the original setup of Skills for All, say, two years ago?

The Hon. G.E. GAGO: I am advised that it is taking the existing documentation and work instructions and then converting them to formal policies and procedures and, obviously, communicating that to all relevant staff.

The Hon. D.W. RIDGWAY: So, prior to this, there were no formal policies and procedures: they were just what you call the 'documented procedures'. Can you just explain the difference, please?

The Hon. G.E. GAGO: I am advised that what has existed are detailed work instructions and working procedures, and it was simply a matter of reformatting these into a formal policy position. As I said, a great deal of that detailed work was already available; it needed to be transcribed and reformatted.

The Hon. D.W. RIDGWAY: In relation to RTOs, how have they interacted with this change? They need to have faith in the process so that, when they are dealing with your agency, they know they are getting the accurate information.

The Hon. G.E. GAGO: I think the honourable member is referring to the changes that have occurred in relation to the funding arrangements for Skills for All, which I alluded to during question time today; that is, changes to banding arrangements and capping arrangements have needed to be put in place since the beginning of Skills for All to manage the huge demand, the unexpected demand, that occurred when Skills for All was put in place.

The issue that RTOs have raised with me, anyway, is that we keep changing the rules along the way. They want consistency so they can get along and run their businesses. I certainly understand the need for that, and we have certainly considered that in the way we have gone about introducing further changes since I have become minister.

The Hon. D.W. RIDGWAY: What I was referring to was in relation to the opening question, which was about not having any documented policies and procedures for calculating training subsidies to the training providers. You have outlined how they are now going to be transitioned into sort of formal documents or formal agreements. I am just wondering what interaction you have had with RTOs so that they have actually got faith in the process to get the information they require, and it will be robust.

The Hon. G.E. GAGO: I think the honourable member is confused because of what he is referring to in relation to these policies and procedures. These are internal directions for staff. I am advised that these are documents to support internal workings in terms of how we manage information about changes to the way we derive formulas for funding, capping and banding, etc. That is done through direct communication with RTOs, through information that we put on our websites and through our industry engagement which occurs in an ongoing way.

The Hon. D.W. RIDGWAY: I will move on to the next point, which is still on page 714, in relation to the Enterprise Client Relationship Management (Pricing Management) system. The Auditor-General finds that your department had no procedure in place with regard to changes in payment hours in the Enterprise Client Relationship Management (Pricing Management) system so that they are independently checked for validity and accuracy.

The Hon. G.E. GAGO: What page number are we on?

The Hon. D.W. RIDGWAY: It is at the very top of 715, I beg your pardon. I will read out the point from the Auditor-General's Report:

> DFEEST does not have a procedure in place to ensure that all changes made to payment hours in the Enterprise Client Relationship Management (Pricing Management) system are independently checked for validity, accuracy and completeness of changes.

Are you surprised that you do not have that sort of level of checking? We are talking about millions of dollars here, minister.

The Hon. G.E. GAGO: I am advised that DFEEST's response is that the project will be established to formally document, communicate and keep up to date policies and procedures that describe how payment hours are applicable for each unit of competency, the variables that comprise the subsidy rates and changes to those variables.

The Hon. D.W. RIDGWAY: On page 715 of Volume 2, in relation to 'Approval of Skills for All training subsidy rates and pricing variables', is the minister going to ensure proper procedure for the authorisation of training subsidy rates and pricing, given that this is the second year the Auditor-General has raised this as an issue?

The Hon. G.E. GAGO: The existing instrument of delegation is being updated to specify the approval authorities for Skills for All training subsidy rates and changes to training subsidy variables. I am advised that this is actually with the Crown Solicitor's Office at present.

The Hon. D.W. RIDGWAY: Another question in relation to the same issue: is the minister aware that subsidy rates and changes have been one of the major concerns of RTOs, in particular with Skills for All, and particularly in regard to business planning and employment?

The Hon. G.E. GAGO: I just outlined that in a previous response. This was an issue that RTOs—and TAFE, for that matter—have raised with me, and it is something I have sought to address. We have put a number of measures in place to help provide greater consistency and better communication across the sector.

The Hon. D.W. RIDGWAY: My apologies; I am trying to follow a number of things here at the moment. Can the minister give any indication of when the subsidy rates differences between TAFE and the private RTOs will be harmonised?

The Hon. G.E. GAGO: One of the objectives we have set ourselves is for that price differential to be reduced over time, in relation to TAFE's cost of activity compared to the private training providers. However, it must also be remembered that there are greater onuses on our public provider. TAFE is responsible, for instance, for delivering our community service obligation training elements, which involve a number of different training programs, particularly those around Aboriginal training services. Of course, the cost of those are greater than many other training areas.

There is also the issue of training to regions. South Australia is characterised by many small country towns in very remote locations, making training in those areas extremely costly. We find that TAFE has a strong presence in our regions, which is very much appreciated by our regional communities and very important to them, but we know that many of those cases would be unlikely to attract a private provider because providing training to them is simply not financially viable.

We accept that there are structural elements that result in there being a higher cost impost or inputs into the training that TAFE delivers. Although I have qualified that, we still seek to bring the costs down to as close to parity as we possibly can.

The Hon. D.W. RIDGWAY: I have a question in relation to the review of Skills for All, which I asked the minister a question about during question time today. I will not repeat that question but I have another one, if the minister has the advice handy. Was the fee for the budget for the review coming out of training money or from some other funds to be provided?

The Hon. G.E. GAGO: That is certainly outside of the Auditor-General's Report, but I am happy to answer it. I meant to answer it in question time. It was found within our current appropriation.

The Hon. D.W. RIDGWAY: Is the minister able to share with us, so we do not have to pursue it through freedom of information, the actual budget for that review, or the likely cost?

The Hon. G.E. GAGO: I am advised that it is around $200,000. That is not finalised.

The Hon. D.W. RIDGWAY: At the top of page 719, under the heading of expenses on page 718 of Volume 2, it states:

Other payments to TAFE SA include $74 million in grants and subsidies for structural funding and community services obligations…

Can you expand on this please, minister, and in particular, what are the details of the structural funding?

The Hon. G.E. GAGO: I am advised that the structural funding was funds made available to assist TAFE in its transition into a single statutory authority on 1 November 2012 and to transfer into becoming the one TAFE. Prior to that there were three separate organisations, and this was to assist them to transition into the one TAFE.

The Hon. D.W. RIDGWAY: Further on in the Auditor-General's papers, I think on page 721 under further commentary on operations, it talks about Skills for All, $289 million in 2013-14, $189 million to TAFE, and the aim of 100,000 training places. Minister, do you have an update on the data? How many courses were completed by students? How many students were enrolled in multiple courses and how many training places resulted in employment on the completion of the courses?

The Hon. G.E. GAGO: I am advised that there were 43,900 qualifications completed in 2012 and that this was an increase of 23 per cent on the 2011 figure of 35,700, which was the second highest growth rate in the nation. Nationally the qualification completions increased by 13 per cent, so you can see that it was fairly impressive. We completed our commitment to an additional 100,000 training places, which was set for over six years to 2015-16. We completed that virtually within the first couple of years, so it has certainly produced some fairly impressive outcomes.

The Hon. D.W. RIDGWAY: How many students were even involved in multiple courses, so double or triple counting?

The Hon. G.E. GAGO: We do not have that data. I am happy to take it on notice and, if it is available, I will bring it back.

The Hon. D.W. RIDGWAY: You have the figures on those who completed the courses: do you have any data on how many gained employment once they completed their courses? Once they completed, how many gained employment?

The Hon. G.E. GAGO: I have some employment data from an independent validation assessment that looked at graduates from 14 courses funded under Skills for All, I am advised. The key findings from that first report were that, in relation to certificate III in aged care, unemployment fell from 57 per cent prior to course commencement to 26 per cent after graduation. Over 75 per cent of graduates were assessed by their employer to be excellent or adequate in a certain number of tasks, and 94 per cent of respondents agreed to or strongly agreed with the statement that they were satisfied with their training.

Findings from another survey done, a telephone survey of 3,000 graduates from 14 courses, were that overall employment rates for respondents increased from 56 per cent before enrolment to 74 per cent after graduation; unemployment fell from 44 per cent to 26 per cent; 51 per cent of respondents who were unemployed before their course were employed after graduation, with 67 per cent in work related to their course. Ninety-six per cent of respondents agreed, and 52 per cent strongly agreed they were overall satisfied with that training.

The 2013 NCVER survey demonstrated that 90 per cent of graduates are employed or in further study after training which was also above the national average. I am also advised that a 2013 annual survey for Skills for All graduates found that 80 per cent of students identified their main reason for training was employment related, and almost 75 per cent of that group had achieved these objectives shortly after graduation.

Of those people who are already employed 75 per cent indicated that their course was relevant to their current job, with most rating it as highly relevant. Of those who commenced their current employment either during or after completion of their course, 70 per cent indicated that completion of their course was important to gaining their current job. So, that is some employment data that we have.

The Hon. D.W. RIDGWAY: I am aware that the Hon. Kelly Vincent and the Hon. John Darley have a couple of questions they would like to ask, and I think we are nearly at the end, but can I ask the minister whether she can bring back an answer in relation to this next question. Anecdotally I

have heard that often there were senior people who were employed within government—the Public Service and other areas—who undertook Skills for All training for things like landscaping, which had nothing to do with their particular task, but they were able to access the Skills for All program. Can you bring back some information as to whether there is any accuracy to those comments?

The Hon. G.E. GAGO: So, what they were about—

The Hon. D.W. RIDGWAY: I have been anecdotally advised that senior people in the Public Service were able to do courses such as landscaping and other sort of, if you like, home-vocational upskilling that really had nothing to do with the tasks they were assigned to. I know you will not have that data with you, and I am mindful that the other two members would like to ask some questions, so I do not wish to take any extra time.

The CHAIR: Do you want to take it on notice?

The Hon. G.E. GAGO: No. I am advised that we do not have that level of detailed data. We may be able to derive that, but at present that level of detailed data is not available. I am certainly happy to have a look at what is available and bring that back.

The Hon. K.L. VINCENT: Looking at Volume 1, page 307, under the heading of 'Other provisions', I refer to the payment of workers at the Strathmont laundry.

The Hon. G.E. GAGO: That is not an area I am responsible for as minister.

The Hon. D.W. RIDGWAY: Are you able to take it on notice?

The Hon. G.E. GAGO: No, there is a process for questions to be referred.

The Hon. J.A. DARLEY: I assume the minister will have to take this on notice to the Treasurer. Referring to the Audit Overview, on page 44 of the Auditor-General's Report, Part C, State Finances and Related Matters, it is stated that:

> State taxation revenue, whilst revised down since the 2013-14 Budget, is expected to increase by 15.1 per cent by 2017-18 in real terms. This increase is due mainly to estimated increases in property taxes driven by increases in conveyance duty, the removal of general remissions on the Emergency Services levy and the introduction of a new transport development levy from 2014-15.

My questions are, given the very volatile—

The Hon. G.E. GAGO: Can I interrupt as a point of order; it is not usual that ministers for these committees take questions for other ministers in another place. It is not appropriate.

An honourable member: Sorry, it has happened in the past.

The Hon. G.E. GAGO: I am just saying that I do not believe it is appropriate.

An honourable member interjecting:

The CHAIR: The minister has made her position quite clear.

The Hon. G.E. GAGO: I am here to take questions about my responsibilities.

The Hon. J.A. DARLEY: I will ask it during question time.

The Hon. G.E. GAGO: Yes.

The CHAIR: The committee has concluded the examination of the Auditor-General's Report.

Bills

CHILD DEVELOPMENT AND WELLBEING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2014.)

The Hon. J.A. DARLEY (16:42): I rise to speak on the Child Development and Wellbeing Bill 2014 and to express my disappointment with the government over its insistence on refusing to

consider an alternative model introduced in this place by the Hon. Stephen Wade, which has the overwhelming support of members of this house. As honourable members would know, during the last sitting week, the second reading debate of that alternative bill was negatived in the other house with the support of the two Independents, the member for Frome and the member for Waite.

During her contribution, the Minister for Education and Child Development made it crystal clear that the government has no intention of supporting the bill proposed by the Hon. Stephen Wade and will instead press ahead with its own watered-down version of the legislation. One thing is clear: this attitude is yet another example of the government thinking that it and only it has ideas that are worthy of consideration, despite the numbers in this place.

For the record, my position remains unchanged; that is, I continue to support the model put forward by the opposition and, importantly, I continue to support the inclusion of investigative functions for the commissioner. During the debate in the other place, the government indicated that it had consulted extensively on this issue and that its bill is consistent with the feedback received from the consultation process. There are also a number of changes that have been made to the original bill that are said to reflect that.

However, I just want to highlight for the record that, based on the information I have received—and the Hon. Stephen Wade may be able to elaborate on this further—there are some stakeholder groups who have clearly indicated a preference for the opposition bill. If it was a choice between having a commissioner and not having a commissioner, then I am sure the government bill would be accepted. That said, the preference from the outset is clearly for a model consistent with the opposition's bill.

We have waited some 11 years since the Layton Report was handed down in 2003 for the establishment of a children's commissioner. During that time we have all heard of some horrific cases involving child abuse and neglect, and all too often they have resulted in the death of young, innocent and vulnerable children. Chloe Valentine's case stands out as the most glaring example. The government has the opportunity now to nip this in the bud and support changes that will hopefully go some way towards addressing some of the systemic wrongs that have seen children end up in these awful situations. I indicate, for the record, that I will certainly be supporting such measures.

The Hon. R.L. BROKENSHIRE (16:45): I rise on behalf of Family First to speak on the second reading of the Child Development and Wellbeing Bill 2014. As we know, the background is that the Hon. Robyn Layton QC first recommended that the Labor government appoint a commissioner for children and young people in her report in 2003. Over 11 years later, we still do not have a commissioner for children and young people.

Labor opposed giving the commissioner the full investigative powers of an ombudsman, and I am advised that other states that had this power have revoked it. Notwithstanding that, I and Family First believe that the ideal situation would have been an ombudsman for education and children; however, we could not get the support for that, so we clearly have to deliberate on which piece of legislation we now support.

This bill creates a commissioner for children and young people, a child development council to develop the outcomes framework for children and young people, and the power for the child development council to create committees. I would like to talk about concerns about the bill. It is a ministerial appointment for a commissioner: the minister recommends, and the Governor appoints. It appears not to be transparent or independent at all; that is, the government amendment specifically states that the commissioner is independent, but the recommendation of the minister to the Governor calls into question independence.

Members of the child development council are nominated by the minister and appointed by the Governor. The minister may—and I highlight the word 'may'—call for nominations from any non-government organisation that the minister considers should be represented. In relation to the annual report, the government amendment provides for an annual report but does not codify what information should be included, unlike the Liberal bill, which is actually clear in its direction. A minister can exempt someone from being required to give information to the commissioner and the council. The minister has the blanket authority and is not required to give reasons. There is no appeal process for denied decisions, and this certainly does not look independent.

I would like to talk briefly about the differences between the Liberal bill and the government bill. The Liberal bill explicitly stated that the commissioner is independent. That is something that Family First have been very strong on, and that was one of the compromises whereby we were prepared to look at supporting, and indeed did support, the Liberal bill. That was because it did give the commissioner absolute independence, and this was always Family First's intent with respect to the commissioner (or the ombudsman, which we would have preferred).

The government does not mention independence at all; however, the amendment now does. In fact, I know that not long ago in the media, the government, through the relevant minister, was publicly saying why the commissioner should not be absolutely independent when it came to inquiries, and independent in the absolute sense of assessment of individual situations that were reported to the commissioner.

Under the Liberal bill, the removal of the commissioner must be ratified by both houses of parliament. Both houses must also be notified of suspension of the commissioner within seven days. If after 20 sitting days neither house has presented an address to the Governor requiring the commissioner to be restored, the commissioner will be removed from government whereas, with the government bill, the Governor can remove the commissioner.

A third point I would like to put forward is that, with the Liberal bill, the commissioner chooses their employees and they are deemed Public Service employees; however, with the government bill the government allows the commissioner, with approval from the minister, to make use of public servants.

Another difference between the Liberal bill and the government bill is that with the Liberal bill the commissioner has the power to investigate, as I was saying earlier, individual matters and systematic matters. Powers include: taking evidence under oath, entering land or premises, requiring a person to attend or produce information/documents, and retaining documents for a reasonable time, but with the government bill they are opposed to investigative powers in the Liberal bill and the commissioner has the function to inquire into matters as a systematic level. However, the bill has limited powers to affect the inquiry, for example, requiring the production of information the commissioner requires for the performance of their function.

The next point we noted when looking at the two bills and in my second reading speech comparing the bills—because at the conclusion of my second reading speech I will say where we specifically have concerns on what the government is doing—is that the Liberal bill gives the commissioner the power to refer a matter for further investigation to specified agencies, such as the Ombudsman, State Coroner, Police Ombudsman, Child Death and Serious Injury Committee, and others.

Some time ago the minister arranged for me to meet with the Child Death and Serious Injury Committee and, whilst I acknowledge and appreciate the good work that they do and their passion for this very sensitive and difficult area, I note that the two members I met had some frustration that the government just simply did not seem to take as much notice of the recommendations as they should, and my understanding is that, unfortunately, with the way it is structured they do not have to take absolute notice. Regarding this matter, the government is silent, but the bill does not provide this option.

I cannot understand why you would not give the commissioner power to refer a matter for further investigation, especially given that the last select committee we had looked into the very sad and serious situation in the western suburbs, and that has now been through at least some of the court procedures, where it was clear that there were a range of mistakes and a lack of policies and protocols on how matters were referred between just the Education Department and the then minister Weatherill's office when he was Minister for Education.

I do not understand why you would not give the commissioner power to refer matters for further investigation to those other agencies. When you look at the Liberal bill it is required to furnish an annual report to both houses, so there is actually some accountability to parliament. It requires information on the number and general nature of:

- complaints received;

- complaints investigated;
- referrals;
- prosecutions and disciplinary actions from investigation;
- public statements; and
- recommendations.

The government bill is silent on an annual report. Whether or not the opposition are going to move some of their amendments we will wait to see when—

The Hon. S.G. Wade: They are down.

The Hon. R.L. BROKENSHIRE: Right, I need to go through more of that and I apologise for that, but as colleagues know I am solo at the moment.

The Hon. S.G. Wade: They have only just been filed.

The Hon. R.L. BROKENSHIRE: Right, I am trying to keep on top of everything with a colleague away and I do not have the luxury that a minister has of 20 or 30 people looking after everything from filling their fridge with Zero Coke, orange juice and water—

The PRESIDENT: The Hon. Mr Brokenshire, can you stick to your speech please?

The Hon. R.L. BROKENSHIRE: Yes, sir. Sir, you do know the luxuries of being a minister, but I will get back to this. I am not jealous at all. I would rather just battle away with a couple of workers. Anyway, the government bill is very silent on an annual report. Amendments require the production of the report before 30 September and require the report to be laid before both houses within 12 sitting days, but there is no specific requirement as to what is to be included in the report. I find that strange because, in my opinion, all the parameters for the role of the commissioner should be set down in the legislation when it comes to things like reporting processes.

In the Law Society's submission on the bill, the society has indicated that it has not been consulted regarding the amendments and that the government does not intend to consult them, which I find interesting. Governments like to pick and choose when they want support from the Law Society and, at other times, they do not worry about them.

We understand that the Law Society's concerns are that the government commissioner is not independent and, to be effective, the commissioner must be independent and this needs to be expressly provided for. The Law Society is actually on the same page as the opposition, Family First and probably the rest of my crossbench colleagues, I assume. They commented that, without adequate resources, the commissioner would be ineffective. What is the point in having a commissioner if you do not resource the commissioner, unless you want a Clayton's commissioner? It would be good to get some answers on that.

The commissioner has no powers to advocate for children and young people on either an individual or systemic level by investigation on its own initiative and no power to actively intervene or compel information from others. This leaves the commissioner with little to no power or authority, and this will render the role ineffective. That is my understanding of the summing up of the Law Society's assessment of the legislation and it actually concurs with my own concerns about the bill.

The Law Society goes on to say that the bill only allows the commissioner to monitor state authorities, trends and complaints. The commissioner should have the power to conduct inquiries or reviews into matters involving breaches of children's rights. This is an integral function of the role. It enhances the commissioner's power to influence action by state authorities and hold them to account. In its current form, the commissioner will have no such power.

The final two points are, firstly, that the bill gives a new power to the minister to exempt a person or body from giving information to the commissioner under clause 19(4) which will have little impact on changing the culture of the Department for Education and is unlikely to encourage the disclosure of information and, secondly, that the role should be more than a monitor of the government's child development agenda.

I totally agree with those remarks. It is sad to say that, when I wanted to take a delegation of people who had concerns about child protection to meet with the minister, I was requested to attend by myself in the first instance. When I got there, the minister had plenty of people around to shield him. That is the minister's call, but I just feel that, every step of the way, sadly, this government has had to come kicking and screaming on the whole issue around children's rights and child protection and the integrated rights of the parents and extended family of children.

By comparison, when I was calling for a select committee, which is now occurring, I was told that I was using children for political benefit, which I found disgusting. I had constituents coming to me raising these issues and files like I have never seen, and it has been increasing year in, year out over the last few years. But that is what I was told, and then when the media continued their push this time, as against the last time when the media were not so interested, all of a sudden we have a royal commission. That really is, in all honesty, how this government seems to progress, if you can call it that, on these issues.

Based on what we will hear in other second reading speeches, we will discover whether the Legislative Council is going to support this bill, which I think is a fairly ineffective bill, if we are serious about what is the most important matter in the state, and that is the development of our children and, importantly, the wellbeing of our children. We will have to assess what the chamber has to say.

We did have a chance for a multipartisan approach to this, which I would love to have seen just for once, whether it be with a crossbench member or an opposition member with a private member's bill. It rarely happens. In the nearly 20 years I have been here I have not seen it happen a lot, but there was an opportunity for multipartisanship for the best possible outcomes.

There was a bill, that was stronger than this bill, that was put before this house and passed by an absolute majority. It went down to the lower house and was effectively defeated as the government used its numbers, including its latest two what I call Labor ministers they have put into the team. It should have been multipartisan, but what I will say now is, because it is not multipartisan, at this point in time we have not had the chance to not only get the best outcome in legislation, but actually build a better ethos for something that I am sure, deep down, we all desire, that is, the protection and wellbeing of our children.

It is going to get down to the committee stage now. Clearly, we are not going into committee today, but I advise the government that Family First will be looking to support amendments and/or move amendments that address the issues that I have raised on behalf of Family First in my second reading speech, and that we will be looking to give this commissioner the strongest powers possible, so that she or he will be able to do their job without having one hand tied behind their back.

After taking 11 years to get to a situation where we now finally have a bill we are debating, let us get it right for the long term. There are a lot of people out there who are lobbying our party, and I am sure other parties and individual members of parliament, who want that independence, who want those teeth, who want those proper investigative powers.

The government has given me no strong argument whatsoever as to why they should not and will not support that. We will be looking to closely support those amendments that go down that track. At this point in time, so this is not spun in the wrong way by the government when they want to attack us if indeed we do not support the third reading of this bill, I put the government on notice that we will have to consider whether we support the third reading of this.

I do not want the government turning around and saying that we are not absolutely focused on the protection and wellbeing of children, because we are 100 per cent committed to that, but we want to see a piece of legislation that ensures that that occurs. In conclusion, I do not believe that this government bill goes anywhere near ensuring that that will occur.

The Hon. S.G. WADE (17:02): I thank the house for facilitating me speaking at this stage. Childhood and youth are two of the few experiences that all of us in this chamber share. We have all been children. Some of us have been blessed with the privilege of raising children and grandchildren. We need to remember the sense of wonder and the power of imagination. We need to remember the excitement of a world of possibilities. As families, as communities and as governments, we need to do everything we can to support children to develop so that they can grasp life's opportunities.

This bill is a step towards strengthening the public sector and community contribution to the development of children and young people across a range of domains: health, education, training and so on. Much of the debate on the bill, I expect, will be focused on to what extent the commissioner should have functions and roles, but I think it is important for us not to lose sight of the worthy broader objective that we see children and young people as whole people who deserve the full support of the whole community in their holistic development.

As I said, do we remember the sense of wonder of being a child and a young person? Do we remember the power of imagination and the excitement of possibilities? For many of us, they are becoming increasingly distant memories. Fundamentally, we have all left childhood behind, and we have all made the transition to adulthood. Do we also remember the vulnerability that children and young people experience? Do we remember the trauma of breaches of trust, and do we remember the harm that can be done?

All too often adults look down on children. We decide what is best for children and young people, often beyond the time when they have the capacity to make their own way. The dark reality is that individually and collectively adults often cause harm to children; we let their interests take second place to those of the adult world and adult institutions. Our institutions, even institutions created to care for children and young people, have often brought them harm.

I am sure that all members of this house are committed to the positive affirmation of child development and wellbeing, and the Liberal Party certainly associates itself with the aspirations of the bill in terms of supporting children to develop. However, we do consider that the government is recklessly blind to acting to minimise the risk of harm to children by putting in place an advocate who can stand up for children. The government did not want to have a commissioner for children and young people, and I am concerned that this is the commissioner you have when you do not want to have a commissioner. It is too timid.

If we have recognised the failure to properly respond to the abuse in the western suburbs school, if we have seen the failure of the system to learn the lessons from the Chloe Valentine case, if we have seen the failure of Families SA to maintain appropriate screening of people working with children, surely we know that children and young people of all members of our community need a voice—a strong voice—to advocate for their interests against the strong interests of the adult world. I indicate that the Liberal team in the Legislative Council will support the Child Development and Wellbeing Bill, but only with significant amendments to ensure that children and young people get such an advocate—an independent, effective children's commissioner.

I think it is apt that this debate is the first debate on the first day since the Labor government renewed its efforts to downgrade the Legislative Council. The government shows itself to be trenchantly slow in understanding the modern reality of this place. This council is not merely a house of review rooted in the 19th century. It reformed in 1973, and it legitimately asserts itself as a fully fledged member of the parliament, bringing its own broader mandate. This council provides a less institutional perspective; it looks at issues one step removed from the defensive stance of a house controlled by the government.

Our position (that being the position of this council) on this bill is not a thought bubble of the upper house's imagination. An independent, effective children's commissioner has been consistently demanded by the community and the sector; an independent, effective children's commissioner was endorsed by a majority of South Australians as part of the Liberal team policy set at the last election; an independent, effective children's commissioner is supported overwhelmingly by the non-government members of this place who, collectively, drew two-thirds of the vote in this council at the last election.

This council does not merely proofread bureaucratic drafts. We assert the right to apply the wisdom of community consultation and our two popular mandates. Every child has the right to a safe, loving environment in which to grow. Families, government and the wider community need to work together to ensure that children and young people are given the best possible chance in life. We have before us a key opportunity to improve the child development and protection framework in South Australia by establishing a commissioner for children and young people. As I said, it is a fulfilment of a Liberal Party policy commitment of the 2014 election, which stated:

We will move quickly to appoint a Commissioner for Children and Young People with investigative powers, to escalate child protection to the top of a Marshall Government agenda and advocate for the rights of all children and young people in South Australia.

In our view, the commissioner will help our state ensure that child development is systematically and effectively pursued across government, in particular in health, education and family services. We need a champion for the rights of children and young people, an advocate they are able to engage with and who will focus on their development and wellbeing alone.

The appointment of a commissioner is long overdue. The Hon. Robyn Layton QC first recommended that the Labor government appoint a commissioner for children and young people in her report, the state plan for child protection, in 2003. Over 10 years later, despite numerous platitudes, the Weatherill Labor government is yet to establish a commissioner for children and young people. For a good portion of this time, Premier Weatherill was the relevant minister who failed to deliver. South Australia was the only state in Australia that did not have a commissioner for children and young people.

In 2012 the Labor government released a discussion paper on child development legislation proposing an advisory council and formal community networks. Neither the discussion paper nor a draft bill released in July 2013 provided for a commissioner. When the Debelle report was released in 2013, the government said that it would establish a commissioner for children and young people and that it would do so by the end of 2013. That commitment was not met.

The consultation response was so strong in favour of a commissioner that the government at the last moment committed to having one, but still it was not what the community was wanting. The community strongly said that they wanted the commissioner to have investigative powers. The government did not fulfil its obligation to introduce a bill by the end of 2013, nor did it act when the parliament was formed after the general election earlier this year. So, on 21 May 2014, I introduced a bill into this place, the Commissioner for Children and Young People Bill 2014. In that sense, it was the first bill that had actually been tabled in the parliament which sought to establish such a role.

I have acknowledged in the past that the bill drew heavily on the government's last draft bill, which was dated 3 October 2013, but it focused on the children's commissioner proposal. We, if you like, were agnostic about the other elements. As particularly the Law Society argued, there would be value in having a freestanding piece of legislation dealing with the commissioner for children and young people. We appreciate that perspective. We put our private member's bill in with that focus. I do not regard it as essential, so we will obviously be moving amendments to this bill to establish the role as part of the bill.

The children's commissioner bill was passed by the Legislative Council on 6 August 2014, and I thank the crossbench members of the council who supported the bill so strongly on that day and since. My leader introduced the bill into the other place on 25 September. The government, supported by the member for Frome (the Hon. Geoff Brock) and the member for Waite (the Hon. Martin Hamilton-Smith) defeated the bill on 16 October 2014.

The bill before the council today started its journey in the other place parallel to the Liberal commissioner bill. The government bill was tabled by minister Rankine on 19 June 2014. For those who remember the day, it was of course budget day 2014. When a government tables a bill at the tail end of budget day, it is no sign of a government proud of its proposal.

As a result of the long gestation period of the proposal for a commissioner, the consultation on the government bill, the consideration of the Liberal commissioner bill and already the consideration of this bill in the other place, I think it would be fair to say that this is one of the most considered pieces of legislation that we have turned our mind to, so I hope that an informed debate can lead to a quality debate.

I would like to turn now to highlight the key points in which, in my view, Labor's proposed commissioner is inadequate and the flaws, if you like, that the opposition intends to suggest be addressed by way of amendment.

The first point is that of independence. The commissioner under this bill, in our view, will not be truly independent, and the commissioner needs to be independent to be able to fully safeguard the rights and best interests of children and young people. As the Hon. Tammy Franks has put it,

their commissioner would be acting (in that context she is referring to the Labor proposal) in the government's interests and would be seen and not heard, which is the exact opposite of what children and young people need in this state.

I would like to highlight three aspects of independence. The first is independence in appointment. The children's commissioner bill supported by this chamber and defeated by the other place provided for the independence of the commissioner through a transparent appointment process managed by a selection panel. The Liberals continue to support such a process, and amendments I have filed this afternoon reflect that. Secondly, we believe it is important that the commissioner have independence in their operation. In particular, we will have amendments that propose that the commissioner be able to engage their own staff.

I understand that the government is reconsidering the provision in the bill in relation to the minister's power to direct, and I would certainly encourage them to continue to consider it, because we do not believe it is appropriate that the minister have any power of direction over the commissioner, no matter how limited. In that regard I note that the guardian for children and young people bill did not provide a similar power of direction in relation to the guardian.

In terms of independence, I believe a third aspect that needs to be strengthened in this bill is independence in terms of, if you like, the security of the post, the tenure of the position. The government bill proposes that the commissioner be able to be dismissed by the government alone. It is the opposition's view (and it has been the view of this council in relation to the commissioner private member's bill) that the commissioner should only be able to be removed by a motion supported by both houses of parliament.

Another key contrast between the Liberal proposal reflected in the amendments I have filed and the government bill is in terms of accountability. The amendments require accountability of the commissioner to the community in that they require the commissioner to develop a community engagement plan and to particularly consult with children and young people but also parents, family carers, relevant peak bodies and non-government organisations. It is not proposed that a plan, a prescribed form of consultation, be laid down in the legislation, but there were certainly strong views, particularly from the child development sector, that consultation with children and young people about services and policies that affect them was vital.

So we propose that the requirement be put on the commissioner to develop a community engagement plan within their functions and that the commissioner be required to report against the plan in the annual report. In that sense the commissioner is accountable to the community in terms of what constitutes an appropriate level of consultation with children and young people and related parties in terms of the development of the community engagement plan but also that they are accountable to the community in terms of how they have implemented that plan.

Secondly, with the amendments I have filed today the commissioner would be accountable to the parliament. They are required to produce an annual report, including some specified information. I acknowledge the point the government has made in this debate as it has progressed that there are general requirements for annual reports in the public sector, but one of the key points I would make is that the specificity of additional information that my amendments foreshadow and which were put by my colleague the member for Adelaide, Rachel Sanderson, in the other place, go beyond merely requiring that a report be tabled but require that they provide specified information.

Accountability is also built into the amendments in the form of accountability of the government to the parliament in response to the commissioner's reports. If my memory does not fail me, I seem to recall that this element of accountability was proposed by the Greens. I believe the Hon. Tammy Franks, if you like, added edits of the conversation. I am certainly of the view that if the commissioner is to truly afford children and young people a voice in decision-making and to identify systemic issues that affect them, and for those issues to be not just seen by a figurehead commissioner, it is important that the government responds.

The Hon. Tammy Franks put that case strongly, and it is essential that government ministers respond to reports on issues of concern and the action they have taken. It is a mode we have in relation to other key positions, such as the Coroner and, considering that, particularly in the enhanced form of the commissioner proposed by the amendments, I believe it is doubly important that the

government responds. Recent disturbing child protection incidents in South Australia highlight that the risk to children and young people increases when the government fails to put in place appropriate processes to ensure transparency and responsiveness in the protection of children and young people.

The third, and undoubtedly the most substantial difference between this bill and the Liberal model, is the extent of investigative powers. There had been a range of child protection failures under this government and inevitably this bill is being considered in the context of these cases. One such case was the case of Chloe Valentine. Chloe was a four-year-old child in the custody of her mother and her partner who proved to be criminally irresponsible.

The Guardian for Children and Young People could not look at the case because the child was not in care. She was certainly at grave risk, but she was not in care. The Families SA adverse outcomes events committee and the Child Death and Serious Injury Review Committee are both, fundamentally, desk-top reviews of departmental documents, so much so that the Families SA adverse outcomes events committee was able to complete its work without even interviewing the family.

In relation to the Child Death and Serious Injury Review Committee, of course—and appropriately—they will not be able to consider the matter until after the Coroner's review is completed. Again that highlights, I believe, the problems with our processes where insufficient action is being taken to learn the early lessons that could be learnt to try and reduce the risk as soon as possible. Thankfully, the Coroner has seen fit to undertake an inquest, and that is underway at the moment. But for two years after Chloe's death her family was not engaged to seek their perspectives on the case.

I stress—and I am sure I need to stress this time and time again as this bill progresses—the commissioner, as is envisaged by the Liberal amendments, will not replace these bodies, but with a full investigative power and a broader scope, we believe the commissioner will be able to complement the established institutions and consider the value of an investigation and the particular circumstances of each case.

The family of Chloe Valentine strongly supports a commissioner with investigative powers. They appreciate that a commissioner will not investigate Chloe's situation, because it has already been the subject of a Coroner's inquiry, but they are very supportive of steps that can be taken to provide children in the future with a systems advocate with real teeth, with a real opportunity to shine the light on how our state can do better at protecting and developing our children.

In terms of investigative powers, I thought it would be useful to pause and consider the arguments put forward by the Law Society and by the Australian Medical Association. The letter from the Law Society is dated 23 July 2014 and was a letter commenting on the Commissioner for Children and Young People Bill 2014, the bill that has already passed this place but was defeated in the other place. It reviews the comments on the section that dealt with investigations and made the following comments:

> The ability to assist individual children can be important for a number of reasons.
>
> - it enables the Commissioner to ensure that the rights of children are honoured individually;
> - it enables the Commissioner to gain vital knowledge about what policies and legislation are not working on the ground; and
> - it enables the Commissioner to prioritise his or her policy work and where the Commissioner should direct his or her reviews.

In addition, authorities will tend to be more cooperative and responsive to an approach from the Commissioner's office in these circumstances rather than if parents and children had been required to go through a traditional complaint system. From a resources perspective the process will often involve the Commissioner's office getting other bodies to do the job of review and investigation with the Commissioner's office overseeing the process which is a far better use of resources.

If the complaint does not fall within an established statutory complaint system and raises a broader issue relating to children's rights, then the Commissioner can actively investigate the complaint. This approach would mean that from the perspective of the child or young person, the Commissioner remains their point of contact if they are unsure how to progress their complaint.

Similarly the Australian Medical Association, in a letter to the department dated 1 August 2014 in relation to the government's bill, said the following:

> We note also that in Part 4 section 16, there appears to be an emphasis on a 'monitoring role' for the Commissioner rather than an investigatory function. We share the view of the Law Society that the Commissioner should have 'the power to conduct inquiries or reviews into matters involving breaches of children's rights.' Any fettering of such investigative powers by ministerial directive or influence are unacceptable to the AMA (SA).
>
> Concern was raised by us previously about the potential that time invested in dealing with complaints (if this is part of the role) could take significant resources, which could detract from important non-complaints matters. While we believe the Commissioner should have discretionary investigatory powers we believe that it is appropriate for the Commissioner to prioritise selectively to improve the lot of children and young people.

Later in the letter it states:

> We would hold that the role of the Commissioner should not be a generic complaints service, nor an external body called upon to review the actions or omissions of a government department in a specific matter. We would contend that rather, the Commissioner needs freedom to investigate issues either through individual case studies or, better still, a range of cases. We would be concerned if a complaints element were to prejudice other aspects of the Commissioner's role.

The AMA's letter foreshadows an element which I will address in a moment which is the issue of the Labor Party's criticism of this as a duplicating complaints mechanism. I will turn to those remarks shortly.

In terms of government criticisms of the bill, the first one that I would like to address is the claim that the Liberal amendments are not reflective of the consultation. That is clearly not the case. The Liberal bill and a number of the amendments filed on this bill are based on submissions that were made in the consultation of the government's own consultation process in 2013.

The overwhelming tenor of those submissions was to criticise the government for not including in the discussion paper a proposal for a children's commissioner. The government bill that was dated 3 October 2013 had a commissioner but it did not have investigative powers, and a recurrent theme in the response was that the community wanted the commissioner to have investigative powers. The community determination for a full-blooded commissioner with investigative powers has been supported by both the Liberal members and cross-bench members of this place.

Further, in the House of Assembly the Labor Party criticised the Liberals for focusing on the children's commissioner only and not supporting the broader child development and wellbeing aspects of the legislation. This is a straw man. We did not in the other place and we have not in this place proposed any amendments in relation to the other elements of the bill. Our filed amendments focus on the role of the children's commissioner because that is where we see the deficiency.

I do not underestimate Labor's capacity to bring to the model the dead hand of bureaucracy; but, contrary to Labor's misrepresentations, we do not oppose it, and we will hold them accountable to make sure that the outcomes framework and proposed council actually have a positive contribution to the wellbeing of children and young people.

Another aspect of the government's criticisms of our proposal is that we are proposing a 'mass complaints agency', if I can characterise their criticism in that regard. They assert that the focus on any individual complaints and grievances is contrary to Layton. The minister has claimed:

> The Layton report, in recommending a South Australian commissioner for children and young people, specifically excluded the functions of deciding individual complaints and grievances from the functions of the commissioner.

My response is: so do our amendments. In light of the House of Assembly debate, the Liberal opposition has taken the opportunity to underscore its determination that this commissioner would not be a mass complaints agency. As I have said to government representatives in the past, and has been stated in the house in the debate, we see this role as a systems advocate with investigative powers. It is first and foremost a systems advocate, and it is not intended that the person have a general complaints function.

The model, as reflected in the private member's bill and the amendments moved in the other place, specifically said that the commissioner may investigate matters and had other elements to

ensure that the commissioner was able to focus on systems issues. Our revised amendments, which I filed in this place this afternoon, underscore that doubly. For that matter, I would indicate to the government that we are more than happy to talk to the government to make sure that that systems advocate focus is retained.

We do not want to convert the children's commissioner from a systems advocate to an ombudsman. In fact, the Hon. Robert Brokenshire did me the service of highlighting his disappointment that it is not an ombudsman. In that sense, rare as it may be, I am standing with the government against the Hon. Robert Brokenshire in saying that the Liberal Party does not support a general ombudsman role in relation to the children's commissioner. As I said, we see this role as a systems advocate, but we believe that a systems advocate can be enhanced by having access to investigative powers.

In particular, the filters that the commissioner would apply under our amendments is that the commissioner would have the discretion to investigate a matter, the matter must be a matter of particular significance to children and young people, and it needs to be in the public interest. Even if the government was to believe us that this is not intended to be a general complaints body, the government also asserts, in the debate on this bill, that a systems advocate does not need investigative powers. To that, I would just refer the government back to the Guardian for Children and Young People. The Guardian for Children and Young People is a systems advocate with a focus on children and young people in care, and that position does have investigative powers. To support that point, I would quote the minister. The minister said:

> We have introduced many agencies to protect children. The Guardian for Children and Young People, for example, was not in existence when we came into power.

She goes on later in the statement to say:

> These are all bodies that have a role in investigating individual complaints, if you like.

And I agree. The guardian for children and young people, as a systems advocate with investigative powers, we believe is appropriate.

Another example of the systems advocate needing investigative powers is the Child Protection Systems Royal Commission. The commissioner obviously is operating under the Royal Commissions Act with all the powers that that entails. The commissioner issued a press release on 21 October 2014 entitled 'Child Protection Systems Royal Commission underway'. The commissioner kindly informed us about the setting up of her commission and the work that she was going to do. She mentioned:

> The Royal Commission has set a schedule for its work, which will include a series of hearings where evidence will be taken from relevant people. It is anticipated at this stage that the hearings will be in private, with a power to hold public hearings in special circumstances. Individual cases will not be investigated as part of the Royal Commission's work, except where they highlight systemic problems relevant to the Terms of Reference.

That is exactly the Liberal Party's position on this children's commissioner. We believe that the children's commissioner, like the royal commissioner into the child protection systems, should have the capacity and the freedom to look at individual cases to the extent that they highlight systemic problems relevant to their functions.

It is a shame that probably the majority of my speech is going to be a response to criticisms from the government, but that is the extent of the misinformation of the government's case, so I will persist. The government claims that the Liberal proposal is out of step with practices in other states. In the other place the minister has said:

> The Leader of the Opposition… mentioned that commissioners in other states have been granted individual investigative powers. What he failed to mention was that where these powers do exist they are in the process of being removed. No jurisdiction in Australia will exercise individual investigative powers for their commissioners or commissions. Queensland will be the last jurisdiction to remove these functions later this year.

My understanding is that in the ACT the commissioner can investigate and decide on complaints. In the Northern Territory they can investigate complaints relating to vulnerable children and have their own initiative investigative powers. Tasmania can investigate matters when requested by the minister, but perhaps the most relevant response to the minister's assertion is to refer to the case of Western Australia.

The government in Western Australia on 20 August 2014 released a review of the Commissioner for Children and Young People Act 2006, obviously a Western Australian act. Partly that review was in response to the Blaxell inquiry into St Andrew's Hostel special inquiry. That inquiry suggested that the commissioner take on a broad complaints function. In response, the review made the following recommendations:

Recommendation 12:

The Commissioner should be given appropriate powers under the Act to provide a child abuse complaints support function that consists of:

- education and outreach programs for children and young people about how to disclose any child abuse that occurs while they are in the care of a government agency or service provider;
- receiving complaints from children and young people, or adults acting in good faith on their behalf, about abuse alleged to have occurred in a government agency or service provider;
- referring such complaints to the relevant investigative authority/s;
- providing information and referrals to children and young people in relation to the support services available for victims of child abuse and their families; and
- monitoring the way in which government agencies deal with complaints of child abuse referred by the Commissioner or otherwise received by them.

The Commissioner should not have a role in investigating the substance of individual complaints that are received.

Recommendation 13:

That the Commissioner's jurisdiction in undertaking the child abuse complaints support function extend to 'government agencies' and 'service providers' as those terms are currently defined in the Act.

Recommendation 14:

That the Commissioner's jurisdiction in providing the complaints support function supplement and not duplicate the role of other relevant agencies in receiving and referring disclosures of alleged physical, sexual, emotional or psychological abuse and neglect.

Recommendation 15:

That the act be amended to provide a specific power for the Commissioner to refer complaints received in the course of performing his or her function to the relevant investigative or…government agency.

The Western Australian commissioner currently has an investigative function. An independent inquiry recommended that the commissioner become more involved in the complaints function, and a government response to that review suggests a less involved role for the commissioner. That report is currently out for three months' consultation, which will finish in August. It will then be for the Parliament of Western Australia to consider how it believes the relevant bill should be amended if it needs to be amended at all.

But our minister has come into this parliament and told us, as she did in the other place, that no jurisdiction will exercise investigative powers for their commission or commissions and that Queensland will be the last jurisdiction to remove these functions later this year, when in fact the ACT, Northern Territory, Tasmania and Western Australia currently have those functions. In terms of Western Australia's review, it is currently still unclear what direction Western Australia is going to take and yet the minister, together with a range of her backbench colleagues, baldly asserts that we are somehow out of step with the rest of the nation.

The fact of the matter is that this government has been recalcitrant in accepting the recommendation of Justice Layton in 2003 to establish a commissioner. They continue to resist it and, in that regard, they are willing to spin facts how they like. I note also that the National Children's Commissioner saw fit to make positive comments about the government bill. It was interpreted by some as a criticism of my bill, but I was assured by the commissioner that she has not seen my bill. In that regard I do note that the Australian Human Rights Commission, of which the National Children's Commissioner is a part, does have investigatory powers.

In relation to the relevance of investigatory powers, I do find the government's position from time to time confusing because, whilst it is generally the position that they assert that a systems advocate does not need investigative powers, from time to time we have the minister asserting that

the commissioner can undertake investigations. If that is the case and if the minister is truly of the view that individual cases can be investigated rather than just considered as part of a systems review, then why is she not willing to sit down and talk about the content and form of those investigative powers?

It is the Liberal Party's view that, more than any other state, we need a strong commissioner. In spite of significant attention to child protection and development over the last 10 years, which the government likes to recite incessantly, the government has to acknowledge that we are encountering repeated major issues with our child protection and development system. We believe, in that context, it is likely to be even more important that we have a commissioner with investigative powers, not a commissioner with fewer powers.

Another criticism that the government makes in relation to our proposal is in terms of cost. The government likes to talk about the cost of the Queensland commissioner being at $42 million for the 2012-13 financial year but, in the other place, the minister likened the opposition model to the Western Australian model. The Western Australian Commissioner for Children and Young People, which does have investigative powers, in 2013 showed that their budget was $3 million.

Why the disparity? The disparity is because the Commissioner for Children and Young People in Queensland is a significantly enhanced model compared with that of other states and territories. My understanding is that they run the community visitors scheme, they are involved in police checks and they also have a broader complaints function. To the extent to which it is possible to compare models and proposed models, I would think there would be reason to believe that the model proposed in the amendments that I have filed today would take us much closer to $3 million rather than $42 million.

The government also asserts that our amendments would duplicate and undermine the functions and expertise of other bodies, particularly the police force; that is not the case. The amendments specifically prohibit the commissioner from investigating a matter where somebody may have committed a criminal offence. We specifically require the commissioner to respect police investigations underway, and there are significant provisions for matters to be referred.

I acknowledge the concerns of stakeholders, particularly YACSA, the Law Society and the AMA, that for a commissioner to be effective they need not just functions and powers, they also need resources. We would expect that the government would appropriately resource the commissioner when it is appointed.

The member for Morialta, John Gardner, expressed his concern in the other place in relation to some comments made by the Premier. He said the Premier had said on television that, if the opposition's bill or amendments are preferred by the upper house, there will be no children's commissioner. The member noted that that flies in the face of what the Premier has been saying in recent times about everything being on the table in the context of the establishment of the royal commission. The Premier has repeatedly said that he is open to a whole range of options, particularly through the process of the royal commission.

If everything is on the table to improve the child protection system in South Australia, then how can he say that the opposition's amendments to a government bill are completely unacceptable, and threaten to pull the whole proposal? His government has stood in the way of a children's commissioner now for over 11 years. The nature and form is open to debate, but for an arrogant government, 12 years in office, to say, 'It is either our proposal or no proposal,' I believe is not an appropriate approach. It is certainly not what the South Australian community expects of a parliament and an executive which is entrusted with doing what it can to improve the support for children and young people.

With those remarks, I indicate that I look forward to the committee stages of the bill, whether they are later this week or next. That will give us an opportunity to look in more detail at some of the amendments that the opposition is putting forward.

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

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING FOR DISEASES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 October 2014.)

The Hon. M.C. PARNELL (17:49): In speaking to the second reading of this bill I would like to put on the record a number of serious concerns that have been communicated to me by a number of organisations—primarily health organisations, but also the Law Society. The purpose of the bill is to provide for blood tests to be carried out in certain circumstances where a police officer has come into contact with the bodily fluids of another; in particular, where a police officer may have been spat upon. Spitting on police officers—in fact, spitting on anyone—is a pretty despicable act. It is an assault and it is punishable, and so it should be.

The object of this legislation appears to be to try to keep police officers safer, or to at least calm any concerns they might have that, as result of being spat upon, they might contract some disease. I note that the government bill is confined to police officers. There are a number of amendments on file, and an amendment from the Liberals extends the range of victims (if I can use that word) to firefighters (MFS and CFS), SES volunteers, ambulance workers (whether paid or St John volunteers), surf lifesaving officials and volunteers, and emergency ward workers in hospitals. These are categories of people whose services we rely on, whose work we applaud, and who we want to keep as safe as possible. The Hon. John Darley has an additional extension to the list, adding licensed security agents—again, people we rely on to keep us safe.

I might say, at this stage, that in terms of the politics, or the optics, of these amendments and the bill itself it is good for members of parliament to be out there reminding people in these jobs that we support their work, that we are batting for them. These are all groups that play a vital role in our society and we want to keep them as safe as possible, just as they keep us safe. However, I think the threshold question that we have to address is whether this bill does keep these workers safer. Will it give them peace of mind, and will it advance community understanding of communicable diseases? The overwhelming response I have received so far from the Law Society and from health bodies is that it does not achieve those ends.

If I start with the Law Society's submission, they make the point that state-authorised invasive procedures, such as blood tests, should be limited to occasions where they are strictly necessary—for example, for the proper investigation of a serious offence. They say that parliament should be slow to introduce mandatory forensic procedures such as those proposed in the bill. They point out that there appear to be adequate safeguards in relation to the misuse of this biological material (and when I say 'misuse', that means using it for a purpose other than detecting whether a disease is present). The Law Society seems to believe that the safeguards are in place, and wants to make it very clear that it would be unacceptable for this material to be used as evidence in legal proceedings.

When we get to the committee stage I will pose more questions around that; in particular, whilst the material itself has to be destroyed, whether any results that come from testing that material also need to be destroyed or whether we will find that people have, on police files, records of their disease status (or lack of) that was contained in their blood at the time the tests were taken.

When you look at the submission from the Australasian Society of HIV Medicine, they again make the point that they support police officers (as we all do), but they are concerned that this legislation would ultimately run contrary to the purpose of protecting police officers. They make the point that hepatitis C and HIV cannot be transmitted through contact with saliva. They point out that there are national guidelines and practices that protect people who may have been in a position to contract a blood-borne virus. They say:

> This proposed legislation would confuse the current best practices and standards within the South Australian jurisdiction and result in misunderstandings of risks, increased anxiety amongst officers and the public and ultimately potentially put officers and their families at greater risk.

So I ask the minister, when she concludes the second reading of this debate, to address the concerns of the Australasian Society for HIV Medicine. I understand that all members have that

communication. Hepatitis SA makes the point that the risk of contracting HIV or hep C via saliva from a positive source is zero, even if it ends up in the recipient's eyes or mouth or even via bites that break the skin. They say that the risk of contracting hep B via those same methods is very low, and police officers and emergency workers are generally vaccinated against hepatitis B and hence would be at no risk of contracting hep B. Hepatitis SA states:

> The legislation is a total contradiction of the first principle that guides the national testing policies for viral hepatitis in Australia which states that testing should be confidential and voluntary, with informed consent.
>
> Hepatitis SA believes the proposed legislation will only serve to foster discrimination against all people with blood borne viruses while providing little real benefit (and indeed may cause harm) to police officers and emergency workers, and their families.

Similar views were expressed by Positive Life SA. They say that this legislation will reinforce inaccurate information about HIV transmission and will fuel irrational fears amongst police and the general public. Positive Life SA states:

> Positive Life SA requests that the government withdraw this amendment and undertake a comprehensive investigation into effective and appropriate strategies for safeguarding police officers from abusive behaviours by a minority of the general public.

I think the one area on which everyone in this parliament will agree is that our police and, I think by extension, a range of other vocations that are sought to be included within the umbrella of this legislation are all activities that we want to support. As I say, we want to keep them safe as they keep us safe, but the Greens have serious concerns about whether this bill is the way to go and whether it will in fact achieve the objective of keeping our police safer. With those words, we look forward to the minister addressing the concerns that were raised by the organisations I have mentioned and to the committee stage of this debate.

The Hon. J.A. DARLEY (17:58): I rise to speak on the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill. Those members who have been here long enough will recall that in 2007 my colleague Senator Nick Xenophon introduced into this place the Summary Offences (Medical Examination of Suspects) Amendment Bill. In short, that bill provided that, where a person believes that as a result of the commission of an indictable offence he or she may have come into contact with bodily fluid from an offender, the person could request that a person arrested on suspicion of the offence be subject to a medical examination.

The rationale behind the bill was that requiring an offender to undergo a medical examination would go some way towards overcoming the anguish and uncertainty that an affected person would otherwise encounter as a result of having to wait some three to six months for blood tests and results. It arose as a result of lobbying by a representative of licensed security agents who was exposed to blood in his face and mouth in an incident with a patron at a city hotel.

When the agent approached the police to ascertain whether the patron had any blood-borne diseases, he was advised that there was no requirement at law for a blood test of the patron to be taken, and that he would have to wait 12 weeks, the same as police, to find out whether he had an infection such as HIV or hepatitis C. Although the bill before us is much more restricted in scope than what Senator Nick Xenophon initially proposed when he was a member of this place, it goes without saying that I am supportive of it in principle.

As recently as last Friday, in an article entitled 'The violent, traumatic reality of our hospitals', *The Advertiser* reported that alcohol-fuelled attacks on doctors and nurses by intoxicated patients are now a daily occurrence in Australian hospitals. The article reported that doctors report being knocked unconscious by drunk patients, and pregnant nurses have been physically threatened, with staff saying that spitting, punching and kicking are all common occurrences.

According to a study by the Australasian College of Emergency Medicine, a startling 93 per cent of Australian emergency department staff have been physically assaulted or threatened by drunk patients, and 98 per cent have been verbally abused. Sydney's St Vincent's Public Hospital's Professor Gordian Fulde, the longest-serving emergency department director in the nation, who runs what he calls 'the most alcohol besieged emergency department in Australia', says that the incidence of being abused both physically and verbally has become a daily occurrence, and people come into hospital totally out of control. He states:

> Of course we've been punched. Of course the security people get hit and there's blood and things like that.

The Advertiser article also reported on a submission to the Alcohol Harm in Emergency Departments Project, in which a female nurse stated:

> I've been verbally threatened and physically assaulted, pushed, punched, spat on and bitten. I have been threatened in our hospital car park.

In that same submission a doctor stated that he was assaulted and knocked unconscious by an intoxicated patient.

There is no question that the subject of this article is part of a much larger problem, namely, the impacts that alcohol-fuelled violence is having on our community and on the resources of our hospital emergency departments, especially when this results in otherwise unnecessary treatment delays for other patients. That said, it also demonstrates very clearly why it is that we need this legislation. It is not acceptable that any person should be the subject of physical or verbal abuse. It is certainly not acceptable that nurses, doctors, ambulance officers and security guards are subjected to punching, spitting and biting in the course of carrying out their duties.

These people are at the front line of our emergency services; they do an amazing job saving people's lives. The least we can do is offer them some peace of mind when things get out of hand and they are subjected to assaults and exposed to the risk of disease. I can relate to this issue because my niece, who is a surgeon, was attacked by a patient while trying to administer medical treatment. She was aged 35 at the time. The patient who attacked her was HIV positive. She went through an agonising four-month wait before being given the all clear. It was the longest four months of her life. It was an agonising period for all of us.

There is absolutely no reason why this bill ought to be restricted to police officers, and as such I will support the opposition's amendments to broaden the scope of the bill to include emergency workers. I foreshadow that I will also be moving amendments that would add licensed security guards to the list of prescribed individuals who will benefit from the legislation.

I note that Hepatitis SA and Positive Life SA have written to all honourable members, urging them to reconsider the government's bill on the basis that it will be counterproductive and will only serve to foster discrimination against all people with blood-borne viruses, while providing little real benefit to those it is seeking to assist, namely, police officers. I acknowledge the concerns raised by these organisations and I appreciate the challenges in finding an appropriate balance between someone's right to confidentiality and informed consent on the one hand and mandatory testing on the other.

I appreciate also that there have been instances in which police officers have misinterpreted a person's physical or mental disability as signs of intoxication, and that in some cases this has resulted in unwarranted altercations. This is clearly unacceptable, and more needs to be done to ensure that our police officers are able to identify the difference between a disability and intoxication.

That said, the bill is not targeted towards those individuals. It is clearly intended to deal with those individuals who are threatening and abusive and who use physical force, or demonstrate other inappropriate behaviour, to cause harm to police officers and emergency workers, in some instances exposing them to potential health risks.

In principle, you would expect the same treatment if you were caught driving under the influence of alcohol or drugs. As honourable members are aware, the Road Traffic Act provides police with the ability to require a driver to undergo a blood test in instances where they have submitted to a breath analysis or a drug screening test and the results of those tests indicate a presence of alcohol or drugs.

Now I appreciate that in those instances the testing is not done for the purposes of establishing whether an individual is a carrier of a blood-borne virus, and that is where these organisations' concerns rest, but I simply make the point that testing does arise out of the suspected wrongdoing of an individual in other areas of the law. We are not talking about individuals who are going about their business in a civilised or decent way; we are talking about individuals who are assaulting emergency workers.

Whilst I appreciate the concerns raised, in this instance, respectfully, I have not been persuaded to oppose the bill. That said, I do support measures aimed at monitoring the concerns raised by both Hepatitis SA and Positive Life SA.

The Hon. K.L. VINCENT (18:09): I speak today on behalf of Dignity for Disability at the second reading of this bill, the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2014. We are prepared to support the second reading of this bill at this stage to ensure further debate, but we do so with serious concerns with the premise of this bill.

Firstly, I would like to acknowledge the extraordinary work that people who work on the frontline in community, social and health services in South Australia do. Whether you are a nurse or a doctor in the ER or intake unit at the Royal Adelaide Hospital, Lyell McEwin, Glenside campus or other SA Health hospital, a police officer at the Christies Beach Police Station, a Families SA child protection worker, or a disability support worker in a school, group home or other environment, we at Dignity for Disability certainly salute your work.

We thank you for your commitment to supporting and empowering people who may be sick, have a disability or in trouble with the law or facing other challenges in their lives. It is not always easy to work with people who have highly stressful and difficult circumstances in their lives.

Where a police officer, support or health worker, or security officer finds themselves in a violent situation it is, of course, never okay for that person to be assaulted in any way, shape or form, whether they are being spat on or having faeces or blood or urine thrown at them, being scratched, hit or face a needlestick injury.

Unfortunately it is a reality of the work of those in the frontline services that one can often face safety risks. For this reason it is more important than ever that we adequately resource our prisons, hospitals, aged care homes, schools, ambulances and houses that are home to people living with a disability so that risks to the teachers, prison guards, ambulance workers and other workers in the frontline are not unduly placed at risk of injury or future illness as a result of violence.

However, this bill which seeks to compel offenders who have assaulted a police officer to submit to a blood test, is of great concern to Dignity for Disability. We would like to put on record these concerns as they are, I guess you could say, threefold. Firstly, the lack of scientific evidence involved in this bill should be a great worry to us all. It is my understanding that zero police officers have acquired HIV or hepatitis through an assault in Australia.

The science suggests that there is either no risk, or negligible risk, of acquiring HIV or hepatitis through spitting and that this risk is also very minimal as a consequence of other methods of assault. At this point I would like to read out two letters submitted to my office by Hepatitis SA and PositiveLife SA. I think it is very important that their concerns are put on the record in their entirety. Firstly, the Hepatitis SA *Spitting and Blood-Borne Viruses Fact Check* has been circulated to all MPs, as I understand it, and I would like to quote from that today:

1. The risk of contracting HIV, hepatitis C (HCV) or hepatitis B (HBV) from spitting

   Saliva in mouth or eyes and bites that break the skin from a known positive source having HBV, the risk is very low.

   While there is a very low risk of transmission of HBV, police officers and emergency workers should be vaccinated against the possibility and hence be at no risk of contracting hepatitis B.

   Australian Society for HIV Medicine:

   'HIV cannot be transmitted through saliva. The only blood-borne virus that can possibly by spitting is hepatitis B, and this is extremely low risk, especially as most health care workers, ambulance officers and police officers are vaccinated against hepatitis B.'

   Dr Stephen Christley, Chief Medical Officer SA Health

   Advertiser 14.8.14

2. Outcomes for Spitting Incidents in 2013, quoted in *The Advertiser* on 15.10.14

   Of the 77 spitting incidents recorded against SA Health staff and the 111 spitting incidents involving SA Police during 2013, none contracted a blood-borne virus.

   'There have been no positive tests in the follow-up…(of spitting incidents)'

Dr Stephen Christley, Chief Medical Officer SA Health

Advertiser 14.8.14

3. Assertion that an SA Police Officer contracted hepatitis C from spittle.

This assertion was made by Mr Morry Bailes, President of the Law Society of South Australia, in his article 'Actions A spit in the Face of Authority' in *The Advertiser* (18 August 2014).

In this case P v The State of South Australia (South Australia Police) 2013…(12 April 2013) the judge summed up the case of HCV transmission was from the exchange of blood, with no mention of spitting causing the transmission:

'…it has been proved the worker had a significant cut above his nose which bled freely and ultimately required two stitches to close. Secondly, D suffered a number of blows to his face and when observations were recorded following his arrest his face was covered in blood. That in all likelihood was his own blood. During the course of the arrest the worker had to fight with D to restrain him. It is overwhelmingly likely that D's blood smeared parts of the worker's body and clothes, including his hands. In my conclusion it is also to be expected that following the cessation of hostilities the worker would have touched his face to check his condition. This would have given the occasion necessary for the transmission of any infection'.

The submission from Hepatitis SA goes on to mention that:

With a syringe full of blood and a struggle ensuing, there is still the potential for a needlestick injury with a far higher risk of transmitting any blood-borne virus, than spitting.

Under the separate title of 'Testing Issues', it states:

- The potential to have *false positive* test result causing more panic than if the source had not been tested at all.
- The potential for a *false negative* test would lead to false sense of security about not being infected and thus not practising the usual safeguards for the required *window period* following a new infection.
- If the source person is in the *window period*, (only recently infected), he/she may not give a positive diagnostic test, but still be able to transmit the virus.
- The legislation is a total contradiction of the first principle that guides the national testing policies for viral hepatitis in Australia which state that testing should be *confidential and involuntary with informed consent*.

The third and final headline is 'Stigma and discrimination', under which it states:

Hepatitis SA believes that the proposed legislation will only serve to foster discrimination against all people with blood-borne viruses while providing little real benefit (and indeed may cause harm) to police officers and emergency workers, and their families.

I will end there in quoting that document. I would also like to put on the record the correspondence that Positive Life SA has sent my office about this bill. I also note that both of these letters had references for the evidence that they are citing, which is something lacking, I think, in the bill before us. I will briefly quote the Positive Life SA letter:

Positive Life SA has recently been made aware of proposed changes to the Criminal Law (Forensic Procedures) Act 2007 detailed in the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2014 currently before the South Australian Parliament. While we are aware that this is now at its third reading, we strongly urge you to reconsider this ill-conceived legislative amendment that will most certainly not achieve its stated intention, and may even cause harm.

Positive Life SA agrees that it is unreasonable for police to be spat on whilst carrying out their duties. Anyone would react emotionally and may even fear the transmission of disease. However, it is not logical to think that the involuntary testing of an offender will remove the fear and stress for affected police officers, or reduce their risk of infection.

Whilst the proposed amendment does not explicitly mention HIV, Positive Life SA is concerned that involuntary blood testing of offenders may include testing for HIV. HIV testing of offenders would be counter-productive—potentially causing additional unnecessary stress to police officers and their families, and increasing the risk of onward transmission of HIV.

The letter goes on to make it very clear that HIV cannot be transmitted through spitting, and that there is no value in HIV testing of an offender in an assailant situation. I will leave that letter there for the time being. Secondly, I would like to note that the bill is an infringement of civil liberties for those

forced to submit to an invasive procedure (the blood test) without providing improved outcomes for police, as the Hon. Mr Mark Parnell I believe has already pointed out. Police and anyone else captured by the bill if the amendments are accepted will have no greater certainty about their health status as a result of compelling offenders to submit to blood tests.

Finally, and very importantly, I would like to touch on what I suppose you could call the disability impact of this potential legislation that needs to be considered, and in particular the potential impact on someone on the autism spectrum or someone who, for any other reason, has particular sensory communication differences. For example, a person—let us use the autism example for the time being—might react in a very visceral sensory way if they are approached by a police officer because it is an unexpected approach by a strange person. That may well lead them to unintentionally have physical contact with the police officer and they may in turn be required to undergo a blood test, which would cause that person further stress and does not take into account the particular needs of that person with autism or on the autism spectrum, or for any other reason having different communication or sensory needs.

I think that is certainly something that needs to be considered. I understand that my office has raised that with Vickie Chapman and the Attorney-General's office, and we certainly want to keep that issue on the radar as the bill progresses. So, as I said, we are willing, for those reasons, to allow the bill to go through the second reading, but we are very concerned about this bill and will be raising many more questions about it as it progresses. In closing, I would like to thank the Attorney-General's office for providing the comprehensive briefing that my office has received on the issue, but we continue to have significant concerns about this bill and will make those concerns very clear as the debate progresses.

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

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST (MEMBERSHIP OF TRUST) AMENDMENT BILL

Introduction and First Reading

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

At 18:25 the council adjourned until Wednesday 12 November 2014 at 14:15.

Answers to Questions

ENVIRONMENT PROTECTION BILATERAL AGREEMENT

In reply to **the Hon. M.C. PARNELL** (3 July 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): The Premier has advised:

The commonwealth public commenting period on the draft assessment bilateral agreement, in which all stakeholder groups were able to participate, closed on 17 March 2014.

As a part of that consultation, officers of the Department of Environment, Water and Natural Resources met with representatives of the following groups on 10 February 2014:

- Conservation Council of SA
- Environmental Defenders Office SA
- Nature Conservation Society of South Australia
- The Wilderness Society.